

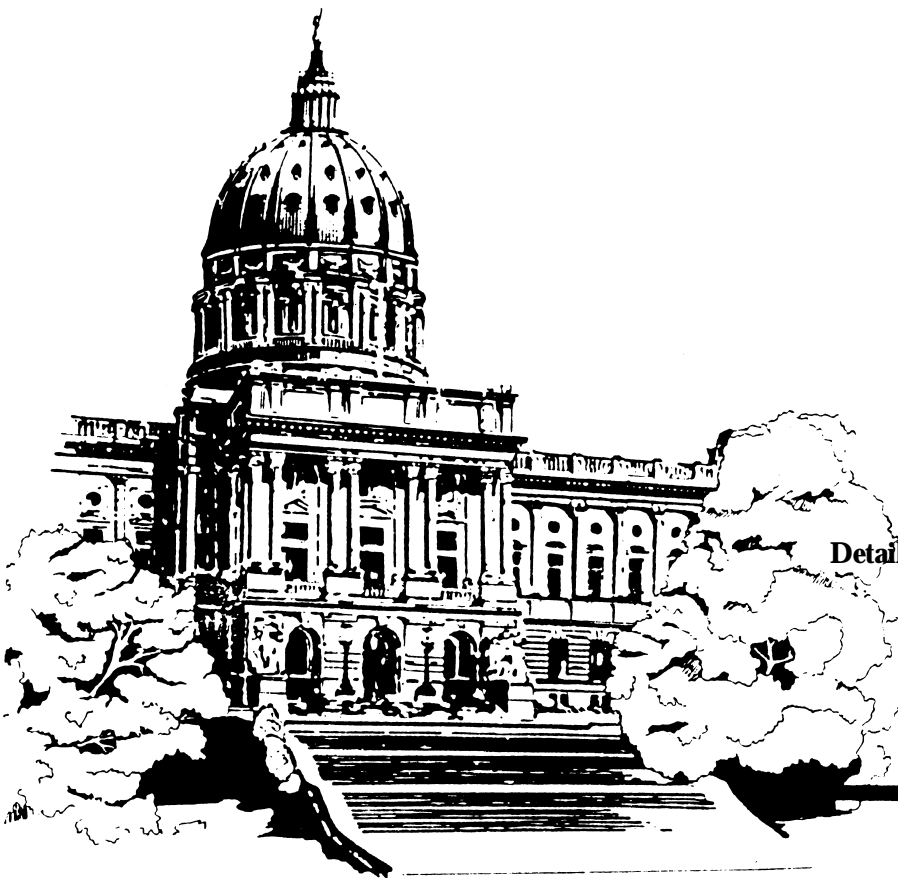
# PENNSYLVANIA BULLETIN

Volume 34  
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Number 7  
Pages 819—938

**Agencies in this issue:**

The Governor  
The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Department of Transportation  
Environmental Hearing Board  
Executive Board  
Fish and Boat Commission  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Municipal Retirement Board  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Board of Nursing  
State Police

**Detailed list of contents appears inside.**



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

**No. 351, February 2004**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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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:

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# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

January 30, 2004

*Whereas*, On January 24, 2004, a 34-year-old bridge carrying the two northbound lanes of Pennsylvania Route 33 over Bushkill Creek in Northampton County was closed due to settlement of one of its piers to a depth of 10 inches caused by a sinkhole that developed beneath its footing; and

*Whereas*, the affected bridge structures lie above a sinkhole-prone geologic formation raising the possibility that further investigation may reveal additional voids requiring additional efforts to stabilize the Pennsylvania Route 33 bridge structures; and

*Whereas*, the settlement of the bridge and the subsequent closing of the northbound lanes of Pennsylvania Route 33 has created serious disruption to transportation and commerce in the area by severing travel and trade of commercial products and by seriously interfering with the ability of residents to travel from their places of residence to their places of business or other sources of livelihood; and

*Whereas*, in addition to the economic aspects of this disaster, there is serious concern for the public safety and well-being of residents located in the immediate vicinity of the damaged bridge; and

*Whereas*, the Pennsylvania Department of Transportation has requested emergency procedures to stabilize the bridge and build crossovers to carry the northbound traffic onto the adjacent Pennsylvania Route 33 southbound bridge; and

*Whereas*, it is necessary to take immediate steps to provide for the reopening of northbound Pennsylvania Route 33 and to repair and reconstruct the bridge; and

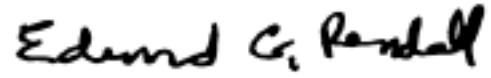
*Whereas*, Title 23 U.S.C. § 125 has made provisions for catastrophes in states such as the Pennsylvania Route 33 situation.

*Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (75 Pa.C.S. Section 7101 et seq.) do hereby proclaim an emergency to exist on Pennsylvania Route 33 in Northampton County. Immediate repair and reconstruction of the northbound Route 33 bridge and any related structures and facilities is vital to the security, well-being and health of the citizens of the Commonwealth of Pennsylvania, and the U. S. Department of Transportation Federal Highway Administration is hereby requested to concur in the declaration of emergency. In addition, I authorize the Secretary of Transportation to use all available equipment, resources and personnel of the Department and to dispense with time-consuming bid and contract procedures and formalities, in whatever manner he deems necessary, to insure that the damage to the bridge at northbound Route 33 and related facilities and structures is repaired as expeditiously as possible. I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources and personnel to respond immediately and effectively in repairing, reconstructing or replacing this highway and related facilities, in conducting any detour operations, and in undertaking any new construction, as required.

*Given* under my hand and the Seal of the Governor in the City of Harrisburg this thirtieth day of January



in the year of our Lord two thousand four and of the commonwealth the two hundred and twenty-eighth.

A handwritten signature in black ink that reads "Edmond G. Rendell". The signature is written in a cursive, slightly slanted style.

*Governor*

[Pa.B. Doc. No. 04-230. Filed for public inspection February 13, 2004, 9:00 a.m.]

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2004 GENERAL ACTS ENACTED—ACT 002</b>					
002	Jan 29	SB0877	PN1344	July 1, 2004	Confidence in Law Enforcement Act—enactment

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 04-231. Filed for public inspection February 13, 2004, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### BERKS COUNTY

Rules of Court; No. 98-8009 Prothonotary; No. 1-MD-2000 Clerk of Courts

#### Order

*And Now*, this 16th day of January, 2004, it is hereby *Ordered* that the Berks County Rules of Criminal Procedure Rule [4006] 528 Bail, Rule 531(a)(6)—(9) Qualifications of Surety, Rule [4007] 531c Spouse of Issuing Authority, Rule [4007.1] 537 Professional Bondsman, and Rule [4008] 530 Bail Agency which follow are hereby approved and adopted and made a part of the Berks County Rules of Criminal Procedure for use in the Court of Common Pleas of Berks County, Pennsylvania, the 23rd Judicial District of Pennsylvania, effective thirty (30) days after the publication of the rules in the *Pennsylvania Bulletin*.

It is further *Ordered* that the versions of Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, which existed prior to the date of this Order shall be amended as of the effective date of the within order.

The Clerk of Courts of Berks County is *Ordered* and *Directed* to do the following:

1. Keep copies of this Order, Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, continually available for public inspection and copying;

2. File ten (10) certified copies of this Order and Berks County Rules of Criminal Procedure Rule 4006 528, Rule 531(a)(6)—(9), Rule 4007 531c, Rule 4007.1 537, and Rule 4008 530, with the Administrative Office of Pennsylvania Courts for distribution in accordance with Pa.R.J.A. 103 (c);

3. File two (2) certified copies of this Order and Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

4. File one (1) certified copy of Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania;

5. Within three (3) weeks after the publication of these news Rules in the *Pennsylvania Bulletin*, ensure that one copy each of this Order and of Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, as herein approved and adopted are published one time in the *Berks County Law Journal* in suitable form so that they may be incorporated into replacement pages for insertion into the current binder of the Berks County Rules of Court. The effective date of these Berks County Rules of Criminal Procedure, as determined, shall be set forth in the lower right-hand corner of each replacement page; and

6. File one (1) certified copy of this Order and Berks County Rules of Criminal Procedure Rule [4006] 528, Rule 531(a)(6)—(9), Rule [4007] 531c, Rule [4007.1] 537, and Rule [4008] 530, with the Prothonotary of Berks County.

#### Order

*And Now*, this 16th day of January, 2004, It is hereby *Ordered* and *Decreed* that the following local Rule for Corporate Surety and Surety Agents in the 23rd Judicial District composed of Berks County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*: that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Berks County.

*It Is Further Ordered* that the Rule Number changes for the following local Bail Rules shall also be effective as provided herein:

Rule [4006] 528 Bail

Rule 531(a)(6)—(9) Qualifications of Surety

(6) *Corporate Surety*.

(a) Every corporate surety company duly authorized to do business in Pennsylvania may become surety on any bail bond required to be filed in the Court provided that a current Certificate of Authority issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, along with the current financial statement, shall be filed with the Clerk of Courts. No bond shall be executed by any corporate surety after May 15th of any year until such a certificate is issued after March 31st of the same year and the financial statement shall have been filed with the Clerk of Courts.

(b) No bond shall be executed by any corporate surety where the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Berks County Solicitor, is Five Hundred Thousand (\$500,000.00) Dollars. The County Solicitor shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Berks County, of any corporate surety having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the corporate surety. When appropriate financial settlement has been made with the County of Berks, as determined by the County Solicitor, he shall notify the Clerk of Courts and District Justices that execution of bonds by the corporate surety may resume.

(7) *Surety Agents*.

(a) Every agent, acting on behalf of a corporate surety, may execute a bail bond required to be filed in this Court provided that a Power of Attorney issued by the corporate surety setting forth the maximum limit of liability per bail along with proof of licensing by the Insurance Department of the Commonwealth of Pennsylvania, shall be filed with the Clerk of Courts. No bond shall be executed by any surety agent after the expiration of such Power of Attorney until a new Power of Attorney shall have been filed with the Clerk of Courts.

(b) No bond shall be executed by a surety agent of any corporate surety authorized to do business in Berks County where the aggregate maximum amount of unsettled and outstanding bail forfeitures for all corporate sureties for which the surety agent is writing bonds, as determined by the Berks County Solicitor, is Five Hundred Thousand (\$500,000.00) Dollars. The County Solicitor shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Berks County, of any surety agent having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the surety agent. When appropriate financial settlement has been made with the County of Berks, as determined by the County Solicitor, he shall notify the Clerk of Courts and District Justices that execution of bonds by the surety agent may resume.

(8) *Professional Bail Bondsman.*

(a) Every professional bail bondsman, duly authorized to do business in Pennsylvania, may become surety on any bail bond required to be filed in this Court, provided that a Currently valid registration and license from the Insurance Department of the Commonwealth of Pennsylvania, pursuant to 42 Pa.C.S. § 5742, evidencing such right shall be filed with the Clerk of Courts. Every professional bail bondsman must present proof that he or she maintains an office in Berks County from which his or her business is conducted pursuant to 42 Pa.C.S. § 5744, and he or she must post and maintain as security with the Clerk the sum of Fifty Thousand (\$50,000.00) Dollars in United States currency or securities of the United States Government.

(b) No bond shall be executed by any professional bail bondsman where the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Berks County Solicitor is Five Hundred Thousand (\$500,000.00) Dollars. The County Solicitor shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Berks County of any professional bail bondsman having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the professional bail bondsman. When appropriate financial settlement has been made with the County of Berks, as determined by the County Solicitor, he shall notify the Clerk of Courts and District Justices that execution of bonds by the professional bail bondsman may resume.

(9) *Effective Date.*

This rule shall apply to forfeitures entered on/or after the effective date of this rule.

Rule [4007] 531c Spouse of Issuing Authority

Rule [4007.1] 537 Professional Bondsman

Rule [4008] 530 Bail Agency

*By the Court*

ARTHUR E. GRIM,  
*President Judge*

[Pa.B. Doc. No. 04-232. Filed for public inspection February 13, 2004, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc.  
No. 04-00130

**Order**

*And Now*, this 6th day of January, 2004, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L903 is rescinded.

2. The new Lycoming County Rule of Civil Procedure L230.2 is adopted.

3. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

4. The rule revisions approved by this order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH D. BROWN,  
*President Judge*

**L 230.2 Termination of Inactive Cases.**

It is the policy of the Lycoming County Court of Common Pleas to terminate cases in which there has been no activity of record for two years or more, in accordance with the Pa.R.C.P. No. 230.2.

A. In January of each year, the prothonotary shall identify cases for termination and send notice in accordance with Pa.R.C.P. No. 230.2.

B. Upon receiving and filing a statement of intention to proceed, the prothonotary shall forward a copy to the District Court Administrator, who may then schedule the matter for a conference pursuant to Lyc. Co. R.C.P. L1007, if appropriate.

[Pa.B. Doc. No. 04-233. Filed for public inspection February 13, 2004, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 76]

### Food Employee Certification

The Department of Agriculture (Department) proposes to amend Chapter 76 (relating to food employee certification) to read as set forth in Annex A.

#### *Statutory Authority*

Chapter 65 of 3 Pa.C.S. (relating to the Food Employee Certification Act) (act) provides the legal authority for this proposed rulemaking. Sections 6503(d) and 6505 of 3 Pa.C.S. (relating to certification advisory board and programs; and rules and regulations), respectively: (1) require the Department to adopt food safety protection and training standards for the certification of supervisory employees who are responsible for the storage, preparation, display or serving of food to the public in establishments regulated by the Department or local health organizations; and (2) delegate to the Department the power to adopt regulations necessary for the proper enforcement and administration of the act. The act also requires that regulations be promulgated with the approval of the Food Employee Certification Advisory Board (Board). The Board approved this proposed rulemaking at its October 6, 2003, meeting.

#### *Purpose*

Chapter 76 took effect in October 1999. The act was subsequently amended by the act of December 20, 2000 (P. L. 934, No. 124) (Act 124) and then by the act of December 9, 2002 (P. L. 1495, No. 190) (Act 190). The purpose of the proposed rulemaking is to implement the statutory changes wrought by the amendments to the act.

#### *Background*

The act was the product of an industry-driven initiative to establish minimum food safety training requirements to be met by at least one supervisory employee in most food establishments in this Commonwealth.

Act 124 revised the act by: (1) deleting the requirement that these food safety training requirements be "industry-specific"; (2) extending the date by which food establishments must come into compliance with the act by 2 years (from July 1, 2001, to July 1, 2003); (3) exempting certain food establishments operated by charitable and nonprofit organizations from the requirements of the act; and (4) requiring the Department to develop a food safety training program for those organizations that—although exempt from the requirements of the act—elect to voluntarily seek certification under the act.

Act 190 revised the act by: (1) extending the date by which food establishments must come into compliance with the act by another year (from July 1, 2003, to July 1, 2004); (2) expanding the membership of the Board; and (3) requiring the Department to promulgate regulations (approved by the Board) by July 1, 2004, establishing training programs consistent with the revised act.

The proposed rulemaking is required to be promulgated as a final-form rulemaking by July 1, 2004. The act requires that the Department consider a number of factors in writing the rulemaking, among them: (1) the

existence and operation of Department-approved employee training programs on safe food handling; (2) the fact that some food establishments engage in only the limited handling of potentially hazardous food; (3) the number of hours necessary to train food establishment employees to handle food safely, with consideration of the "scope" of the food establishment's business; and (4) the demonstration necessary for the Department to be satisfied that a particular supervisory employee is proficient in the safe handling of food. The Department has given consideration to all of these factors in the drafting of the proposed rulemaking.

#### *Need for the Proposed Rulemaking*

This proposed rulemaking is needed to implement the changes to the act under Act 124 and Act 190.

#### *Overview of the Major Provisions of the Proposed Rulemaking*

Proposed § 76.1 (relating to compliance) specifies that the date by which compliance with the act becomes mandatory is July 1, 2004 (rather than the rescinded July 1, 2001, mandatory compliance date). It also restates the new statutory exemption for certain food establishments operated by charitable and nonprofit organizations.

Proposed § 76.2 (relating to definitions) is shortened considerably. Many of the terms defined in this section relate to industry-specific categories of food safety training programs. These industry-specific programs are no longer required, and the related defined terms are no longer needed.

Proposed § 76.3 (relating to requirements for food establishments) deletes the classification of food establishments into industry-specific categories. The section references a "general" certification category that will suffice for all certified supervisory employees. It would also afford a person the option to undergo less extensive training if the person seeks to be a certified supervisory employee at a food establishment that: (1) engages in limited, specific food processing activities; (2) engages in only the limited handling of potentially hazardous foods; or (3) is a nonprofit entity that is exempt from having to comply with the act but that seeks certification nonetheless.

Proposed §§ 76.4 and 76.10(a) (relating to eligibility to apply for certification; and applying for certification) are amended by adding language affording a prospective applicant for certification 5 years from the successful completion of an approved certification training program and certification examination within which to apply for certification. Beyond that period, it would be necessary for the prospective applicant to complete another approved certification training program to be eligible to apply. This requires prospective applicants to have relatively recent food safety training to be eligible to apply for certification. The current provision places no time restrictions on this application period.

Proposed § 76.5 (relating to certification training programs: Obtaining the Department's approval) describes four general categories of certification training programs. Training that fits within the "general" category would be acceptable for a certified supervisory employee at any type of food establishment. There are three other categories that address special circumstances when less expansive training would suffice to meet the requirements of the act.

Proposed § 76.7 (relating to certification training programs: Food safety protection and training standards) deletes detailed, industry-specific training requirements and replaces them with designations of the general subject matter to be addressed in each of the four general categories of certification training.

Proposed § 76.8 (relating to format of a certification examination) sets forth the basic requirements for passing food certification training in each of the four general categories of certification training.

The proposed rulemaking deletes § 76.18 (relating to Advisory Board), since it simply restates the provisions of the act describing the composition and function of the Board.

#### *Affected Individuals and Organizations*

The proposed rulemaking implements changes prescribed by Act 124 and Act 190. Impact upon individuals or organizations is the result of Act 124 or Act 190, and not the proposed rulemaking. Act 124 exempts certain food establishments operated by charitable and nonprofit organizations from the requirements of the act. This will result in saving these organizations the cost of obtaining previously required training and certification for a supervisory employee. For exempt organizations that elect to voluntarily comply with the act, the Department will develop and offer a training course for employees of the organizations. Act 124 also leaves open the option for the General Assembly to appropriate funds to help these organizations defray the cost of the training offered by the Department.

#### *Fiscal Impact*

*Commonwealth:* The proposed rulemaking imposes some costs upon the Commonwealth. The Department estimates its costs in administering the certification requirements imposed by the act at \$15,000 per year until July 1, 2004 (the date beyond which compliance with the certification requirements becomes mandatory), and \$30,000 per year starting July 1, 2004.

*Political Subdivisions:* The proposed rulemaking imposes no costs and has no fiscal impact upon political subdivisions.

*Private Sector:* The proposed rulemaking imposes no costs and has no fiscal impact upon the private sector. The changes to the act accomplished by Act 124 and Act 190 relieve food establishments operated by certain exempt charitable and nonprofit organizations from the cost of training and certification if a supervisory employee. These cost savings cannot be readily quantified, and are the product of the referenced legislation, rather than the proposed rulemaking. The overall cost of compliance with the certification requirements imposed by the act is estimated at \$2 million (approximately 100,000 affected food establishments, multiplied by the minimum \$20 fee prescribed by the act). This figure excludes the costs of obtaining the training required as a prerequisite to certification.

*General Public:* The proposed rulemaking imposes no costs and has no fiscal impact upon the general public. Although food establishments may incur some costs in obtaining certification for a supervisory employee, these costs are expected to be modest. Additionally, since the act has been amended to exempt more types of food establishments from its requirements, these exempt food establishments will no longer be required to bear the costs of compliance.

#### *Paperwork Requirements*

The proposed rulemaking is not expected to have an appreciable impact upon the Department's paperwork volume.

#### *Effective Date*

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

#### *Sunset Date*

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of these regulations on an ongoing basis.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 4, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment Period/Contact Person*

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*. Comments may be submitted to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Martha M. Melton.

DENNIS C WOLFF,  
*Secretary*

**Fiscal Note:** 2-145. (1) General Fund; (2) Implementing Year 2003-04 is \$15,000; (3) 1st Succeeding Year 2004-05 is \$30,000; 2nd Succeeding Year 2005-06 is \$30,000; 3rd Succeeding Year 2006-07 is \$30,000; 4th Succeeding Year 2007-08 is \$30,000; 5th Succeeding Year 2008-09 is \$30,000; (4) 2002-03 Program—SN/A; 2001-02 Program—SN/A; 2000-01 Program—SN/A; (7) General Government Operations; (8) recommends adoption.

#### **Annex A**

#### **TITLE 7. AGRICULTURE**

#### **PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES**

#### **Subpart C. MISCELLANEOUS PROVISIONS**

#### **CHAPTER 76. FOOD [ EMPLOYE ] EMPLOYEE CERTIFICATION**

#### **§ 76.1. Compliance.**

(a) *Mandatory compliance.* On or after July 1, [ 2001 ] 2004, a food establishment shall comply with the act and this chapter, unless it is exempt under subsection (d).

(b) *Interim compliance optional.* A food establishment need not comply with the act or this chapter until July 1, [ 2001 ] 2004, but is encouraged to do so in advance of that date.

(c) *Benefit of interim compliance.* If a food establishment that voluntarily complies with the act and this chapter is the subject of an action to recover fines or penalties for a violation of the Food Act, and the violation occurs prior to July 1, [ 2000 ] 2004, the voluntary compliance of the food establishment will be considered a mitigating factor in determining whether the food establishment shall be assessed more than the minimum fine or civil penalty required by law.

(d) *Exemption for certain types of food establishments.* The following food establishments are exempt from the requirements of the act and this chapter:

\* \* \* \* \*

(4) A food establishment managed by an organization which is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)(3)).

(5) A food establishment managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of those associations.

(6) A food establishment managed by an organization which is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis.

§ 76.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless, otherwise defined in [ the most current FDA Food Code ] Chapter 46 (relating to food code):

*Act*—3 Pa.C.S. Chapter 65 (relating to the Food [ Employee ] Employee Certification Act).

[ *Adulterated food*—Food that is considered adulterated under section 8 of the Food Act (31 P. S. § 20.8).

*Adulteration*—An action that creates adulterated food. ]

*Advisory Board or Board*—The Food [ Employee ] Employee Certification Advisory Board.

[ *Air dry*—The exposure of wet articles to air for the purpose of drying through evaporation.

*Air gap*—The vertical distance between the point where water enters a plumbing fixture—such as a sink—and the level at which the plumbing fixture would overflow.

*Asymptomatic*—Presenting no symptoms of disease.

*Backflow device*—A device that prevents liquid from flowing back or moving toward the source from which the liquid was introduced. ]

\* \* \* \* \*

[ *Bacteria growth*—Multiplication of bacteria through cell division.

*Bakery*—A food establishment in which baked products (breads, rolls, cakes, doughnuts, biscuits,

pies, macaroni, spaghetti, noodles, and the like) are manufactured for human consumption.

*Bleach*—Sodium hypochlorite, a chemical sanitizer. ]

*CFP or Conference for Food Protection*—An independent, National voluntary nonprofit organization to promote food safety and consumer protection.

(i) Objectives of the organization include identifying and addressing food safety problems and promoting uniformity of regulations in food protection.

(ii) Participants include Federal, State, and local regulatory agencies, several universities, test providers, certifying organizations, consumer groups, food service and retail store trade associations and operators.

[ *CIP or cleaned in place*—

(i) Cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

(ii) The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place cleaning without the use of a CIP system. ]

*Certificate*—A document issued by the Department to a particular person to evidence that the named individual has demonstrated adequate food protection knowledge and is certified for purposes of section 6503(d) of the act (relating to certification advisory board and programs) [ with respect to an industry-specific category of food establishment ].

\* \* \* \* \*

*Certification category*—A designation of one of the four types of Department-approved certification training programs, indicating the depth of food safety training received by a person who successfully completes such a program. The four certification categories are as follows:

- (i) General certification category.
- (ii) Process-specific certification category.
- (iii) Modified certification category.
- (iv) Nonprofit certification category.

*Certified supervisory [ employe ] employee*—A supervisory [ employe ] employee holding a valid certificate.

[ *Cleanability*—The property of being cleanable or accessible for cleaning. ]

\* \* \* \* \*

[ *Communicable disease*—An infectious disease transmissible to persons or animals by direct or indirect means.

*Confirmed disease outbreak*—A foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis implicates food as the source of the illness.

**Contamination**—Soiling, staining, corrupting or infecting by contact or association.

**Critical control point**—A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

**Critical item**—An action which violates a food sanitation standard and which may contribute to food contamination, illness or environmental health hazard.

**Cross-contamination**—The transfer of bacteria or other microorganisms from one source to another. ]

\* \* \* \* \*

[ **Detergent**—A cleaning agent.

**Easily cleanable**—

(i) A characteristic of a surface that:

(A) Allows effective removal of soil by normal cleaning methods.

(B) Is dependent upon the material, design, construction and installation of the surface.

(C) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose and use.

(ii) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (i) to different situations in which varying degrees of cleanability are required, such as one of the following:

(A) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining.

(B) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

**Escherichia coli** or **E. coli**—Gram-negative rod-shaped bacteria normally present in the intestines of man and animals, which may be pathogenic and are indicative of fecal contamination when found in food or water.

**FDA Food Code**—A publication of recommendations by the United States Food and Drug Administration (FDA) for safeguarding public health and ensuring safe food. ]

\* \* \* \* \*

**Food Code**—Chapter 46.

[ **Food contact surface**—One of the following:

(i) A surface of equipment or a utensil with which food normally comes into contact.

(ii) A surface of equipment or a utensil from which food may drain, drip or splash into a food or onto a surface normally in contact with food. ]

\* \* \* \* \*

[ **Food processor**—A food establishment that manufactures foods using methods such as cutting, grinding, chipping, peeling, baking, dicing, shredding, extrusion, drying, whipping, blanching, heating, extraction, smoking, freezing, fermenting, mix-

ing or dehydrating, or that packages, cans, jars or otherwise places food in containers.

**Food service**—A food establishment that prepares food for the consumer, or serves foods to the consumer, or both. This category of food establishment includes restaurants, hotels, auction house stands, hot dog vendors, flea market stands, nursing home kitchens, school cafeterias, college/university cafeterias, roadside stands, hand-dipped ice cream and yogurt sellers, college snack bars, stands at fairs and carnivals, caterers, snow-cone stands, camp kitchens, church kitchens, private clubs and associations, and food vendors at stadiums, racetracks, parks and public charity events.

**Foodborne disease outbreak**—The occurrence of two or more cases of a similar illness resulting from ingestion of a common food. ]

\* \* \* \* \*

[ **Fungi**—A division of lower plant life which includes yeasts, molds, mildew and mushrooms.

**HACCP—Hazard Analysis Critical Control Point**—A system that identifies and monitors specific foodborne hazards (biological, chemical or physical properties) that can adversely affect the safety of the food product.

**Handwash sink**—A sink specifically designated for hand washing.

**Hazard**—A biological, chemical or physical property that may cause an unacceptable consumer health risk.

**Hepatitis A infection**—A viral foodborne illness that can be transmitted from an infected person, through food, to another person.

**Hermetically sealed container**—A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

**Highly susceptible population**—A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

**Infection**—A disease or condition due to the growth of microorganisms in a host.

**Intoxication**—Illness caused by ingestion of food containing a bacterial toxin.

**Lag phase**—The time period needed for bacteria to acclimate to a new environment, during which bacterial growth is limited or nonexistent. ]

**Limited handling of potentially hazardous foods**—Food handling activities that are limited to the placement of a potentially hazardous food on or into a warming, heating or cooking unit. The term includes such activities as placing a hot dog on a roller, placing a pizza in a cooking/warming unit or warming a pre-made sandwich in a microwave oven.



[ *Log phase*—The time period which follows the lag phase and during which bacteria undergo accelerated growth.

*MSDS or Material Safety Data Sheet*—A data sheet supplied by manufacturers of hazardous chemicals which gives proper labeling of the product, hazard warnings and the name of the manufacturer.

*Nonfood contact surface*—Exposed surfaces which do not, under normal use, come into contact with food.

*pH*—The symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

*ppm*—Parts per million, or milligrams per liter (mg/l).

*Parasite*—A living organism which derives its nourishment from another living organism.

*Pathogenic organism*—A disease-producing organism. ]

\* \* \* \* \*

[ *Plan review*—The process by which plans and specifications for the construction, remodeling or alteration of a food establishment are reviewed for conformance to specified standards.

*Poisonous or deleterious substance*—A substance that would be considered poisonous or deleterious under section 11 of the Food Act (31 P. S. § 20.11).

*Potable water*—Safe drinking water as defined in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17). ]

\* \* \* \* \*

[ *Product protection*—Safety measures used to prevent food contamination. ]

\* \* \* \* \*

[ *Quaternary ammonium compound*—A chemical sanitizer which is a derivative of ammonium hydroxide or its salts.

*Ready-to-eat food*—

(i) Food that is in a form that is edible without washing, cooking or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

(ii) The term includes:

(A) Unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food.

(B) Raw, washed, cut fruits and vegetables.

(C) Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet.

(D) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks or shells are removed.

*Reduced oxygen packaging*—

(i) The reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combina-

tion of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21% oxygen.

(ii) The term includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen and vacuum packaging including sous vide.

*Retail food store*—A food establishment or a section of a food establishment where food and food products are offered to the consumer and intended for off-premises consumption.

*Salmonella enteritidis*—Pathogenic Salmonella bacteria found in food which, if ingested in sufficient numbers, may cause salmonellosis in humans.

*Salmonellosis*—Foodborne disease caused by pathogenic Salmonella strains.

[ *Sanitization* ] *Sanitizing*—The application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

\* \* \* \* \*

[ *Slacking*—The process of moderating the temperature of food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

*Staphylococcus*—Spherical bacteria which occur in grape-like clusters, certain types of which cause food poisoning by releasing toxins. ]

*Supervisory [ employe ] employee*—An owner or a person employed by or designated by the business owner to fulfill the requirements of the act, and who has supervisory authority and is responsible for the storage, preparation, display or serving of foods to the public in establishments regulated by the Department or local health organizations.

[ *Temperature danger zone*—The temperature range which is favorable for the growth of many types of pathogenic organisms in potentially hazardous foods.

*Test strips*—Indicator papers which, when immersed, assume a color that can be compared to a known color standard to measure sanitizer strength. ]

\* \* \* \* \*

[ *Toxin*—A poisonous substance produced by pathogenic organisms.

*Transmissibility*—The ability of a disease to be conveyed person-to-person, organism-to-person, food-to-person, person-to-food.

*Virus*—An intracellular, parasitic microorganism that is smaller than a bacterium.

*Warewashing*—The cleaning and sanitizing of food-contact surfaces of equipment and utensils.

*Water activity*—A measure of the free moisture in a food. The term is the quotient of the water vapor pressure of the substance divided by the vapor

pressure of pure water at the same temperature, and is indicated by the symbol AW<sub>w</sub>. ]

§ 76.3. Requirements for food establishments.

(a) [ *Industry-specific categories of food establishments.* A food establishment that is not exempt from compliance under § 76.1(d) (relating to compliance) shall be classified under one or more of the following industry-specific categories:

(1) A food processor that manufactures potentially hazardous foods.

(2) A food service that prepares potentially hazardous foods for the consumer, or serves potentially hazardous foods to the consumer, or both.

(3) A bakery that processes potentially hazardous foods.

(4) A retail food store that offers potentially hazardous food that is not exempt under § 76.1(d) to the consumer.

(5) A frozen dessert manufacturer. ] *General requirement.* A food establishment that is not exempt from compliance under § 76.1(d) (relating to compliance) shall comply with the act and this chapter.

(b) *Certified supervisory [ employe ] employee.* A food establishment shall employ or designate at least one certified supervisory [ employe who is certified with respect to the industry-specific category of the food establishment. If a food establishment falls within more than one of the industry-specific categories in subsection (a), the food establishment shall employ or designate one or more certified supervisory employees so that, in the aggregate, there is a certified supervisory employee who is certified with respect to each of the applicable industry-specific categories of the food establishment ] employee who holds a valid certificate issued by the Department under authority of the act and this chapter. The certificate shall be in the general certification category unless one of the following is accurate:

(1) The food establishment engages only in one or more specific, identified food processing activities (such as making cider or preparing frozen desserts), in which case a certificate in the process-specific certification category, pertinent to the processing conducted at the food establishment, shall suffice.

(2) The food establishment's personnel engage only in the limited handling of potentially hazardous foods (such as persons who handle food products that do not require any preparation by the food establishment other than to place the food on or in a cooking or warming unit), in which case a certificate in the modified certification category, pertinent to the food handling conducted at the food establishment, shall suffice.

(3) The food establishment is a nonprofit entity that, although otherwise exempt from compliance under § 76.1(d) voluntarily seeks certification under section 4(c)(2) of the act (relating to certification of employees), in which case a certificate in the nonprofit certification category shall suffice.

\* \* \* \* \*

(d) [ *Employee turnover.* If a food establishment loses its only certified supervisory [ employe ]

employee through [ employe ] employee turnover or for any other reason, the food establishment shall comply with subsection (b) within 3 months of the date it lost its previous certified supervisory [ employe ] employee.

(e) *Certification records.* A food establishment shall maintain, at the food establishment site, a list of certified supervisory [ employes ] employees under its employment during the last 4 months including: name, certificate number, certification category, issuance date, expiration date, date employment began and date employment terminated.

\* \* \* \* \*

(g) *Posting of certificate.* A food establishment shall post the original certificate of its certified supervisory [ employe ] employee in public view at its business location.

(h) *Return of certificate.* A certificate is the property of the Department and is issued to the individual person identified on its face. A food establishment shall promptly deliver the certificate to a certified supervisory [ employe ] employee who leaves the employ of the food establishment or who otherwise ceases to be a certified supervisory [ employe ] employee with respect to that establishment.

§ 76.4. Eligibility to apply for certification.

(a) *Training program required.* A person shall successfully complete an approved certification training program [ and obtain a score of 70% or higher on an approved certification examination in order ], including a certification examination, to be eligible to apply to the Department for certification.

(b) *Timeliness of training.* A person is not eligible to apply to the Department for certification unless the certification examination was administered within 5 years preceding the date the application is delivered to the Department.

(c) *Exception to examination requirement.* Subsection (a) notwithstanding, a certification examination is not required when a person is applying for certification in the nonprofit certification category.

§ 76.5. Certification training programs: Obtaining the Department's approval.

\* \* \* \* \*

(b) *General requirements for approval.*

(1) *Approval of program.* The Department will approve a certification training program if it [ addresses at least one industry-specific category of food establishment described in § 76.3(a) (relating to requirements for food establishments), ] meets the food safety protection and training standards described in § 76.7 (relating to certification training programs: Food safety protection and training standards), fits within one of the certification categories described in paragraph (2) and has been recommended for approval by the Advisory Board. [ A single certification training program may be approved with respect to more than one industry-specific category of food establishment. ]

(2) *Certification categories.* The Department may approve a certification training program in one of four certification categories. These categories, and

the requisites for inclusion of a certification training program within each, are as follows:

(i) *General certification category.* The Department will approve a certification training program in the general certification category if one of the following applies:

(A) The training program addresses the topics set forth in § 76.7(a).

(B) The training program is a Federally-mandated HACCP training program for juice, seafood, meat or poultry.

(ii) *Process-specific certification category.* The Department will approve a certification training program in the process-specific certification category if the following apply:

(A) The subject matter of the training program relates to one or more specific, identified food processing activities (such as making cider or preparing frozen desserts).

(B) The training program addresses the topics in § 76.7(a) in a manner specifically directed to the food processing activities that are the identified subject matter of the training program.

(iii) *Modified certification category.* The Department will approve a certification training program in the modified certification category if both of the following are accurate:

(A) The subject matter of the training program is addressed to persons who handle potentially hazardous food on only a limited basis (such as persons who handle food products that do not require any preparation by the food establishment other than to place the food on or in a cooking or warming unit).

(B) The training program addresses the topics in § 76.7(a) in a manner specifically directed toward persons who handle potentially hazardous food on only a limited basis, and in a less-comprehensive manner than a certification training program in the general certification category.

(iv) *Nonprofit certification category.* The Department will approve a certification training program in the nonprofit certification category if either of the following apply:

(A) The training program is developed and administered by the Department under authority of section 4(g)(2) of the act (relating to certification of employees), and meets the course content requirements in § 76.7(b).

(B) The training program is developed and administered by an entity other than the Department, and meets the requirements referenced in clause (A).

\* \* \* \* \*

(d) *Contents: application for certification training program approval.* The application form for certification training program approval shall require the following information:

\* \* \* \* \*

(2) A course syllabus demonstrating that the program would meet the [ **minimum hour and** ] course content requirements in § 76.7.

(3) [ **The industry-specific category or categories of food establishment, as described in § 76.3(a), to be addressed by the certification training program** ] A designation of the certification category (whether general, process-specific, modified or non-profit), as described in subsection (b)(2), with respect to which approval of the training program is sought.

(4) **One of the following:**

(i) A copy of the examination to be administered at the conclusion of the certification training program, together with an answer key for that examination, if these documents are available.

(ii) **The name of the CFP-accredited examination to be administered at the conclusion of the certification training program.**

\* \* \* \* \*

(7) If the certification program is a home study program, the proposed site and date the approved certification examination is to be administered, if available.

\* \* \* \* \*

**§ 76.7. Certification training programs: Food safety protection and training standards.**

(a) [ *Minimum hours of instruction/overview of topics.* A certification training program shall consist of at least 15 hours of instruction relevant to the industry-specific category with respect to which certification is sought. As described in detail in subsections (b)—(h), a ] *Content in general.* A certification training program in the general certification category, the process-specific certification category or the modified certification category shall contain instruction in the following topics [ **for the minimum hours indicated** ]:

- (1) Foodborne illness [ : **2 hours** ].
- (2) Time and temperature [ : **2 hours** ].
- (3) Relationship between personal hygiene and food safety [ : **3 hours** ].
- (4) Food safety tracking system [ : **3 hours** ].
- (5) Cleaning and sanitizing [ : **2 hours** ].
- (6) Facilities and equipment layout [ : **2 hours** ].
- (7) Statutory and regulatory requirements [ : **1 hour** ].

(b) [ *Topic: Foodborne illness.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of foodborne illness relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) **Terms and definitions necessary to an understanding of foodborne illness. At a minimum, this shall include the following terms:**

- (i) **Bacteria.**
- (ii) **Communicable disease.**
- (iii) **Confirmed disease outbreak.**
- (iv) **Fungi.**
- (v) **Potentially hazardous foods.**
- (vi) **Infection.**

- (vii) Intoxication.
- (viii) Parasite.
- (ix) Pathogenic organism.
- (x) Time and temperature.
- (xi) Virus.
- (2) Microorganisms that commonly cause foodborne infection or intoxication.
- (3) The process by which microorganisms cause foodborne illness.
- (4) The definition, characteristics and recognition of potentially hazardous foods.
- (5) Factors that contribute to foodborne illness.
- (6) Prevention of food contamination from employees, equipment, premises, utensils and consumers.
- (7) Prevention of food contamination from chemicals.
- (8) Emerging pathogens. ]

*Content for courses in the nonprofit certification category.* A certification training program in the nonprofit certification category shall contain instruction in the following topics:

(1) Food safety, with a portion addressing food safety considerations in the context of fund-raising events.

- (2) Foodborne illness.
- (3) Food safety tracking system.

[ (c) *Topic: Time and temperature.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of time and temperature relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of time and temperature requirements. At a minimum, this shall include the following terms:

- (i) Bacteria growth.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Critical item.
- (v) Cross-contamination.
- (vi) Food contact surface.
- (vii) Hermetically sealed container.
- (viii) Lag phase.
- (ix) Log phase.
- (x) Ready-to-eat foods.
- (xi) Reduced oxygen packing.
- (xii) Slacking.
- (xiii) Temperature danger zones.
- (xiv) Water activity.

(2) Prime factors which control the growth, survival and toxin production rate of pathogenic microorganisms in food during receiving, storing, cooking, thawing, cooling, preparation, holding/displaying, serving, freezing, transporting, reheating and storing after production.

(3) The types, uses and calibration of food thermometers.

(4) Proper food temperatures during refrigeration, freezing, cooling, hot holding, cooking, reheating, thawing and preparation.

(d) *Topic: Relationship between personal hygiene and food safety.* At least 3 hours of the instruction in a certification training program shall pertain to the topic of the relationship between personal hygiene and food safety relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the relationship between personal hygiene and food safety. At a minimum, this shall include the following terms:

- (i) Asymptomatic.
- (ii) Escherichia coli.
- (iii) Hepatitis A infection.
- (iv) Highly susceptible group.
- (v) Pathogenic organism.
- (vi) Salmonella enteritidis.
- (vii) Staphylococcus.
- (viii) Transmissible.

(2) Prevention of food contamination by food establishment employees, including the following subjects:

- (i) Handwashing techniques and frequency.
- (ii) Relationship of hand contact to foodborne illness.
- (iii) Contamination by poor hygienic practices such as sneezing, coughing and scratching.
- (iv) Clothing.
- (v) Fingernails.
- (vi) Eating, drinking or using tobacco.
- (vii) Hair restraint.
- (viii) Animals in the workplace.

(3) Employee health, including the following subjects:

(i) Infections or diseases which can be transmitted by open wound, sinus infection, virus or sore throat.

(ii) Identifying employees who may transmit infection or disease.

(iii) High risk groups.

(iv) Imposition and removal of employee exclusions and restrictions.

(v) Mandatory and voluntary reporting of foodborne illness.

(4) Preventive measures such as training, written cleaning and sanitation schedules and procedures, self-inspection, integrated pest management and preventative maintenance.

(e) *Topic: Food safety tracking system.* At least 3 hours of the instruction in a certification training program shall pertain to the topic of food safety tracking systems relevant to the industry-specific

category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of a food safety tracking system. At a minimum, this shall contain the following terms:

- (i) Adulteration.
- (ii) Contamination.
- (iii) Critical control point.
- (iv) Cross-contamination.
- (v) HACCP.
- (vi) Product protection.

(2) Receiving food, including the following subjects:

- (i) Approved sources.
- (ii) Condition of food.
- (iii) Thermometers and temperature checks.
- (iv) Rejection for adulteration, temperature violations, distressed merchandise or condition of carrier.

(3) Safe storage of food, including the following subjects:

- (i) Dry storage temperature and practices.
- (ii) Refrigeration and freezer holding temperatures and product protection.
- (iii) Shelf life.
- (iv) Cross-contamination and adulteration.
- (v) Product protection in retail service/display areas and storage areas.
- (vi) Product labeling.
- (vii) Labeling of poisonous or toxic materials.
- (viii) Original containers.
- (ix) Working containers.
- (x) Food storage prohibitions, including locker rooms, toilet rooms, garbage rooms and under sewer lines.

(4) Preparation and processing of food, including the following subjects:

- (i) Personal hygiene.
- (ii) Practices regarding disposable gloves.
- (iii) Contamination by chemical or physical additives.
- (iv) Cross-contamination.
- (v) Equipment/utensils.
- (vi) Hazards to humans in using equipment.
- (vii) Machine guards, slicer blades and protective light shields.
- (viii) Corrective actions.
- (ix) Potentially hazardous foods.
- (x) HACCP.
- (xi) Critical control point.

(f) *Topic: Cleaning and sanitizing.* At least 2 hours of the instruction in a certification training program shall pertain to the topic of cleaning and sanitizing relevant to the industry-specific category

with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of cleaning and sanitizing procedures. At a minimum, this shall contain the following terms:

- (i) Adulteration.
- (ii) Air dry.
- (iii) Bleach.
- (iv) CIP.
- (v) Cleaning.
- (vi) Contamination.
- (vii) Cross-contamination.
- (viii) Detergent.
- (ix) Easily cleanable.
- (x) Food contact surface.
- (xi) Nonfood contact surface.
- (xii) pH.
- (xiii) ppm.
- (xiv) Sanitization.
- (xv) Test strips.
- (xvi) Warewashing.
- (xvii) Quaternary ammonium compound.

(2) MSDS Fact Sheets.

(3) Proper use of hot water or chemicals in sanitizing.

(4) The difference between cleaning and sanitizing.

(5) Types of sanitizers, their usage and the use of test strips.

(6) Detergents.

(7) Procedures to wash-rinse-sanitize.

(8) The frequency with which food contact surfaces, utensils, equipment and nonfood contact surfaces should be sanitized.

(9) Equipment.

(10) Manual warewashing.

(11) Mechanical warewashing.

(12) The proper use of cleaning methods such as air drying, wiping cloths, CIP and water temperature.

(g) *Topic: Facilities and equipment layout.* At least 2 hours of a certification training program shall pertain to the topic of facilities and equipment layout relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the proper layout of equipment and facilities. At a minimum, this shall contain the following terms:

- (i) Air gap.
- (ii) Backflow device.
- (iii) Cleanability.
- (iv) Potable water.
- (v) Handwash sink

- (vi) Plan review.
- (2) Proper equipment design and location.
- (3) Construction of floors, walls and ceilings.
- (4) Design of equipment such as refrigeration, hot holding, heating, ventilation, pest control, lighting and freezer equipment, and design of the buildings in which the equipment is located.
- (5) Acceptable water sources, water quality and quantity and water distribution systems.
- (6) Plumbing design, construction, location, materials and operation.
- (7) Management of solid and liquid waste, recyclables, refuse and returnables.
- (8) Review of plans for equipment and building layout and design.

(h) *Topic: Statutory and regulatory requirements.* At least 1 hour of a training program shall pertain to the topic of statutory and regulatory requirements relevant to the industry-specific category with respect to which certification is sought. This instruction shall address the following:

(1) Terms and definitions necessary to an understanding of the requirements imposed by the act and this chapter. At a minimum, this shall contain the following:

- (i) The act.
- (ii) The certificate.
- (iii) The certified supervisory employe.

(2) Statutes and regulations relevant to the industry-specific category of food establishment that is the subject of the approved certification program. ]

§ 76.8. [ Format of a certification examination ]  
Certification examination requirements.

[ Although it is recommended that a certification examination consist of at least 100 questions, under no circumstances may a certification examination consist of fewer than 80 questions. The questions shall adequately test food protection knowledge with respect to an industry-specific category of food establishment described in § 76.3 (a) (relating to requirements for food establishments). ]

A certification examination shall be administered at the conclusion of an approved certification training course, except for a training course in the "nonprofit" certification category. The examination shall adequately test food protection knowledge with respect to the certification category of the approved certification training course.

(1) If the certification category of the approved certification training course is the "general" certification category described in § 76.5(b)(2) (relating to certification training programs: Obtaining the Department's approval), the examination shall consist of at least 80 questions (100 questions being the recommended minimum), and the minimum passing score shall be 75%. If the examination is accredited by CFP, or is an examination administered as a requirement for passing a Federally-mandated HACCP training program for juice, seafood, meat or poultry, the examination format, number of ques-

tions and passing score shall be as determined by the body that prepared the examination.

(2) If the certification category of the approved certification training course is the "process-specific" certification category described in § 76.5(b)(2), the examination shall consist of at least 80 questions, and the minimum passing score shall be 75%. If the examination is accredited by CFP or is an examination administered as a requirement for passing a Federally-mandated HACCP training program for juice, seafood, meat or poultry, the examination format, number of questions and passing score shall be as determined by the body that prepared the examination.

(3) If the certification category of the approved certification training course is the "modified" certification category described in § 76.5(b)(2), the examination shall consist of at least 40 questions, and the minimum passing score shall be 75%. If the examination is accredited by CFP or is an examination administered as a requirement for passing a Federally-mandated HACCP training program for juice, seafood, meat or poultry, the examination format, number of questions and passing score shall be as determined by the body that prepared the examination.

(4) If the certification category of the approved certification training course is the "nonprofit" certification category, an examination shall not be required.

§ 76.9. Reporting results of a certification examination.

(a) *Reporting results to the program participant.* A person who proctors a certification examination shall, within 30 calendar days of proctoring the examination, mail or deliver written confirmation of the following to any person who took the examination [ written confirmation of that ]:

(1) That person's examination score, [ the ] expressed as the percentage of correct answers.

(2) The date and location of the examination [ and the industry-specific category of food establishment addressed in the examination. The examination score shall be expressed as the percentage of correct answers ].

(3) The name of the course instructor.

(4) If the approved certification training program preceding the examination required a specific level of food-safety-related education or experience as a prerequisite to participating in the training program, confirmation that this requirement was met.

(b) *Reporting results to the Department.* Within [ that same ] the 30-day time period described in subsection (a), the proctor shall mail the same information to the Department at the address in § 76.16 (relating to contacting the Department), using either a form provided by the Department upon request, or a copy of the written confirmation it provided the person who took the examination.

§ 76.10. Applying for certification.

(a) *Application required.* A person who has [ attained a score of 70% or higher ] completed an approved certification training course and attained a score

equal to or higher than the minimum passing score required under § 76.8 (relating to certification examination requirements) on a certification examination administered within 5 years preceding the date the application is delivered to the Department may apply to the Department for certification. Certification is granted through issuance of the certificate described in § 76.11 (relating to certificate).

(b) *Form of application.* A person seeking certification under the act, or any other person, may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The application form requires the following information:

\* \* \* \* \*

(4) [ **The industry-specific food establishment category (as described in § 76.3(a) (relating to requirements for food establishments)) with respect to which certification is sought.** ] The certification category of the approved certification training program (as described in § 76.5 (relating to certification training programs: Obtaining the Department's approval))—whether general, process-specific, modified or nonprofit.

\* \* \* \* \*

(d) *Department action on application.* The Department will mark or stamp the date of receipt upon each application it receives and will, within 30 days of receiving an application and the application fee, mail the applicant a certificate, a disapproval notice or a request for additional clarification or documentation.

**§ 76.11. Certificate.**

(a) *Contents of certificate.* A certificate will bear the following information:

\* \* \* \* \*

(2) The [ **industry-specific category of food establishment, as described in § 76.3(a) (relating to requirements for food establishments), with respect to which the person is certified** ] certification category of the approved certification program (as described in § 76.5 (relating to certification training programs: Obtaining the Department's approval))—whether general, process-specific, modified or nonprofit.

\* \* \* \* \*

(6) A statement that the Department has determined the person identified on the certificate to possess adequate food protection knowledge [ **and to be a certificateholder with respect to the industry-specific category of food establishment designated on the certificate** ].

\* \* \* \* \*

(b) *Ownership of certificate.* A certificate issued by the Department will remain the property of the Department. A certificateholder, certified supervisory [ **employee** ] **employee**, food establishment or other person having physical possession of a certificate shall, upon written notice from the Department, surrender and return the certificate to the Department.

(c) *Obligation to allow display.* A certified supervisory [ **employee** ] **employee** shall allow his employer to dis-

play the certificate issued by the Department, as required in § 76.3(g) (relating to requirements for food establishments). Upon termination of a certified supervisory [ **employee's** ] **employee's** employment, the employer shall surrender the certificate to the certificateholder named on the certificate.

\* \* \* \* \*

**§ 76.12. Renewal of certification.**

(a) *General requirement.* A certificateholder shall [ **obtain at least 7.5 hours of approved continuing education in the area of food safety and sanitation** ] **complete an approved certification training program** every 5 years, commencing with the date the certificate is issued. [ **An approved continuing education course** ] **The approved certification training program** will not require a written examination as a condition of completion. If a certificateholder fails to obtain this approved continuing education and deliver a complete certification renewal application to the Department prior to the expiration date of the certificate, the certificate shall expire and the certificateholder shall successfully complete an approved certification program and a certification examination before certification will be granted. **A person who seeks to change the certification category with respect to which that person is currently certified may not do so through the certification renewal process described in this section, but shall follow the training and application procedure for initial certification.**

(b) *Application for renewal.* A person seeking renewal of certification under this section, or any other person, may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form requires the following information:

\* \* \* \* \*

(3) [ **The industry-specific food establishment category or categories, as described in § 76.3(a) (relating to requirements for food establishments), with respect to which the applicant is certified.** ] **The certification category appearing on the applicant's current certificate.**

\* \* \* \* \*

**§ 76.13. Obtaining Departmental approval of a continuing education course.**

\* \* \* \* \*

(b) *General requirements for approval.* The Department will approve a continuing education course, **and the certification category of that course**, if [ **it** ] **the course** instructs participants in current food protection practices, **fits within the certification category with respect to which approval is sought** and has been recommended for approval by the Advisory Board.

(c) *Application for approval.* A person seeking the Department's approval of a continuing education course under this section may obtain an application form from the Department at the address in § 76.16 (relating to contacting the Department). The applicant shall complete the form and return it to that same address. The form shall require the following information:

\* \* \* \* \*

(6) **The certification category with respect to which approval is sought.**

(7) Other information the Department might reasonably require in evaluating whether to approve the continuing education course.

\* \* \* \* \*

**§ 76.16. Contacting the Department.**

A person seeking applications or information relating to the act or this chapter shall forward the request, in writing, to the following address:

ATTN: Food [ **Employe** ] **Employee** Certification  
Department of Agriculture  
Bureau of Food Safety and Laboratory Services  
2301 North Cameron Street  
Harrisburg, [ **PA** ] **Pennsylvania** 17110-9408

**§ 76.17. Preemption and local governmental authority.**

(a) *General.* The regulation of food safety protection and training standards for [ **employes** ] **employees** of food establishments is preempted by the Department except that, in accordance with section 6503(f) of the act (relating to certification advisory board and programs), a food [ **employe** ] **employee** certification program established by a county, city, borough or incorporated town or township prior to September 1, 1994, may remain in effect.

(b) *Limitation of local certification.* If a county, city, borough, incorporated town or township elects to operate a food [ **employe** ] **employee** certification program that was in existence prior to September 1, 1994, the certification of persons under that local program shall be valid only within the geographic boundaries of the local government unit. This program validity may be extended to other states or local government units through agreements among other states, or local government units which operate food [ **employe** ] **employee** certification programs that predate September 1, 1994.

(c) *Option of certain local government units.* A county, city, borough, incorporated town or township having a food [ **employe** ] **employee** certification program that was in effect prior to September 1, 1994, may apply to the Department in accordance with the procedure in § 76.5 (relating to approved certification training programs: [ **obtaining** ] **Obtaining** the Department's approval) to become an approved certification training program with respect to one or more [ **industry-specific categories of food establishments** ] **certification category, as described in § 76.5(b)(2).**

(d) *Effect of a local government unit's decision with respect to exercising option.* If a county, city, borough, incorporated town or township having a food [ **employe** ] **employee** certification program which was in effect prior to September 1, 1994, does not exercise the option described in subsection (c) or does not obtain Departmental approval of its certification training program [ **with respect to any particular industry-specific category of food establishment** ], the unit of local government shall retain exclusive responsibility for certification of the food [ **employes who would otherwise fall into that industry-specific category** ] **employees.**

**§ 76.18. [ Advisory Board ] (Reserved).**

[ (a) *Purpose.* The Advisory Board shall review and recommend Departmental approval of indus-

try-specific certification programs which meet the requirements of the act and this chapter.

(b) *Composition.* The Advisory Board will be appointed by the Secretary and consist of at least 21 members. The membership of the Advisory Board is as follows:

(1) The Secretary, or a designee, who will serve as chairperson.

(2) The Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(3) The Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(4) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the Senate, or a designee.

(5) The Minority Chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives, or a designee.

(6) A consumer representative.

(7) Two representatives of production agriculture.

(8) At least one person recommended by each of the following:

(i) The Pennsylvania Association of Milk Dealers.

(ii) The Pennsylvania Restaurant Association.

(iii) The Pennsylvania Food Merchants Association.

(iv) The Pennsylvania Convenience Store Council.

(v) The Pennsylvania Bakers Association.

(vi) The Pennsylvania Food Processors Association.

(vii) The Pennsylvania Veterinary Medical Association.

(viii) The County Commissioners Association of Pennsylvania.

(ix) The Pennsylvania League of Cities and Municipalities.

(x) The Pennsylvania State Association of Boroughs.

(xi) The Pennsylvania State Association of Township Commissioners.

(xii) The Pennsylvania State Association of Township Supervisors.

(xiii) The Pennsylvania School Food Service Association.

(9) At least one of the Advisory Board members described in paragraph (8) shall have experience in the field of public health.

(c) *Terms of appointees.* Advisory Board members described in subsection (b)(1), (2), (3), (4) or (5) shall be ex officio members. The terms of the initial appointees of the Secretary under subsection (b)(6)—(8) will be 2, 3 or 4 years, as determined by the Secretary, and will be staggered so that the terms of approximately 1/3 of these initial appointees expire in each of the 2nd, 3rd and 4th years of the Advisory Board's existence. Thereafter, the term of each of these appointees shall be 3 years. The



**term of a person appointed to replace another member whose term has not expired shall be only the unexpired portion of that term. Persons may be appointed to successive terms.**

**(d) *Quorum.* A simple majority of the Advisory Board membership shall constitute a quorum of that body. A simple majority of a quorum is required for any formal action of the Advisory Board. ]**

**§ 76.19. Civil penalties.**

\* \* \* \* \*

(c) *Time for correction of condition giving rise to civil penalty.* If the Department assesses a civil penalty against a food establishment for failing to have the required certified supervisory [ **employe** ] **employee**, it will allow the food establishment 90 days from the violation giving rise to the initial civil penalty before it may assess another civil penalty. During that 90-day period, the food establishment shall comply with the act and this chapter.

[Pa.B. Doc. No. 04-234. Filed for public inspection February 13, 2004, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

[67 PA. CODE CH. 103]

**Vehicles Required to Stop at Railroad Grade Crossings**

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering (Bureau), under the authority in 75 Pa.C.S. §§ 6103, 6105, 6121, and 6122, proposes to delete Chapter 103 (relating to vehicles required to stop at railroad grade crossings) to read as set forth in Annex A.

*Purpose of this Chapter*

Chapter 103 describes the type of motor vehicles required to stop at crossing where a railroad track crosses a highway at grade. Chapter 103 was mandated by 75 Pa.C.S. § 3342(d) (relating to vehicles required to stop at railroad grade crossings).

*Purpose of this Proposed Rulemaking*

The purpose of this proposed rulemaking is to delete Chapter 103. Chapter 103 is no longer needed because 75 Pa.C.S. § 3342(d) was amended by the act of December 21 1998 (P. L. 1126, No. 151) and no longer requires the Department to adopt regulations describing the vehicles which must comply with the stopping requirements at railroad grade crossings. Section 3342(d) of 75 Pa.C.S. now mandates that the Department publish, as a notice in the *Pennsylvania Bulletin*, a list of the vehicles that must stop at railroad grade crossings.

On February 17, 2001, the Department, acting through the Bureau, and in compliance with 75 Pa.C.S. § 3342(d), published a notice at 31 Pa.B. 1007 (February 17, 2001) designating the vehicles which must comply with the stopping requirements in 75 Pa.C.S. § 3342. In the course of determining the types of vehicles to be included in the list, the Department adopted the same criteria as contained in 49 CFR 392.10 (relating to railroad grade

crossings; stopping required). Prior to publication, the Bureau circulated the proposal internally within the Department, with the Pennsylvania State Police, Bureau of Patrol, and the Pennsylvania Public Utility Commission, Bureau of Transportation and Safety.

*Persons and Entities Affected*

This proposed rulemaking affects Commonwealth law enforcement, the motoring public and the operators of buses and commercial motor vehicles that, in accordance with the regulations of the United States Department of Transportation, as contained in 49 CFR 392.10 (relating to railroad grade crossings; stopping required), are required to stop at railroad grade crossings.

*Fiscal Impact*

Deleting Chapter 103 will not impose any increased costs on private persons, State or local governments. This action will not occasion the development of any additional reports or other paperwork.

*Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 4, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Sunset Date*

The Department is not establishing a sunset date for this proposed rulemaking since Chapter 103 is being deleted as no longer needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code).

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Arthur H. Breneman, P. E., Chief, Traffic Engineering and Operations Division, Bureau of Highway Safety and Traffic Engineering, Commonwealth Keystone Building, 6th Floor, 400 North Street Harrisburg, PA 17120 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Contact Person*

The contact person for technical questions about the proposed rulemaking is Arthur H. Breneman, P. E., Chief, Traffic Engineering and Operations Division, Bureau of Highway Safety and Traffic Engineering, Commonwealth Keystone Building, 6th Floor, 400 North Street, Harrisburg, PA 17120, (717) 787-3620.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

**Fiscal Note:** 18-387. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 67. TRANSPORTATION

## PART I. DEPARTMENT OF TRANSPORTATION

## Subpart A. VEHICLE CODE PROVISIONS

## ARTICLE VI. OPERATION OF VEHICLES

## CHAPTER 103. [ VEHICLES REQUIRED TO STOP AT RAILROAD GRADE CROSSINGS ] (Reserved)

§ 103.1. [ Purpose ] (Reserved).

[ This chapter describes the vehicles which shall stop at railroad grade crossings as required in 75 Pa.C.S. § 3342 (relating to vehicles required to stop at railroad crossings). The chapter has been developed in conjunction with the Pennsylvania Public Utility Commission and the Urban Mass Transportation Authority. ]

§ 103.2. [ Types of vehicles ] (Reserved).

[ The following types of vehicles shall comply with 75 Pa.C.S. § 3342 (relating to vehicles required to stop at railroad crossings):

(1) *Buses.* Buses designed for carrying more than ten passengers and engaged in the carriage of persons as passengers of a transportation service.

(2) *Nonprofit organization and local government vehicles.* Vehicles owned or operated by private nonprofit corporations and associations; municipalities, counties or their instrumentalities; or by the Commonwealth or its agencies or instrumentalities, when the vehicles are engaged in the carriage of persons as passengers of a transportation service.

(3) *Hazardous substances.* Vehicles transporting hazardous substances and displaying one of the following placards required by Chapter 403 (relating to Hazardous Substances Transportation Board):

- (i) Explosives A.
- (ii) Explosives B.
- (iii) Poison gas.
- (iv) Flammable solid W.
- (v) Oxidizers.
- (vi) Nonflammable gas.
- (vii) Corrosives.
- (viii) Flammable gas.
- (ix) Radioactive.
- (x) Dangerous.
- (xi) Chlorine.
- (xii) Flammable.
- (xiii) Blasting agent.
- (xiv) Poison.
- (xv) Oxygen.
- (xvi) Combustible.
- (xvii) Flammable solid.
- (xviii) Organic peroxide.

(4) *Chlorine.* Motor vehicles transporting a quantity of chlorine.

(5) *Vehicle used for hazardous substances.* Cargo tank motor vehicle, whether loaded or empty, used for the transportation of a hazardous material as defined in the Hazardous Materials Regulations of the United States Department of Transportation, 49 CFR Parts 106—179 (relating to transportation and pipeline safety; and hazardous materials regulations).

(6) *Commodity having temperature above its flash point.* Cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by the hazardous materials regulations of the United States Department of Transportation, 49 CFR 173.115 (relating to flammable, combustible, and pyrophoric liquids; definitions and preparation).

(7) *Commodity transported under special permit.* Cargo tank motor vehicle, whether loaded or empty, transporting a commodity under special permit under the Hazardous Materials Regulations of the United States Department of Transportation, 49 CFR 170.103 (relating to application for exemption). ]

[Pa.B. Doc. No. 04-235. Filed for public inspection February 13, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

[31 PA. CODE CH. 147]

## Annual Audited Insurers' Financial Report Required

The Insurance Department (Department) proposes to amend Chapter 147 (relating to annual audited insurers' financial report required) to read as set forth in Annex A. The rulemaking is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) relating to the general rulemaking authority of the Department; sections 320, 630, 1007 and 2452 of The Insurance Company Law of 1921 (40 P. S. §§ 443, 764a, 967 and 991.2452) relating to the authority of the Insurance Commissioner to require insurance companies, associations, exchanges, fraternal benefit societies and preferred provider organizations to file statements concerning their affairs and financial condition; sections 205 and 206 of The Pennsylvania Fair Plan Act (40 P. S. §§ 1600.205 and 1600.206); section 731 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.731); 40 Pa.C.S. §§ 6125, 6331 and 6701 (relating to reports and examinations; reports and examinations; and regulation); sections 11 and 14 of the HMO Act (40 P. S. §§ 1561 and 1564); sections 7 and 25 of the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3207 and 3225) which, respectively, relate to the specific regulatory and rulemaking authority of the Department regarding financial reporting by the Pennsylvania Fair Plan, the Pennsylvania Professional Liability Joint Underwriting Association, hospital plan corporations, professional health service corporations, beneficial associations, health maintenance organizations and continuing care providers.

*Purpose*

The purpose of this proposed rulemaking is to update Chapter 147, commonly referred to as the CPA Audit Rule. Chapter 147 requires insurers to have annual

audits of their year-end financial statements performed by independent certified public accountants (CPA). The annual audited financial reports are required to be filed with the Department by June 1 of each year. Chapter 147 was adopted in 1979 and is based on a model regulation developed by the National Association of Insurance Commissioners (NAIC). The model is included in the NAIC Financial Regulation Standards and Accreditation Program (NAIC Program), which was established in 1989 to set minimum standards for state regulation of the financial solvency of the insurance industry. The Department has been accredited by the NAIC for compliance with the standards since 1994. Chapter 147 was last amended in 1995 to bring it into compliance with changes to the NAIC model. The NAIC model was again revised in 2002 to address concerns about the use of indemnification clauses in the engagement of CPAs for the annual audits. In 2003, an additional revision was made to specifically require CPAs to adhere to applicable NAIC instructions and procedures in conducting audits. The updates in this proposed rulemaking include the 2002 and 2003 revisions to the NAIC model, as well as other revisions to improve the clarity of Chapter 147, particularly with respect to its applicability to continuing care providers.

#### *Significant Provisions*

Section 147.2 (relating to definitions) is being amended to add definitions of "domestic insurer" and "foreign insurer" to clarify the meaning of these terms for purposes of the chapter. In addition, the definition of "independent certified public accountant" and § 147.13(i) (relating to effective date and exemption) are being amended to clarify the current reference to "Canadian and British companies." The definition of "insurer" is being updated to reflect statutory changes relating to the types of entities regulated by the Department; add preferred provider organizations, employers' mutual liability insurance associations and the Pennsylvania Professional Liability Joint Underwriting Association; and delete the general reference to other entities acting as insurers. These changes are needed to clearly apply Chapter 147 to all types of insurers.

Sections 147.3(a) and (d) and 147.4(b)(2) (relating to filing and extensions for filing of annual audited financial report; and contents of annual audited financial report) and § 147.13(f)(1) are being amended to recognize movement toward electronic filings with the Department and the NAIC. A related amendment to § 147.11(c) (relating to definitions, availability and maintenance of independent certified public accountant workpapers) refers to the Department's ability to make and retain electronic copies of audit workpapers when conducting onsite financial examinations of insurers. In addition, § 147.4(d) is being amended to clarify what is required when errors are discovered after an annual audited financial report has been filed. Finally, § 147.4(e) is being added to outline the requirements for nonprofit and for-profit continuing care providers under generally accepted accounting principles.

Other amendments to clarify requirements relating to continuing care providers include the addition of § 147.5(d) (relating to designation of independent certified public accountant), the expansion of § 147.7(c) (relating to consolidated or combined audits), the addition of § 147.8(c) (relating to scope of audit and report of independent certified public accountant) and amendments to § 147.9(a) (relating to notification of adverse financial condition). These amendments are needed to recognize the differences in accounting and financial reporting requirements for insurers and continuing care providers.

Section 147.6 (relating to qualifications of independent certified public accountant) is being amended to include provisions consistent with the 2002 revisions to the NAIC model. The amendments prohibit a CPA from being recognized by the Department as qualified to conduct audits if the CPA's engagement with the insurer includes an agreement of indemnity, or other release from liability, that would shift, transfer or limit the CPA's potential liability for failure to adhere to applicable auditing or professional standards based on a defense that misrepresentations were made by the insurer. Also consistent with the changes made to the NAIC model is a related amendment to add § 147.6(g) permitting an insurer and a CPA to agree to have disputes resolved by mediation or arbitration, except that the agreement may be disavowed in a receivership proceeding. These amendments to the NAIC model were supported by the insurance industry and are being considered for inclusion in the NAIC Program. The new provisions are similar to United States Securities and Exchange Commission requirements that already apply to publicly held stock insurers. Therefore, the amendments to § 147.6 will establish consistent requirements for all types of insurers. Finally, a reference to the Public Company Accounting Oversight Board (Board) has been added to § 146.6(a)(2). The Board was created by the Sarbanes-Oxley Act of 2002 to oversee the audits of public companies.

Section 147.8 is being amended to strengthen requirements relating to the procedures followed by CPAs in conducting audits. The amendments are consistent with revisions made in 2003 to the NAIC model. These changes require a CPA to follow or consider NAIC instructions and procedures relating to the scope of an audit and data testing procedures. The amendments are needed to assure that consistent, up-to-date procedures are followed in the conduct of audits.

Section 147.10(a) (relating to report on significant deficiencies in internal controls) is being amended to clarify the time frame for providing the Department with reports describing any significant deficiencies in an insurer's internal control structure. The reports are required to be filed "concurrently with the filing of the annual audited financial reports" as stated in the beginning of subsection (a). The amendment clarifies the requirement by deleting the last sentence of subsection (a), which refers to a 60-day time frame.

Section 147.11(b) is being amended to delete the requirement that the engagement letter include the CPA's agreement to make workpapers available to the Department as required under § 147.11. This requirement is not needed in addition to the requirement in § 147.15(4) (relating to letter of qualifications of independent certified public accountant) that the CPA's consent to comply with § 147.11 be included in the letter of qualifications furnished to the insurer. Requiring the CPA's consent to these requirements in the letter of qualifications is consistent with the NAIC model.

Section 147.13 is being amended to update references to other sections in the chapter to reflect the impact of the proposed amendments. In addition, § 147.13(e) is being amended to replace "not transacting the business of insurance outside of this Commonwealth" with the clearer phrase "not insuring or reinsuring risks located outside of this Commonwealth" and to reflect the new definitions for "domestic insurer" and "foreign insurer." Section 147.13(i) and (j) is being deleted. These subsections established time frames for achieving compliance with the chapter when it was amended in 1995 and are no longer needed.

*External Comments*

In drafting this proposed rulemaking, the Department requested comments from The Insurance Federation of Pennsylvania, Inc., The Pennsylvania Association of Mutual Insurance Companies, the Managed Care Association of Pennsylvania, the Pennsylvania Fraternal Congress and consultants to the fraternal industry, the Pennsylvania Association of Nonprofit Homes for the Aging, the Pennsylvania Institute of Certified Public Accountants, Highmark, Inc., Capital Blue Cross, Independence Blue Cross and Blue Cross of Northeastern Pennsylvania. The comments received in response to the Department's request were considered in the development of this proposed rulemaking.

*Affected Parties*

The chapter applies to all types of insurers and continuing care providers licensed to transact business in this Commonwealth and the CPAs retained by these entities to conduct audits of their annual financial statements.

*Fiscal Impact**State Government*

The proposed rulemaking will clarify and strengthen existing regulatory requirements. There will be no increase in cost to the Department as a result of this proposed rulemaking.

*General Public*

The proposed rulemaking has no fiscal impact on the general public.

*Political Subdivisions*

There will be no fiscal impact on political subdivisions as a result of the proposed rulemaking.

*Private Sector*

The strengthened requirements in this proposed rulemaking are consistent with NAIC standards and will impose no significant costs on insurers and continuing care providers in obtaining annual audits of their financial statements.

*Paperwork*

The proposed rulemaking will not impose additional paperwork on the Department and affected parties. The rulemaking may reduce paperwork to the extent that it provides for the filing of documents in electronic form.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

*Contact Person*

Questions or comments regarding the proposed rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, psalvatore@state.pa.us within 30 days following the publication of this notice in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve stakeholders, the Department has made a determi-

nation that all commentators will receive a copy of the final-form rulemaking when it is made available to the Independent Regulatory Review Commission (IRRC) and the legislative standing committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-217. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* For a document related to this proposal, see 34 Pa.B. 850.)

**Annex A****TITLE 31. INSURANCE****PART VIII. MISCELLANEOUS PROVISIONS****CHAPTER 147. ANNUAL AUDITED INSURERS' FINANCIAL REPORT REQUIRED****§ 147.2. Definitions.**

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

\* \* \* \* \*

**Domestic insurer**—An insurer incorporated or organized under the laws of the Commonwealth.

**Foreign insurer**—An insurer not incorporated or organized under the laws of the Commonwealth.

**Independent certified public accountant**—

\* \* \* \* \*

(ii) For [ **Canadian and British companies, a Canadian-chartered or British-chartered** ] insurers organized in Canada or the United Kingdom of Great Britain and Northern Ireland, a chartered accountant.

**Insurer**—

(i) The term includes any of the following licensed to transact business in this Commonwealth:

\* \* \* \* \*

(D) [ **A hospital plan corporation** ] **A nonprofit health plan corporation, whether operating a hospital plan or a professional health services plan, or both.**

(E) [ A professional health services plan corporation ] An employers' mutual liability insurance association.

\* \* \* \* \*

(H) [ Another person, corporation, company, partnership, association or other entity acting as an insurer ] A preferred provider organization.

(I) A joint underwriting association under section 731 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.731).

\* \* \* \* \*

§ 147.3. Filing and extensions for filing of annual audited financial report.

(a) Every insurer, unless exempted by the Commissioner under § 147.13 (relating to effective date and exemption), shall have an annual audit performed by an independent certified public accountant and shall file [ with ] as instructed by the Commissioner an audited financial report for that year on or before June 1 for the year ending December 31 immediately preceding unless an extension is granted under subsection (b). The Commissioner may require an insurer to file an audited financial report earlier than June 1 by providing 90 days' advance notice to the insurer. The Commissioner may require audited financial reports and related information required under this chapter to be filed with the Department and the National Association of Insurance Commissioners in a form of electronic transmission acceptable to the Commissioner.

\* \* \* \* \*

(d) Audited financial reports filed [ with ] as instructed by the Commissioner will be open to the public for examination and inspection.

§ 147.4. Contents of annual audited financial report.

\* \* \* \* \*

(b) The annual audited financial report shall, at a minimum, include the following:

\* \* \* \* \*

(2) Notes to financial statements. These notes shall be those required by the appropriate National Association of Insurance Commissioners Annual Statement Instructions and Accounting Practices and Procedures Manual. The notes shall include a reconciliation of differences, if any, between the audited statutory financial statements and the annual statements filed with the Department, with a written description of the nature of these differences, particularly with respect to surplus or stockholder equity and the results of operations. The insurer shall file an amendment to its annual statement with the Department, the National Association of Insurance Commissioners and other states in which the insurer is licensed, to reflect differences between the audited statutory financial statement and the annual statement filed with the Department within 60 days of the filing date of the audited financial report. The Commissioner may require amendments to financial statements to be filed with the Department and the National Association of Insurance Commissioners [ on diskettes or other electronic information storage devices ] in a form of electronic transmission acceptable to the Commissioner.

\* \* \* \* \*

(d) If an error is discovered after a report is filed, the independent certified public accountant shall withdraw the report and issue a corrected report to the insurer and to the Department within 30 days of the date the independent certified public accountant becomes aware of the discovery of the error. To the extent that the error requires an amendment to the insurer's annual financial statement filed with the Department, the insurer shall file, within 60 days of the date the corrected report is issued, an amendment [ under subsection (b)(2) ] to its annual statement with the Department, the National Association of Insurance Commissioners and other states in which the insurer is licensed, to reflect differences between the corrected audited statutory financial statement and the annual statement filed with the Department and including reconciling notes as required by the appropriate National Association of Insurance Commissioners Annual Statement Instructions and Accounting Practices and Procedures Manual. The Commissioner may require amendments to financial statements to be filed with the Department and the National Association of Insurance Commissioners in a form of electronic transmission acceptable to the Commissioner.

(e) Subsections (a)—(d) do not apply to continuing care providers. The annual audited financial report for a continuing care provider shall comply with the following:

(1) The annual audited financial report for a nonprofit continuing care provider shall reflect its financial condition as of the end of its most recent fiscal year and the results of its activities, cash flows and changes in net assets for the fiscal year then ended in conformity with generally accepted accounting principles. The annual audited financial report shall, at a minimum, include the following:

(i) Financial statements that present in a comparable manner, as of the end of the current and the preceding fiscal year, or the period of time that the continuing care provider has been in existence, whichever is shorter, the financial condition of the continuing care provider, including balance sheet, statements of activities, cash flows, changes in net assets and notes to financial statements.

(ii) Report of an independent certified public accountant prepared in compliance with this chapter, including notification of adverse financial condition, report on significant deficiencies in internal controls and letter of qualifications of the independent certified public accountant.

(2) The annual audited financial report for a for-profit continuing care provider shall reflect its financial condition as of the end of its most recent fiscal year and the results of its operations, cash flows and changes in shareholder's equity for the year then ended in conformity with generally accepted accounting principles. The annual audited financial report shall, at a minimum, include the following:

(i) Financial statements that present in a comparable manner, as of the end of the current and the preceding fiscal year, or the period of time that the continuing care provider has been in existence, whichever is shorter, the financial condition of the continuing care provider, including balance sheet,

statements of net income, cash flows, shareholder's equity and comprehensive income, and notes to financial statements.

(ii) Report of an independent certified public accountant prepared in compliance with this chapter, including notification of adverse financial condition, report on significant deficiencies in internal controls and letter of qualifications of the independent certified public accountant.

(3) If an error is discovered after an annual audited financial report is filed, the independent certified public accountant shall withdraw the report and issue a corrected report within 30 days of the date the independent certified public accountant becomes aware of the discovery of the error.

§ 147.5. Designation of independent certified public accountant.

\* \* \* \* \*

(d) Subsection (b) does not apply to continuing care providers. A continuing care provider shall obtain a letter from its independent certified public accountant and file a copy with the Commissioner, stating that the independent certified public accountant is aware of the provisions of the Commonwealth's statutes and regulations that relate to accounting and financial matters applicable to continuing care providers and affirming that the independent certified public accountant will express an opinion on the financial statements in terms of their conformity with generally acceptable accounting principles.

§ 147.6. Qualifications of independent certified public accountant.

(a) The Commissioner will not recognize a person or firm as a qualified independent certified public accountant [ who is not licensed, or a firm which is not registered, to practice and is not in good standing under the laws of the Commonwealth or of a state with licensing requirements similar to the Commonwealth or who is not in good standing with the American Institute of Certified Public Accountants, Inc., and in good standing in all states in which the accountant is licensed or the firm is registered to practice, or, for a Canadian or British company, who is not a chartered accountant. ] under any of the following conditions:

(1) The person is not licensed, or the firm is not registered, to practice and is not in good standing under the laws of the Commonwealth or of a state with licensing requirements similar to the Commonwealth.

(2) The person or firm is not in good standing with the American Institute of Certified Public Accountants, Inc. and, if applicable, the Public Company Accounting Oversight Board.

(3) The person or firm is not in good standing in all states in which the person is licensed, or the firm is registered, to practice.

(4) The person or firm has entered into an agreement of indemnity, or other release from liability, that would shift, transfer, or limit in any manner the potential liability of the person or firm for failure, whether by omission or commission, to adhere to applicable auditing or professional standards, whether or not the failure would result in

whole or in part from misrepresentations made by the insurer or its representatives.

(b) For an insurer organized in Canada or the United Kingdom of Great Britain and Northern Ireland, the Commissioner will not recognize a person or firm as a qualified independent public accountant under any of the following conditions:

(1) The person or firm is not a chartered accountant.

(2) The person or firm has entered into an agreement of indemnity, or other release from liability, that would shift, transfer, or limit in any manner the potential liability of the person or firm for failure, whether by omission or commission, to adhere to applicable auditing or professional standards, whether or not the failure would result in whole or in part from misrepresentations made by the insurer or its representatives.

(c) Except as otherwise provided in this section, the Commissioner will recognize an independent certified public accountant [ will be recognized ] as independent and qualified who conforms to the standards of the profession as contained in the "Code of Professional Ethics of the American Institute of Certified Public Accountants, Inc." and The C.P.A. Law (63 P. S. §§ 9.1—9.16b) or similar laws.

[ (c) ] (d) \* \* \*  
\* \* \* \* \*

[ (d) ] (e) \* \* \*  
\* \* \* \* \*

[ (e) ] (f) \* \* \*

(g) A qualified independent certified public accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration. In the event of a receivership proceeding commenced against the insurer under Article V of The Insurance Department Act (40 P. S. §§ 221.1—221.63), the mediation or arbitration agreement may be disavowed by the statutory receiver.

[ (f) ] (h) \* \* \*

[ (g) ] (i) Within 60 days of receipt of notice from the Commissioner of a finding under subsection [ (f) ] (h) that an audit contains a material departure from generally accepted auditing standards, the insurer for which the audit was performed shall register with the Commissioner the name and address of a qualified independent certified public accountant retained by the insurer to perform an audit in compliance with this chapter for the year for which the finding was made. The audited financial report for the year for which the finding was made shall be filed within a time period to be determined by the Commissioner.

§ 147.7. Consolidated or combined audits.

\* \* \* \* \*

(c) [ This section ] Subsection (a) does not apply to continuing care providers. A continuing care provider may make written application to the Commissioner for approval to file consolidated or combined financial reports in lieu of separate annual audited financial reports if the continuing care provider is part of a group of affiliated entities. A columnar

consolidating or combining worksheet, setting forth the amounts shown for each individual entity on the consolidated or combined audited financial report and including explanations of consolidating and eliminating entries, shall be filed with the report. Consolidated or combined audited financial reports shall be prepared as set forth in § 147.4(e) (relating to contents of annual audited financial report).

§ 147.8. Scope of audit and report of independent certified public accountant.

(a) The annual financial statements filed by an insurer with the Department shall be audited by an independent certified public accountant. The audit of the financial statements of the insurer shall be conducted in accordance with generally accepted auditing standards. [Consideration should also be given to other procedures illustrated in the *Financial Condition Examiner's Handbook* contained in the examiners handbook adopted by the National Association of Insurance Commissioners as the independent certified public accountant deems necessary. The Commissioner may from time to time prescribe that additional auditing procedures be observed by the independent certified public accountant in the audit of the financial statements of insurers under this chapter.]

(b) The scope of the audit and data testing procedures shall be conducted as required by the appropriate *Annual Statement Instructions* adopted by the National Association of Insurance Commissioners. Consideration shall also be given to other procedures in the *Financial Condition Examiner's Handbook* adopted by the National Association of Insurance Commissioners.

(c) Subsection (b) does not apply to continuing care providers.

(d) The Commissioner may from time to time prescribe that additional auditing procedures be observed by the independent certified public accountant in the audit of the financial statements of insurers under this chapter.

§ 147.9. Notification of adverse financial condition.

(a) An insurer required to furnish the annual audited financial report shall require the independent certified public accountant to report, in writing, within 5 business days to the board of directors or audit committee of the insurer, [a determination by that independent certified public accountant that the insurer has materially misstated its financial condition as reported to the Commissioner as of the balance sheet date currently under examination or of a determination that the insurer does not meet its capital and surplus requirement calculated in accordance with Pennsylvania insurance statutes as of that date.] any of the following:

(1) A determination by the independent certified public accountant that the insurer has materially misstated its financial condition as reported to the Commissioner as of the balance sheet date currently being audited.

(2) A determination by the independent certified public accountant that the insurer does not meet its capital and surplus requirement, or that the continuing care provider does not meet its liquid

reserve requirement, under laws and regulations relating to the insurer or continuing care provider as of the balance sheet date currently being audited.

\* \* \* \* \*

§ 147.10. Report on significant deficiencies in internal controls.

(a) Concurrently with the filing of the annual audited financial reports, each insurer shall furnish the Commissioner with a written report prepared by the independent certified public accountant describing significant deficiencies in the insurer's internal control structure noted by the independent certified public accountant during the audit. The Statement of Auditing Standard No. 60, *Communication of Internal Control Structure Matters Noted in an Audit* (AU Section 325 of the Professional Standards of the American Institute of Certified Public Accountants, Inc.) requires an independent certified public accountant to communicate significant deficiencies, known as "reportable conditions," noted during a financial statement audit to the appropriate parties within an entity. A report should not be issued if the independent certified public accountant does not identify significant deficiencies. [If significant deficiencies are noted, the written report shall be filed annually by the insurer with the Department within 60 days after the filing of the annual audited financial report.]

\* \* \* \* \*

§ 147.11. Definitions, availability and maintenance of independent certified public accountant workpapers.

\* \* \* \* \*

(b) Every insurer required to file an annual audited financial report under this chapter shall require [within the engagement letter the agreement of] the independent certified public accountant to make available, through the insurer, for review by Department examiners workpapers prepared in the conduct of the audit, as well as communications related to the audit between the independent certified public accountant and the insurer, including the engagement letter, at the offices of the insurer, at the offices of the independent certified public accountant, at the offices of the Department or at another reasonable place designated by the Commissioner. The insurer shall require that the independent certified public accountant retain the audit workpapers and communications for at least 7 years after the period reported on and agree to make a partner or manager available to the Department upon reasonable request.

(c) In the conduct of the periodic review by Department examiners described in subsection (b), electronic copies or photocopies of pertinent audit workpapers may be made and retained by the Department.

\* \* \* \* \*

§ 147.13. Effective date and exemption.

\* \* \* \* \*

(b) For those insurers retaining an independent certified public accountant on November 11, 1995, the 7-year period of service referred to in § 147.6 [ (c) ] (d) (relating to qualifications of independent certified public accountant or other person responsible for rendering the annual audited financial report was first retained or assigned that responsibility. The requirement that an

insurer retain the services of a new independent certified public accountant in order to comply with the 7-year rotation provision in § 147.6 [ (c) ] (d) shall become effective November 11, 1997.

(c) Foreign [ or alien ] insurers having direct premiums written in this Commonwealth less than \$1 million in a calendar year and having fewer than 1,000 policyholders or certificateholders of directly written policies in this Commonwealth at the end of that calendar year shall be exempt from this chapter for that year unless the Commissioner makes a specific finding that compliance is necessary for the Commissioner to carry out statutory responsibilities. Foreign insurers having assumed premiums pursuant to contracts or treaties of reinsurance, or both, of \$1 million or more are not exempt.

\* \* \* \* \*

(e) [ Insurers domiciled in this Commonwealth and not transacting the business of insurance outside ] Domestic insurers not insuring or reinsuring risks located outside of this Commonwealth having total admitted assets less than \$10 million and either direct premium written of less than \$1 million in a calendar year or fewer than 1,000 policyholders or certificateholders of directly written policies at the end of that calendar year are exempt from this chapter for that year, unless the Commissioner makes a specific finding that compliance is necessary for the Commissioner to carry out statutory responsibilities. Insurers having total admitted assets greater than \$10 million or assumed premiums pursuant to contracts or treaties of reinsurance, or both, of \$1 million or more are not exempt.

(f) Foreign [ or alien ] insurers filing annual audited financial reports in another state, pursuant to that state's requirements for annual audited financial reports whose requirements have been found by the Commissioner to be substantially similar to the requirements of this chapter, are exempt from this chapter if the insurer meets the following conditions:

(1) A copy of the annual audited financial report, report of evaluation of accounting procedures and system of internal controls, report on significant deficiencies in internal controls, and the independent certified public accountant's letter of qualifications which are filed with the other state are filed [ with ] as instructed by the Commissioner in accordance with the filing dates specified in this chapter. Canadian insurers may submit independent certified public accountant's reports as filed with the Canadian Dominion Department of Insurance.

\* \* \* \* \*

(i) [ Domestic insurers retaining an independent certified public accountant on November 11, 1995, shall comply with this chapter for the year ending December 31, 1995, and each year thereafter unless the Commissioner permits otherwise.

(j) Foreign insurers shall comply with this chapter for the year ending December 31, 1995, and each year thereafter, unless the Commissioner permits otherwise.

(k) [ In the case of [ Canadian and British ] insurers organized in Canada or the United Kingdom of Great Britain and Northern Ireland, the annual audited financial report is defined as the annual statement of total business on the form filed by the insurers with their domiciliary supervision authority, audited by an independent chartered accountant. For these insurers,

the letter required in § 147.15 (relating to letter of qualifications of independent certified public accountant) shall state that the independent certified public accountant is aware of the requirements relating to the annual audited financial report filed with the Commissioner under § 147.3 (relating to filing and extensions for filing of annual audited financial reports) and shall affirm that the opinion expressed is in conformity with those requirements.

[Pa.B. Doc. No. 04-236. Filed for public inspection February 13, 2004, 9:00 a.m.]

### [31 PA. CODE CH. 151] Continuing Care Providers

The Insurance Department (Department) proposes to amend Chapter 151 (relating to continuing care providers) to read as set forth in Annex A. The rulemaking is proposed under the authority of the Continuing-Care Provider Registration and Disclosure Act (act) (40 P. S. §§ 3201—3225).

#### *Purpose*

The purpose of this proposed rulemaking is to update and clarify Chapter 151 with respect to the requirements for annual audits of financial statements filed by continuing care providers with the Department. This proposed rulemaking is a companion to Insurance Department Fiscal Note 11-217, which is being proposed, to clarify the requirements in Chapter 147 (relating to annual audited insurers' financial report required) with respect to audits of nonprofit and for-profit continuing care providers. Chapter 151 was adopted in 1985 to implement the act. Chapter 147 was last amended in 2001 and prescribes requirements for annual audits of all types of licensed insurers and continuing care providers. Therefore, the provisions in Chapter 151 relating to annual audits are outdated and not needed in addition to the requirements in Chapter 147.

#### *Significant Provisions*

Section 151.7(d) (relating to disclosure statements) is being amended to replace out-dated, incomplete requirements for audited financial statements with a reference to the requirements in Chapter 147. This amendment, together with the amendments to Chapter 147, is needed to establish up-to-date, detailed financial reporting requirements for nonprofit and for-profit continuing care providers under generally accepted accounting principles.

#### *External Comments*

The Department requested comments from the Pennsylvania Association of Nonprofit Homes for the Aging in drafting this proposed rulemaking and the companion rulemaking to update Chapter 147. The comments received in response to the Department's request were considered in the development of this proposed rulemaking.

#### *Affected Parties*

Chapter 151 applies to continuing care providers licensed to transact business in this Commonwealth. The provisions relating to annual audits also apply to the certified public accountants retained to conduct audits of financial statements filed by continuing care providers with the Department.



*Fiscal Impact*

*State Government*

The proposed rulemaking will update and clarify existing regulatory requirements. There will be no increase in cost to the Department as a result of this proposed rulemaking.

*General Public*

The proposed rulemaking has no fiscal impact on the general public.

*Political Subdivisions*

There will be no fiscal impact on political subdivisions as a result of the proposed rulemaking.

*Private Sector*

The updates in this proposed rulemaking will impose no significant costs on continuing care providers.

*Paperwork*

The proposed rulemaking will not impose additional paperwork on the Department and affected parties.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore no sunset date has been assigned.

*Contact Person*

Questions or comments regarding the proposed rulemaking should be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 772-1969, psalvatore@state.pa.us within 30 days following the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the Department is required to write to all commentators requesting whether or not they wish to receive a copy of the final-form rulemaking. To better serve stakeholders, the Department has made a determination that all commentators will receive a copy of the final-form rulemaking when it is made available to the Independent Regulatory Review Commission (IRRC) and the legislative standing committees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

M. DIANE KOKEN,  
*Insurance Commissioner*

**Fiscal Note:** 11-220. No fiscal impact; (8) recommends adoption.

(Editor's Note: See 34 Pa.B. 846 for a proposal related to this proposal.)

**Annex A**

**TITLE 31. INSURANCE**

**PART VIII. MISCELLANEOUS PROVISIONS**

**CHAPTER 151. CONTINUING CARE PROVIDERS**

**§ 151.7. Disclosure statements.**

\* \* \* \* \*

(d) The certified financial statements required to be contained in disclosure statements, under section 7(a)(9) of the act (40 P. S. § 3207(a)(9)), shall be prepared in accordance with **[generally accepted accounting principles and shall be signed by an independent certified public accountant in accordance with generally accepted auditing standards. The certified financial statements shall include the following as of the end of the providers two most-recent fiscal-years, or the period of time that the provider has been in existence, whichever is shorter.**

**(1) A balance sheet showing the assets, liabilities and equity.**

**(2) Statements of income, retained earnings or equity and changes in financial position. ] Chapter 147 (relating to annual audited insurers' financial report required).**

\* \* \* \* \*

[Pa.B. Doc. No. 04-237. Filed for public inspection February 13, 2004, 9:00 a.m.]

**STATE BOARD OF NURSING**

**[49 PA. CODE CH. 21]**

**Approval of Diploma Programs in Transition to Degree-Granting Status**

The State Board of Nursing (Board) proposes to amend § 21.51 (relating to establishment) governing the establishment of approved programs of nursing for professional nurses (registered nurses (RNs)) to read as set forth in Annex A.

*A. Effective Date*

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

*B. Statutory Authority*

Section 6.1 of the Professional Nursing Law (act) (63 P. S. § 216.1) requires the Board to establish standards for the operation and approval of nursing education programs for the preparation of RNs. The Board is authorized to establish rules and regulations for the practice of professional nursing and the administration of the act under section 2.1(k) of the act (63 P. S. § 212.1(k)). Section 6 of the act (63 P. S. § 216) requires that every applicant for examination for licensure as an RN successfully complete an approved program of professional nursing. Prior to June 29, 2002, three classes of approved programs were listed under section 6 of the act: baccalaureate degree, associate degree and diploma programs. Under the act of June 28, 2002 (P. L. 651, No. 99)

(Act 99) (effective September 29, 2002), section 6 of the act was amended to include "programs in transition from approved diploma to degree granting programs."

### C. *Background and Purpose*

This proposed rulemaking was initially generated by the Board in the fall of 2001 after it considered a request by the Lancaster Institute for Health Education to approve the transition of a hospital-based nursing program to a degree-granting program, where the nursing school would no longer be under the auspices of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Under current § 21.51(a), the Board was unable to approve the request or assist a diploma nursing education program in this type of transition. A draft of this proposed rulemaking was sent on October 1, 2001, to 27 agencies, associations, health care entities and individuals who have been identified as interested parties or who have expressed an interest in proposed rulemakings by the Board. The Board reviewed their comments at its meetings of November 29-30, 2001, and January 10-11, 2002. Act 99 was subsequently enacted and explicitly includes programs in transition from approved diploma to degree granting programs in the category of Board-approved programs of professional nursing.

The Board seeks in this proposed rulemaking to accomplish the legislative intent of Act 99, which is to increase flexibility for hospital-based diploma programs to transition to degree-granting programs. At the same time, the Board seeks to set parameters for that transition to assure that students receive an educationally sound nursing education while maintaining eligibility for a license.

### D. *Description of Amendments*

Under current § 21.51(a), a school of nursing to educate RNs must be developed under the authority of a regionally accredited university or college or a hospital approved by the JCAHO. Three types of programs currently exist to educate RNs: diploma programs, associate degree programs and baccalaureate degree programs. Diploma granting nursing education programs are conducted by hospitals, while associate and baccalaureate degree granting programs are conducted by regionally accredited universities or colleges. Hospitals wishing to establish their own degree-granting nursing education programs are unable to gain approval by the Board to operate a program until the school receives regional accreditation from the Department of Education (Department). However, a school of nursing may not receive regional accreditation until it graduates its first class. Moreover, it may take up to 6 years for an institution to gain regional accreditation from the Department. Nurses educated in this Commonwealth must satisfactorily complete a Board-approved nursing education program in order to sit for the nursing licensure examination. Thus, unless a hospital-based diploma program teams with an already-accredited college or university, it is unable to smoothly transition to degree-granting status and retain Board approval for its nursing education program.

The Board proposes to allow hospital-based diploma programs to transition to degree-granting status under the authority of a university or college pursuing regional accreditation, provided the controlling institution has begun the process of regional accreditation, in that it has been given initial approval by the Department to seek degree-granting status and shows that it continues to pursue regional accreditation. Only diploma programs

which are in good standing with the Board, maintaining full approval status under § 21.33 (relating to types of approval) for at least 3 years prior to the transition, may undertake to establish a degree-granting nursing education program. The Board proposes 3 years as a reasonable time period in which a diploma program must attain and maintain acceptable standards and adhere to the policies and regulations of the Board to undertake the transition. It is in the best interests of students and the public to ensure that the program undertaking the transition to a degree-granting nursing education program is stable, established and has maintained acceptable standards for a minimum time period.

A program wishing to transition from diploma to degree-granting status must comply with all other Board regulations pertaining to nursing education programs and submit annual progress reports to the Board. The Board does not intend to single out nursing education programs in transition for increased monitoring, but will monitor the programs to ensure that the transition is occurring smoothly and to ensure the quality of the education program. To that end, the program in transition must undergo a site visit and review by a nursing education advisor after the first class graduates and results of the licensing examination have been received. This requirement is consistent with the current practice for any new nursing education program approved by the Board, where the nursing education program is established within an existing college or university. Section 21.33 gives the Board the authority to grant initial approval status to new schools with evidence that acceptable standards are being met, for a period of time necessary to evaluate the results of the licensing examination taken by the first graduates of the school. Presuming it meets all other requirements of the regulations, the program in transition will be maintained on initial approval status for a maximum of 6 years or until it receives full approval from the Department, whereupon it may be granted full approval by the Board. The Board bases this 6-year time frame on information it received from the Department indicating that an institution may need up to 6 years to achieve full approval for regional accreditation. The Board wishes to emphasize the importance of the role of the Department in approving institutions for degree-granting status. The Board does not intend in any way to usurp the duties and powers of the Department, and, in fact, in this proposed rulemaking defers to the requirements that the Department has established for degree-granting institutions.

While the Board does not anticipate a rush by hospital-based diploma programs to begin their own degree-granting schools of nursing, the Board wishes to remove unnecessary restrictions which impede that transition, while ensuring that the quality of nursing education remains high.

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

The proposed rulemaking will have no fiscal impact and will not impose additional paperwork on the private sector, the general public and the Commonwealth and its political subdivisions. The proposed rulemaking will have no fiscal impact on programs seeking to transition and will impose only minimal additional paperwork on those programs beyond what is already required for establishment of a nursing education program.

### F. *Sunset Date*

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

*G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 2, 2004, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*H. Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Martha Brown, Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference (16A-5118) Programs in Transition when submitting comments.

JANET HUNTER SHIELDS, MSN, CRNP, CS,  
*Chairperson*

**Fiscal Note:** 16A-5118. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter A. REGISTERED NURSES  
APPROVED PROGRAMS OF NURSING**

**§ 21.51. Establishment.**

(a) A nursing program shall be developed under the authority of a regionally accredited university or college, or hospital approved by the Joint Commission on Accreditation of Hospitals, and under the leadership of a registered nurse [ . ], **except as follows:**

**(1) A Board-approved hospital-based diploma nursing education program wishing to transition to an associate or baccalaureate degree nursing education program may be developed under the authority of a university or college pursuing regional accreditation, if:**

**(i) The university or college has initial approval for degree-granting status from the Department of Education.**

**(ii) The university or college provides documentation of its pursuit of regional accreditation.**

**(iii) The hospital-based diploma nursing education program has maintained full approval status under § 21.33 (relating to types of approval) for at least 3 years prior to the transition.**

**(2) A nursing education program wishing to transition under paragraph (1) shall:**

**(i) Comply with all other Board regulations pertaining to nursing education programs.**

**(ii) Submit annually to the Board a written report of its progress and may be asked to appear before the Board to respond to questions or concerns which arise from the annual progress report.**

**(iii) Be reviewed onsite, after the first class has completed the new program and the results of the licensing examination taken by the first graduates within 1 year of graduation have been received.**

**(iv) Continue on initial approval under § 21.33 until the university or college has full approval for degree-granting status from the Department of Education or for 6 years, whichever occurs first.**

\* \* \* \* \*

[Pa.B. Doc. No. 04-238. Filed for public inspection February 13, 2004, 9:00 a.m.]

**STATE POLICE**

**[37 PA. CODE CH. 42]**

**Use of Unmarked Vehicles**

The act of June 26, 2001 (P. L. 734, No. 75) (Act 75) requires the State Police, in consultation with the Department of Transportation (Department), to promulgate regulations for the use of unmarked vehicles by police officers. The effective date of Act 75 was August 25, 2001. The proposed rulemaking requires officers using unmarked vehicles to carry identification and display it upon request, unless it would jeopardize their safety. Officers using unmarked vehicles for patrol duties must be in uniform; officers using unmarked cars for duties that are likely to involve vehicle stops shall wear clothing bearing the specific name of the law enforcement agency or task force. When making a stop in an unmarked vehicle, the officer shall choose the safest location possible. In a vehicle pursuit, officers in an unmarked vehicle shall have audible and visual signals that comply with regulations of the Department, and unmarked vehicles shall relinquish the lead in pursuit as soon as marked vehicles are available.

*Effect*

The proposed rulemaking will affect all Commonwealth law enforcement agencies that use unmarked vehicles.

*Fiscal Impact*

The proposed rulemaking will have a minimal fiscal impact.

*Paperwork Requirements*

The proposed rulemaking will not require the completion of additional forms, reports or other paperwork.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 4, 2004, the State Police submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate

Law and Justice Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the State Police, the General Assembly and the Governor of comments, recommendations or objections raised.

*Sunset Date*

No sunset date has been assigned. However, every facet of the proposed rulemaking will be continuously reviewed for effectiveness, clarity and whether they are serving the greater interests of citizens of this Commonwealth.

*Public Comment/Contact Person*

Interested parties wishing to comment are invited to submit a written statement within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements should be sent to Syndi L. Guido, Policy Director, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. Persons with a disability who require an alternative format of this proposed rulemaking (for example, large print, audio tape or Braille), should contact Syndi L. Guido to make the necessary arrangements.

COL. JEFFREY B. MILLER,  
*Commissioner*

**Fiscal Note:** 17-65. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 37. LAW**

**PART I. STATE POLICE**

**CHAPTER 42. USE OF UNMARKED VEHICLES**

**GENERAL PROVISIONS**

Sec.	
42.1.	Purpose.
42.2.	Policy and effect.
42.3.	Definitions.

**PROCEDURES**

42.21.	Identification and uniform requirements.
42.22.	Vehicle stops and pursuits.

**GENERAL PROVISIONS**

**§ 42.1. Purpose.**

This chapter governs the use of unmarked vehicles. It is necessary to establish uniformity in the use of unmarked vehicles for the purpose of law enforcement.

**§ 42.2. Policy and effect.**

The policy of the Commonwealth is to permit the use of unmarked vehicles for law enforcement. Failure to comply with this chapter does not affect the legality of any arrest or citation, nor will it be grounds for the suppression of evidence.

**§ 42.3. Definitions.**

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

*Light bar assembly*—A device designed and constructed to display two or more steady burning, flashing or revolving beams of light with 360° visibility.

*Marked police vehicle*—A police vehicle that is equipped with at least one light-bar assembly and displays graphics, markings or decals identifying the agency or department on a minimum of three sides (front, rear, left or right).

*Official identification*—Identification issued, designated or approved by the individual law enforcement agency or municipality.

*Official uniform*—Any attire designated or approved by the individual law enforcement agency or municipality.

*Unmarked police vehicle*—A police vehicle not equipped with a roof mounted light-bar assembly. The vehicle may display graphics, markings or decals identifying the agency or department.

**PROCEDURES**

**§ 42.21. Identification and uniform requirements.**

(a) *Identification.* Officers using an unmarked vehicle shall ensure they are carrying official identification, other than their uniform, to verify their identity, unless it would jeopardize the officers' safety due to their work assignment. Officers shall be prepared to display their official identification upon request. Officers shall honor the requests when the request is reasonable and the officers' safety has been ensured. If the officer does not carry official identification, the officer should not attempt to stop traffic law violators, unless there is immediate threat to public safety.

(b) *Uniforms.* Officers assigned to use an unmarked vehicle to perform patrol duties shall be attired in an official uniform. Officers assigned other duties that are likely to include or require traffic stops shall wear an official uniform or alternative attire, such as a police raid jacket, that bears the name of a specific law enforcement agency or task force. Markings on alternative attire should be visible from the front and back.

**§ 42.22. Vehicle stops and pursuits.**

(a) *Stopping suspected violators while operating an unmarked vehicle.* Officers stopping suspected violators shall attempt to ascertain the safest available location for the officer and the motorist, consistent with the need for prompt action. Officers shall take into consideration the road and weather conditions, terrain, lighting, traffic and the nature of the violation. The officer shall also attempt to choose a location that will afford both the driver and the officer a sense of safety.

(b) *Use of audible and visual signals required while operating an unmarked vehicle.* Audible and visual signals meeting the requirements and standards set forth in 67 Pa. Code Chapter 173 (relating to flashing or revolving lights on emergency and authorized vehicles) shall be utilized when officers stop suspected violators.

(c) *Unmarked vehicle pursuits.* Officers engaged in a pursuit using an unmarked vehicle shall relinquish their role as the primary pursuit vehicle and permit officers in marked units to assume the role of the primary unit when that assistance is available.

[Pa.B. Doc. No. 04-239. Filed for public inspection February 13, 2004, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Community and Economic Development

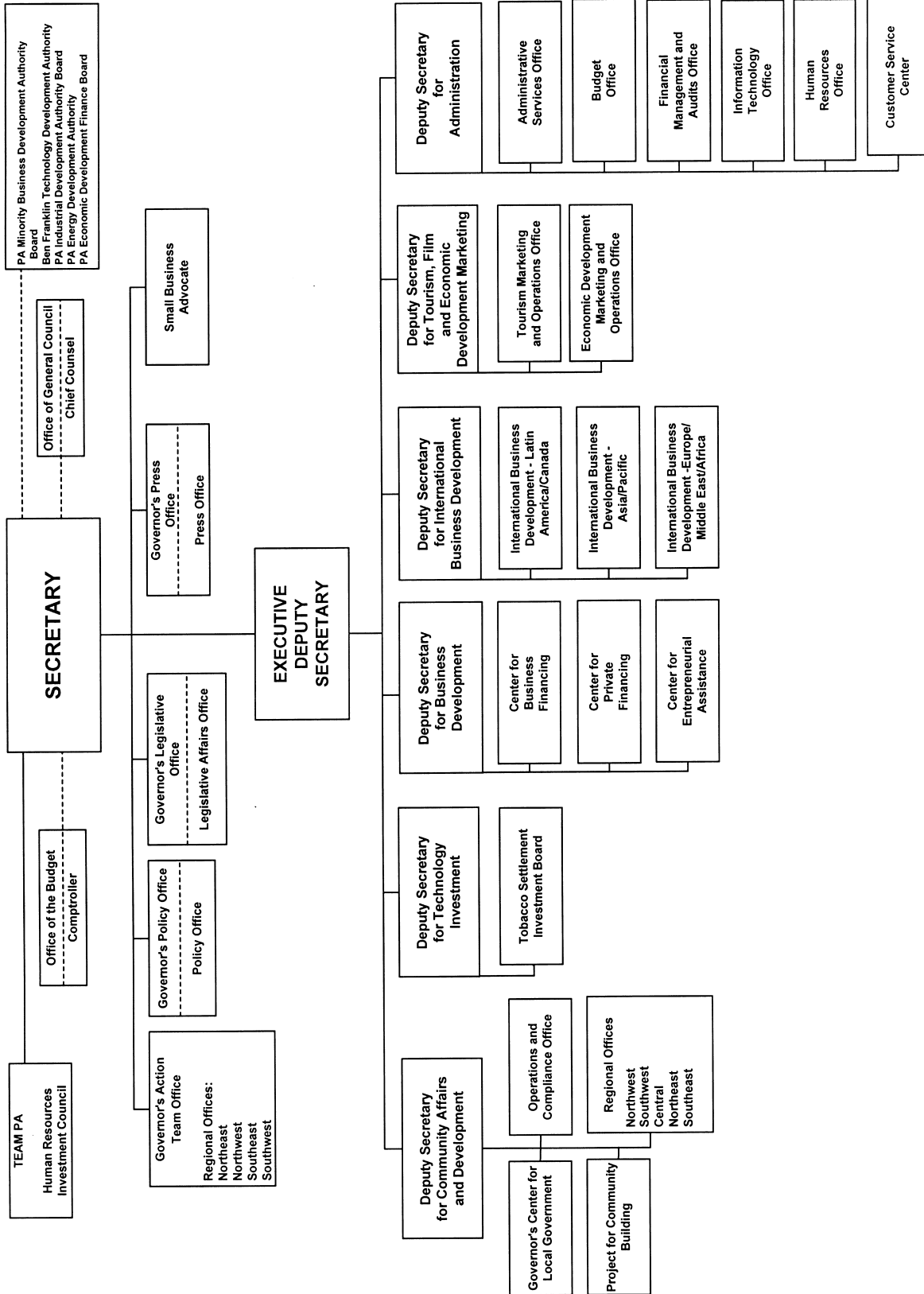
The Executive Board approved a reorganization of the Department of Community and Economic Development effective January 27, 2004.

The organization chart at 34 Pa.B. 856 (February 14, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

01/04

COMMUNITY AND ECONOMIC DEVELOPMENT



[Pa.B. Doc. No. 04-240. Filed for public inspection February 13, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### FY 2003-2004 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under authority of section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P. S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of January 24, 2004, adopted the FY 2003-2004 Annual Plan on the awarding of grants to eligible organizations under the provisions of the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, State-wide agricultural organizations that contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of Committee, created by the act, is to adopt an annual plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P. S. § 1505).

The Annual Plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.
2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.
3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for 2-year and 3-year old colts and fillies, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.
4. For reimbursement to each eligible organization conducting races for 2-year and 3-year colts and fillies at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.
5. For reimbursement of operating costs and premiums, a maximum amount of \$2,000 and in addition a maximum amount of \$10,000 based on a sum equal to 50% of the amount spent by the eligible Statewide agricultural organizations for premiums that are not in the \$2,000 payment as provided under section 5(2) of the act. The total maximum payment hereunder shall not exceed \$12,000.
6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H youth groups, a payment which will be calculated according to the following formula will pay for maximum of 4,000 members per county: 4-H groups with 500 members or less will receive base funding of \$2,000, groups with more than 500 will receive \$2,000 for the first 500 members and an additional \$2 per member for every member over 500 with a total maximum funding of \$9,000.
7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusi-

ness by FFA youth groups, a payment which will be calculated according to the following formula:

*Tier I:* County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$2 per member.

*Tier II:* County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with no additional moneys on a per member basis.

*Tier III:* County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$2 per member for every member over 210.

8. Any funds remaining after the grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the payments in accordance with the following schedule:

(a) By February 1, 2004, for payment under paragraphs 1—7.

(b) By October 30, 2004, for payment approved and authorized in FY 2003-2004 under paragraph 8.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-241. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Referendum on Continuation of the Pennsylvania Peach and Nectarine Research Program

I. The Pennsylvania Peach and Nectarine Research Program (program) was established under 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act) (act). The act requires that the Secretary of Agriculture (Secretary) call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still wish the program to continue. The program was last subjected to a review referendum in 1999. It is now time for another review referendum to determine whether a majority of the peach and nectarine producers wish for the program to continue.

II. *Referendum Period:* The referendum period shall be March 17, 2004, until 4 p.m. on March 31, 2004. Completed ballots should be mailed or hand delivered to the Department of Agriculture, Bureau of Market Development, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand delivered ballots must be received by 4 p.m. on March 31, 2004. Ballots that are mailed must be postmarked by March 31, 2004, and received by April 5, 2004.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed by March 10, 2004, to all affected producers whose names appear on the list of peach and nectarine producers in this Commonwealth maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows. The record date for determination of whether a producer is eligible to vote is

March 10, 2004. Peach and nectarine producers who grow a total of 500 or more peach and/or nectarine trees of all ages are eligible to vote.

V. *Counting of Ballots*: The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary. The counting of the ballots will begin at 10 a.m. on Monday, April 12, 2004, in the Department of Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

VI. *Reporting Irregularities*: Irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary within 7 calendar days from the end of the referendum period.

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

VIII. *Effective Date*: The foregoing order shall be effective immediately.

DENNIS C WOLFF,  
Secretary

[Pa.B. Doc. No. 04-242. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 27, 2004.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-23-04	ESB Bank, F. S. B. Ellwood City Lawrence County	600 Lawrence Avenue Ellwood City Lawrence County	Effective
	<i>To:</i> ESB Bank Elwood City Lawrence County		
	Represents conversion from Federally-chartered stock savings bank to a State-chartered stock savings bank. ESB Bank will remain a wholly-owned subsidiary of ESB Financial Corporation, a thrift holding company.		
	<i>Branches Acquired by means of Conversion:</i>		
	900 Fifth Avenue Coraopolis Allegheny County	101 Wexford Bayne Road Wexford Allegheny County	
	1060 Freeport Road Fox Chapel Allegheny County	2301 Sheffield Road Aliquippa Beaver County	
	5035 Curry Road Pittsburgh Allegheny County	506 Merchant Street Ambridge Beaver County	
	1609 Broadway Avenue Pittsburgh Allegheny County	3531 Broadhead Road Monaca Beaver County	
	807 Middle Street Pittsburgh Allegheny County	Northgate Plaza Route 19 Zelienople Butler County	
	Itin and Rhine Streets Pittsburgh Allegheny County	1793 Mercer Road Ellwood City Lawrence County	
	1706 Lowrie Street Pittsburgh Allegheny County	Lawrence Village Plaza Route 65 New Castle Lawrence County	



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	849 Pittsburgh Street Springdale Allegheny County		

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-22-04	First Financial Bank Downingtown Chester County	Downingtown	Filed
	Purchase of assets/assumption of liabilities of one branch of PNC Bank, NA, Pittsburgh		
	Located at: 112 Old Lincoln Highway Coatesville Chester County		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-22-04	Orrstown Bank Shippensburg Cumberland County	1 Giant Lane Carlisle Cumberland County	Filed
1-23-04	East Penn Bank Emmaus Lehigh County	18 South Second Street Emmaus Lehigh County	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-243. Filed for public inspection February 13, 2004, 9:00 a.m.]

**Action on Applications**

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 3, 2004.

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

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-1-04	FleetBoston Financial Corporation, Boston, MA, to acquire 100% of voting shares of Progress Financial Corporation, Blue Bell, PA, and thereby indirectly acquire Progress Bank, Blue Bell, PA	Boston, MA	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-15-03	Keystone Nazareth Bank and Trust Bethlehem Northampton County	Club Avenue and Union Boulevard Bethlehem Lehigh County	Opened

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-19-03	Keystone Nazareth Bank and Trust Bethlehem Northampton County	3926 Linden Street Bethlehem Township Northampton County	Opened
1-20-04	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	3601 West Chester Pike Newtown Square Newtown Township Delaware County	Opened
1-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Schenley Gardens Retirement Community 3890 Bigelow Boulevard Pittsburgh Allegheny County (Limited Service Facility)	Opened
1-26-04	Brentwood Bank Bethel Park Allegheny County	6257 Library Road Bethel Park Allegheny County	Authorization Rescinded
1-29-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	North Versailles Giant Eagle 1701 Lincoln Highway North Versailles Allegheny County	Filed
2-2-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Aliquippa Giant Eagle Green Garden Shopping Center Aliquippa Beaver County	Approved
2-2-04	Community Banks Millersburg Dauphin County	1 East Harrisburg Street Dillsburg York County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-20-03	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	<i>To:</i> Four Parkway Center 875 Greentree Road Pittsburgh Allegheny County  <i>From:</i> 1165 McKinney Lane Pittsburgh Allegheny County	Effective
2-2-04	Northwest Savings Bank Warren Warren County	<i>To:</i> 4525 Buffalo Road Erie Harborcreek Township Erie County  <i>From:</i> 4423 Buffalo Road Erie Harborcreek Township Erie County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-244. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, February 25, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-245. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Professional Standards and Practices Commission; Application of Sharon Salov for Reinstatement of Teaching Certificates; Doc. No. RE 03-04

#### Notice of Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1a—2070.18a), the Professional Standards

and Practices Commission (Commission) has initiated hearing procedures to consider the application of Sharon Salov for reinstatement of her teaching certificates.

On or about October 23, 2003, Sharon Salov filed an application for reinstatement of her teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.14 (relating to reinstatement). On January 27, 2004, under section 16 of the act, the Department of Education recommended to the Commission that the application be denied. In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct proceedings and hearings as might be necessary and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

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

[Pa.B. Doc. No. 04-246. Filed for public inspection February 13, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 regional office noted before an 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 regional 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 a public hearing is 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**

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

<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>
PA0020109	PPL Interstate Energy Company 214 Shoemaker Road Pottstown, PA 19464	Lower Mt. Bethel Township Northampton County	Bushkill 1E Delaware River WWF-MF	Y
PA0063568-A1	Northampton Borough Municipal Authority 1 Clear Springs Drive P. O. Box 156 Northampton, PA 18067	Lehigh County Whitehall Township	Spring Creek 2C	Y
PA0063851	Sweet Valley Mobile Home Village 26 Updyke Road Hunlock Creek, PA 18621	Ross Township Luzerne County	Unnamed tributary to Roaring Brook 5B	Y

*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>
PA0021849	Millerstown Borough Municipal Authority P. O. Box 200 Millerstown, PA 17062-0200	Perry County Greenwood Township	Juniata River 12-B	Y
PA0070335 Industrial Waste	McConway & Torley Corporation Kutztown Foundry Division 230 Railroad Street Kutztown, PA 19530	Berks County Kutztown Borough	Sacony Creek 3-B	Y

<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>
PA0087441 Industrial Waste	Moyer Packing Company Elizabethville Rendering Division P. O. Box 64395 Souderton, PA 18964-0395	Dauphin County Washington Township	Wiconisco Creek 6-C	Y
PA0035157 Industrial Waste	Farmer's Pride Inc. W. Main Street P. O. Box 39 Fredricksburg, PA 17026	Lebanon County Bethel Township	Deep Run 7-D	Y
PA0010511 Industrial Waste	Spring Glen Fresh Foods, Inc. 314 Spring Glen Drive Ephrata, PA 17522	Lancaster County Ephrata Borough	UNT Conestoga River 7-J	Y

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

<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>
PA0020672 Sewerage	Washingtonville Municipal Authority P. O. Box 147 Washingtonville, PA 17884	Derry Township Montour County	Chillisquaque Creek SWP 10D	Y
PA0041131 Sewerage	Columbia-Montour Area Vocational Technical School 5050 Sweppenheiser Drive Bloomsburg, PA 17815-8920	South Centre Township Columbia County	Campbell's Run 5-D	Y
PA0113913 SN	Irvin G. Hoover Irvin's Country Tinware Heister Valley Road R. R. 1 Box 73 Mt. Pleasant Mills, PA 17853	Snyder County West Perry Township	Unnamed tributary of North Branch Mahantango Creek 6C	Y
PA0208612 Sewerage	Ridgebury Township Supervisors R. R. 3, Box 246A Gillette, PA 16925	Ridgebury Township Bradford County	UNT Bentley Creek 4-B	Y

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

<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>
PA0239429	Mercer Baptist Church 3016 Valley Road Mercer, PA 16137	Findley Township Mercer County	Unnamed tributary to Neshannock Creek 20-A	Y

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

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

**PA0051616**, Industrial Waste, SIC 4941, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is in East Vincent Township, **Chester County**.

Description of Proposed Activity: Discharge of treated filter backwash and sedimentation basin cleanout water of Shady Lane potable water treatment plant.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3D and is classified for WWF. The nearest downstream public water supply intake for the Borough of Phoenixville is on the Schuylkill River, 3 to 4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.076 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Suspended Solids	19	38	30	60	75
Iron, Total	1.27	2.54	2.0	4.0	5.0

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum mg/l
Aluminum, Total	2.54	5.07	4.0	8.0	10.0
Manganese, Total	0.64	1.28	1.0	2.0	2.5
Chlorodibromomethane				Monitor and Report	
Dichlorobromomethane				Monitor and Report	
Chloroform				Monitor and Report	
pH			within limits of 6.0 to 9.0 STD units		
Total Residual Chlorine			0.7		1.2

In addition to the effluent limits, the permit contains the following major special conditions: applicable BAT/BCT; proper disposed of sludge, solids, and the like; and TMDL/WLA analysis.

**PA0026786**, Sewage, SIC 4952, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. This facility is in Pottstown, **Montgomery County**.

Description of Activity: Renewal of an NPDES permit to discharge treated sewage from the Pottstown Borough Sewage Treatment Plant.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3E and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Suburban Water Company is on the Schuylkill River, approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 12.85 MGD.

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)	Maximum Daily
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30	40	
(11-1 to 4-30)	25	40	50	
Total Suspended Solids	30	45	60	
Ammonia (as NH <sub>4</sub> )				
(5-1 to 10-31)	8	12	16	
(11-1 to 4-30)	20	30	40	
Total Residual Chlorine	0.5		1.0	
Fecal Coliform		200 colonies/100 ml as a geometric average		
Dissolved Oxygen		minimum of 5.0 mg/l at all times		
pH		within range of 6.0–9.0 standard units at all times		
Cadmium, Total	Monitor and Report			
Copper, Total	0.021			0.042
Lead, Total	0.016			0.032
Silver, Total	0.010			0.020
Zinc, Total	0.172			0.344
Vinyl Chloride	Monitor and Report			
Chromium, Hexavalent	0.018			0.037
Dieldrin	Monitor and Report			
Benzidine	Monitor and Report			
Cyanide, Free	0.025			0.050
Bis 2 Ethylhexyle Phthalate	Monitor and Report			

In addition to the effluent limits, the permit contains the following special conditions:

1. The permittee shall monitor stormwater runoff from the facility twice per year and analyze/report the following parameters: CBOD<sub>5</sub>, COD, Oil and Grease, pH, Total Suspended Solids, Total Kjeldahl Nitrogen, Total Phosphorus, Iron (dissolved), Fecal Coliform and PCBs (1/quarter).

2. The permittee shall operate an industrial pretreatment program in accordance with the Federal Clean Water Act, The Clean Streams Law and the Federal general pretreatment regulations in 40 CFR Part 403.

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

**PAS322202**, Sewage, **Blue Ridge Peat Farm, Inc.**, R. R. 1, Box 292A, White Haven, PA 18661. This proposed facility is in Barrett Township, **Monroe County**.

Description of Proposed Activity: Discharge of stormwater.

The receiving stream, Cranberry Creek, is in the State Water Plan watershed no. 1D and is classified for HQ-CWF.

The proposed effluent limits for Outfall 001.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD					Monitor and Report
COD					Monitor and Report
Oil and Grease					Monitor and Report
pH					Monitor and Report
Total Suspended Solids					Monitor and Report
Total Phosphorus					Monitor and Report
Total Kjeldahl Nitrogen					Monitor and Report
Iron (Dissolved)					Monitor and Report

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

**PA0111759**, Industrial Waste SIC, 2011, **Taylor Packing Company Inc.**, P. O. Box 188, Wyalusing, PA 18853. This existing facility is in Wyalusing Township, **Bradford County**.

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

The receiving stream, Wyalusing Creek, is in the State Water Plan watershed 4D and classified for CWF. The nearest downstream public water supply intake for the Danville Municipal Water Authority is on the Susquehanna River, 120 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.8 MGD.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH			within the range of 6.0 to 9.0		
CBOD <sub>5</sub>					
(5-1 to 10-31)	180	360	27	54	68
(11-1 to 4-30)	300	600	45	90	112
TSS	500	1,000	75	150	188
Ammonia-N					
(6-1 to 10-31)	20	40	3	6	7.5
(11-1 to 5-31)	57	113	8.5	17	21
Oil and Grease	100	153	15	23	30
Fecal Coliform					400 mpn/100 ml
Total Chlorine Residual			0.36		1.2

In addition to the effluent limits, the permit contains Part C 6 that requires best management practices to control the discharge of total dissolved solid and resultant osmotic pressure.

**PA0032352**, Sewerage, SIC 4952, **Williamsport Area School District**, 1400 West 3rd Street, Williamsport, PA 17701. This existing facility is in Hepburn Township, **Lycoming County**.

Description of Existing Activity: Pending issuance of an amended NPDES permit for a discharge from a wastewater treatment plant serving the Williamsport Area School District Hepburn-Lycoming Elementary School. The only change from the previous NPDES permit will be a reduction in discharge from 0.016 MGD to 0.006 MGD. Effluent limits will remain unchanged.

The receiving body of water, Lycoming Creek, is in the State Water Plan watershed 10A and is classified for WWF. The nearest downstream public water supply surface water intake for the Pennsylvania American Water Company is on the West Branch of the Susquehanna River, approximately 38 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.006 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
TSS	30	60
Total Cl <sub>2</sub> Residual	1.0	2.3
Fecal Coliform		
(5-1 to 9-30)	200/100ml as a geometric mean	
(10-1 to 4-30)	2,000/100ml as a geometric mean	
pH	6.0 to 9.0 SU at all times.	

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

**PA0014311**, Industrial Waste, SIC, 3315, **Keystone Profiles**, 220 Seventh Avenue, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from the Beaver Falls Plant in Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Walnut Bottom Run and Beaver River, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Beaver Falls Municipal Authority, P. O. Box 400, Beaver Falls, PA 15010, 0.75 mile below the discharge point.

*Outfall 101: existing discharge, design flow of 0.024 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Suspended Solids	14.5	33.9	30	70	88
Oil and Grease			15		30
Lead	0.049	0.147	0.15	0.45	0.56
Zinc	0.065	0.195	0.1	0.3	0.38
Chromium	0.057	0.143	0.4	1.0	1.3
Nickel	0.043	0.129	0.3	0.9	1.1
pH	not less than 6.0 nor greater than 9.0				

*Outfall 001: existing discharge*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Copper			Monitor and Report		
Manganese			Monitor and Report		
Zinc			Monitor and Report		

*Outfall 002: existing discharge*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Temperature (°F)					110
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 003—008, 010 and 011: existing discharge*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Lead			Monitor and Report		
Zinc			Monitor and Report		

*Outfall 009: existing discharge*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Temperature (°F)					110
Iron, dissolved			Monitor and Report		
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

**PA236107**, Industrial Waste, SIC 3081, **Poly-Hi Solidur/Menasha Corporation**, 200 Industrial Drive, Delmont, PA 15626. This application is for issuance of an NPDES permit to discharge untreated stormwater from the Poly-Hi Solidur/Menasha Facility in Salem Township, **Westmoreland County**.



The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary 43017 to Beaver Run, classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Westmoreland Municipal Water Authority facility at the Beaver Run Reservoir, over 7 miles below the discharge point.

*Outfall 001:* existing discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		

Other Conditions: Solids disposal, floating solids, no visible sheen, stormwater conditions, provide analytical results for a complete analysis within 90 days.

The EPA waiver is in effect.

**PA0026905, Amendment No. 1,** Sewage, **Connellsville Municipal Authority**, P. O. Box 925, Connellsville, PA 15425. This application is for amendment of an NPDES permit to discharge uncontaminated stormwater from the Connellsville Sewage Treatment Plant site in Connellsville, **Fayette County**.

The following effluent limitations are proposed for discharges to the receiving waters, known as Youghiogheny River and Mounts Creek which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation:

This amendment adds Outfalls SW1 and SW2 to NPDES Permit PA0026905 and authorizes a discharge of uncontaminated stormwater from the sewage treatment plant site. There are at this time no specific effluent limitations on Outfalls SW1 and SW2. The discharges must meet the "stormwater discharges" requirements in Part C of the Amendment.

The EPA waiver is not in effect.

**PA0028801-A1,** Sewage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 101, Moon Township, PA 15108. This application is for amendment of an NPDES permit to discharge treated sewage from Montour Run Water Pollution Control Plant in Moon Township, **Allegheny County**.

The following stormwater outfalls are revised in the NPDES permit:

Outfalls 002—005, previously discharging to a drainage swale to Montour Run, are replaced with new Outfall 002 discharging to Montour Run. In addition, existing Outfalls 006—008, also discharging to Montour Run, will be renumbered as Outfalls 003—005. The outfalls serve as stormwater discharges from areas in and around the treatment plant. There are at this time no effluent limits on the outfalls. The stormwater discharges shall meet the requirements in Part C of the NPDES permit.

The EPA waiver is not in effect.

**PA0037818,** Sewage, **Saltsburg Borough**, 320 Point Street, P. O. Box 104, Saltsburg, PA 15681. This application is for renewal of an NPDES permit to discharge treated sewage from the Saltsburg Borough STP in Saltsburg Borough, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Conemaugh River, 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 Freeport Water Company.

*Outfall 001:* existing discharge, design flow of 0.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	50,000/100 ml as a geometric mean			
(10-1 to 4-30)	1.0			
Total Residual Chlorine				3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002—006 will serve as combined sewer overflows.

The EPA waiver is in effect.

**PA0093335,** Sewage, **Louis Vaugh and Ilona Yenich**, 105 Hutchinson Road, Apt. 1, West Newton, PA 15089. This application is for renewal of an NPDES permit to discharge treated sewage from D. Fox's Family Diner STP in Sewickley Township, **Westmoreland County**.

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

*Outfall 001: existing discharge, design flow of 0.0025 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	7.0			14.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.83			1.9
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0239381**, Sewerage, **David L. Ostrander**, R. D. 2, Box 185, Cole Hill Road, Pittsfield, PA 16340. This proposed facility is in Deerfield Township, **Warren County**.

Description of Proposed Activity: A new discharge of treated sewage.

The receiving water, unnamed tributary to Tidioute Creek, is in State Water Plan 16-F and is classified for HQ CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company, is on the Allegheny River, approximately 83.67 miles below the point of discharge.

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

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

XX—Monitor and Report

The EPA waiver is in effect.

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

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

**WQM Permit No. 5404401**, Sewerage, **Greater Pottsville Area Sewer Authority**, P. O. Box 1163, Pottsville, PA 17901. This proposed facility is in Pottsville City and Palo Alto Borough, **Schuylkill County**.

Description of Proposed Action/Activity: This project consists of an upgrade and expansion of the existing main wastewater treatment facility from 4.5 to 8.2 mgd.

**WQM Permit No. 5404402**, Sewerage, **Greater Pottsville Area Sewer Authority**, P. O. Box 1163, Pottsville, PA 17901. This proposed facility is in Pottsville City, Palo Alto Borough, Mt. Carbon Borough and Port Carbon Borough, **Schuylkill County**.

Description of Proposed Action/Activity: This project consists of the separation of sanitary and storm flows, improved diversion structures, a sewer extension and the replacement of the West End WWTP with a pump station. The pump station will also include a proposed force main.

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

**WQM Permit No. 6704402**, Sewerage, **North Codorus Township Sewer Authority**, 1986 Stoverstown Road, Spring Grove, PA 17362. This proposed facility is in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment plant on Joseph Road, including several pump stations, to serve specific areas of the township and the Borough of New Salem.

**WQM Permit No. 3604404**, Sewerage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545. This proposed facility is in Rapho Township and Manheim Borough, **Lancaster County**.

Description of Proposed Action/Activity: Development of a residential sewer collection system and pump station to serve Old Line Road, Orchard Road and Kendig Drive.

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

**WQM Permit No. 5904401**, Sewerage, **David Haslund**, R. R. 2, Box 70, Tioga, PA 16946. This proposed facility will be in Tioga Township, **Tioga County**.

Description of Proposed Action/Activity: Applicant seeks a WQM permit to authorize the construction and operation of a small flow treatment facility to serve a residence. Discharge will be to Shanty Creek (WWF).

**WQM Permit No. 17704401**, Sewerage 4952, **Houtzdale Borough Municipal Sewer Authority**, 116 Sterling Avenue, P. O. Box 277, Houtzdale, PA 16651-0277. This existing facility is in Woodward Township, **Clearfield County**.

Description of Proposed Action/Activity: Applicant is requesting a Water Quality Management Part II Permit to rerate the organic loading capacity of the treatment plant from 500 ppd BOD<sub>5</sub> to 600 ppd BOD<sub>5</sub>. The permitted hydraulic capacity of 0.3 MGD will remain the same.

**WQM Permit No. 4103405**, Sewerage, 4952, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. This proposed facility is in Woodward Township, **Lycoming County**.

Description of Proposed Action/Activity: The LCWSA proposes the construction of additional sewer conveyances and pump stations to include various sewerage hookups in Woodward Township, Lycoming County. The proposed sewer conveyances and pump stations will transport the sewerage to Williamsport Sanitary Authority's West Sewage Treatment Plant.

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

**WQM Permit No. 0279202-A4**, Industrial Waste, **Neville Chemical Co.**, 2800 Neville Road, Pittsburgh, PA 15225. This proposed facility is in Neville Township, **Allegheny County**.

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

**WQM Permit No. 1104401**, Sewerage, **Russell Burk**, 247 Kid Long Road, Gallitzin, PA 16641. This proposed facility is in Gallitzin Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment plant to serve the Burk residence.

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

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*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>	<i>Department Protocol (Y/N)</i>
PAI132204	Upper Milford Township 5831 King's Highway South Old Zionsville, PA 18068	Lehigh	Upper Milford Township	Little Lehigh Creek HQ-CWF Saucon Creek CWF Perkiomen Creek HQ-CWF	Y
PAI132206	Palmer Township 3 Weller Place P. O. Box 3039 Palmer, PA 18043-3039	Northampton	Palmer Township	Shoeneck Creek WWF Bushkill Creek HQ-CWF Lehigh River WWF	Y
PAI132205	Upper Macungie Township 8330 Schantz Road Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF Jordan Creek TSF, MF Hassen Creek HQ-CWF, MF	Y

<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>
PAI132207	Lower Saucon Township 3700 Old Philadelphia Pike Bethlehem, PA 18015	Northampton	Lower Saucon Township	Saucon Creek CWF Cooks Creek EV Black River CWF Polk Valley Run CWF East Branch Saucon Creek CWF	Y

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


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


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

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504001	David Quaresimo c/o Keystone Used Auto Sales Route 209 Brodheads ville, PA 18322	Monroe	Chestnuthill Township	McMichaels Creek EV
PAI024504002	Meadow Creek, Inc. R. R. 5, Box 5138A Stroudsburg, PA 18360	Monroe	Middle Smithfield Township	Marshalls Creek HQ-CWF
PAI024503025	Resort Beverage, Inc. P. O. Box 143 Tannersville, PA 18372	Monroe	Pocono Township	Pocono Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904003	Larry Krautner Lehigh-Northampton Airport Authority 3311 Airport Road Allentown, PA 18109	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF
PAI023904004	Frank Ryan 200 Four Falls, Suite 208 W. Conshohocken, PA 19428	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10H053R1	S & A Homes, Inc. 5709 Linglestown Road Harrisburg, PA 17112	Cumberland	South Middleton Township	Letort Spring Run EV

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017	Pennsylvania State University Office of Physical Plant Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Thompson Run, Big Hollow HQ-CWF, CWF

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


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PAG-12           CAFOs  
 PAG-13           Stormwater Discharges from MS4

### PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), 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

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**Applications Received under the Pennsylvania Safe Drinking Water Act**


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

**Permit No. 4503507**, Public Water Supply.

Applicant	<b>Penn Estates Utilities, Inc.</b> 503 Hallet Road East Stroudsburg, PA 18301
Township or Borough	Stroud Township, <b>Monroe County</b>
Responsible Official	John Hawks, Manager
Type of Facility	PWS
Consulting Engineer	SAIC Engineering, Inc. 6310 Allentown Blvd. Harrisburg, PA 17112
Application Received Date	December 8, 2003

Description of Action	Construction of a new source (well 7), transmission pipeline and treatment building.  <i>Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.</i>
	<b>Permit No. 5904501</b> , Public Water Supply.
Applicant	<b>Nelson Township Authority</b> P. O. Box 100 Lakeview Drive Nelson, PA 16840-0100
Township	Nelson Township, <b>Tioga County</b>
Responsible Official	Loren Doan, President Nelson Township Authority P. O. Box 100, Lakeview Drive Nelson, PA 16840-0100
Type of Facility	PWS
Consulting Engineer	James J. Rhoades Alfred Benesch & Company 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17801
Application Received Date	January 14, 2004
Description of Action	Construction of a river intake structure on the Cowanesque River, a wet well on the riverbank and a conventional package filtration plant.
	<b>Permit No. Minor Amendment</b> , Public Water Supply.
Applicant	<b>Canton Borough Authority</b> 100 Park Place, P. O. Box 237 Canton, PA 17724
Borough	Canton Borough, <b>Bradford County</b>
Responsible Official	Les Hilfiger, Authority Manager 100 Park Place, P. O. Box 237 Canton, PA 17724
Type of Facility	PWS
Consulting Engineer	Paul A. Krizan, P. E. Larson Design Group 1000 Commerce Park Drive Williamsport, PA 17703-0487
Application Received Date	January 20, 2004
Description of Action	Replacement of approximately 27,000 LF of water line, the replacement of approximately 8,000 LF of water service connections and the installation of a new 300,000-gallon aboveground, finished water storage tank. The goal of the project is to reduce water losses in the system and to increase fire flows.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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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 before 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.*

**Former Exxon Station No. 2-7497**, Horsham Township, **Montgomery County**. Stephanie Rose, GES, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on January 14, 2004.

**Former Oscar Mayer and Dupont Facilities**, City of Philadelphia, **Philadelphia County**. Jamey A. Stynchula, P. G., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of Jonathan Edelstein, PAID, 2600 Centre Sq. West, 1500 Market St., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics and other organics; and groundwater contaminated with inorganics, other organics and PAH. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on January 12, 2004.

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

**V & S Sandwich Shop**, Wyomissing Borough, **Berks County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Ephrata, PA 17522, on behalf of David Mogel, 11 State Hill Road, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on November 26, 2003.

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

**Former Halliburton Energy Services, Inc.**, Bradford Township, **McKean County**. Jennifer Alexander, ENTACT, 4040 W. Royal Lane, Suite 136, Irving, TX 75063 (on behalf of Richard Kessel, Property Owner, Kessel Construction, P. O. Box 737, Bradford, PA 16701) has submitted a Notice of Intent to Remediate groundwater contaminated with inorganics, lead and other organics. The applicant proposes to remediate the site to meet the Statewide Health, Nonresidential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on October 3, 2003.

**Paul's Chrome Plating**, 90 Pattison Dr., Evans City, PA 16033, Adams Township, **Butler County**. Joseph A. Scalamogna, P. G., Delta Environmental Consultants, Inc. 615 William Pitt Way, Pittsburgh, PA 15238 (on behalf of Fred Hespeneide, Owner, Paul's Chrome Plating, 90 Pattison Dr., Evans City, PA 16033) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Nonresidential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Butler Eagle* on January 26, 2004.

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

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**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the**

**Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit Application No. 101477. BFI Waste Systems of North America, Inc.—Philadelphia Transcyclery,** 2209 S. 58th St., Philadelphia, PA 19143, City of Philadelphia. The application was received for a renewal of a permit for a new 10-year term. The application was received by the Southeast Regional Office on January 26, 2004.

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

**Permit Application No. 101615. Commonwealth Environmental Systems Landfill,** Commonwealth Environmental Systems, L. P., P. O. Box 249, Dunmore, PA 18512. A Permit Renewal application for this municipal waste landfill in Foster Township, **Schuylkill County**. The application was received in the Regional Office on December 19, 2003. As of January 21, 2004, it was found to be administratively complete.

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

**Permit Application No. 300583. ISG Steelton, Inc.,** 215 South Front St., Steelton, PA 17113, Swatara Township, **Dauphin County**. The application is for the permit reissuance of the permit for the Steelton Plant Residual Waste Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on January 22, 2004.

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

Copies of 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 indicated before an application 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 a proposed plan approval or operating permit. Comments or protests filed with 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 to 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.**

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

**48-307-060: MFS, Inc.** (Easton Road, R. R. 5, Box 5151, Bethlehem, PA 18015) for installation of air cleaning devices to control the atmospheric emissions from two mineral wool cupolas at their facility in Bethlehem, **Northampton County**.

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

**38-03014B: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) for modification of their Millard limestone crushing plant in North Londonderry Township, **Lebanon County**. The modifications include the installation of several screens and conveyors and are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-05098B: Global Stone PenRoc, LP** (100 Zarfoss Drive, P. O. Box 1967, York, PA 17405) for construction of a conveyance system and relocation of microsizer equipment from the company's Whiting Plant to their West Filler Plant (495 Global Stone Drive, York, PA 17404) in

West Manchester Township, **York County**. The source is subject to 40 CFR Part 60, Subpart 000.

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

**43-270A: CCL Container** (One Llodio Drive, Hermitage, PA 16148-9015) for replacement of an existing 25,000 cfm incinerator with a new 30,000 cfm regenerative catalytic oxidizer in Hermitage, **Mercer County**. This is a Title V facility.

**20-263A: TAPCO Tube Co.** (10748 South Water Street Extension, Meadville, PA 16335) for post construction of two dip paint lines in West Mead Township, **Crawford County**. This is a State-only facility.

**25-069I: Engelhard Corp.** (1729 East Avenue Erie, PA 16503) for an increase of production and modification of VOC emission limit in plan approval 25-313-025E from 3.0 #/hr to 4.9 #/hr for the Maleic Plant at the Catalyst Manufacturing Plant in the City of Erie, **Erie County**.

**43-329B: White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125) to increase the allowable operating hours at their rock crushing facility in Hempfield Township, **Mercer County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0105B: Naceville Materials—Haines and Kibblehouse, Inc.** (483 Springfield Street, Coopersburg, PA 18036) for modification of a Batch Asphalt Plant at their existing facility in Springfield Township, **Bucks County**. This facility is a non-Title V facility. The modification includes the use of no. 2 fuel oil and "on-specification" waste derived liquid fuel as additional fuels to be used in the rotary dryer. The Plan Approval will contain recordkeeping, operating and performance testing requirements designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**31-03033: Stone Valley Welding** (R. R. 2, Box 213, Huntingdon, PA 16652) to operate a metal surface coating booth using solvent coatings in Jackson Township, **Huntingdon County**. The primary emissions from the source are VOCs which will be limited to 11.6 tons per year. The Plan Approval will contain restrictions, monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**38-05019B: AES Ironwood, LLC** (305 Prescott Road, Lebanon, PA 17042) for modification of the plan approval definitions for start-up and shutdown of the two combustion turbines at their facility in South Lebanon Township, **Lebanon County**. The turbines are subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. The definitional changes will not significantly impact emissions from the facility.

## OPERATING PERMITS

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

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

**06-05100: Calpine Construction Finance Co. LP** (5115 Pottsville Pike, Reading, PA 19605) for operation of an electric generating facility controlled with low NOx combustion and select catalytic reduction in Ontelaunee Township, **Berks County**. The facility is a Title V facility with the potential to emit the following annually: 104.8 tons of particulate; 135.2 tons of NOx; 91.1 tons of SO<sub>2</sub>; 439.3 tons of CO; and 49.0 tons of VOCs. The applicant has taken restrictions on the annual emissions of NOx and VOC. The main sources two combined cycle gas combustion turbines will have short term limits on the emissions of NOx, CO, particulate, SO<sub>2</sub>, VOC and sulfuric acid. The facility is subject to 40 CFR Part 60, Subpart GG, Standards of Performance for New Stationary Sources; 40 CFR Part 52, Prevention of Significant Deterioration; 40 CFR Part 72, Acid Rain; 25 Pa. Code Chapter 127, Subpart E; and 25 Pa. Code Chapter 145. The permit will include monitoring, testing, recordkeeping, work practices and reporting requirements designed to keep the facility operating within all applicable air requirements.

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

**10-00285: Waste Management Disposal Services PA, Inc.** (1436 West Sunbury Road, West Sunbury, PA 16061) for reissuance of a Title V Operating Permit to operate their Northwest Sanitary Landfill in Clay Township, **Butler County**.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**36-03101: Pennfield Corp.** (3579 Hempland Road, Lancaster, PA 17601) for operation of a feed plant in East Hempfield Township, **Lancaster County**. Actual PM<sub>10</sub>, SOx and NOx emissions are expected to be less than 2 TPY, less than 3 TPY and less than 2 TPY respectively. The State-only operating permit will contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**33-00148: Brockway Mould Inc.** (Route 219, Brockport, PA 15823) for a Natural Minor operating permit to manufacture glass molds in Snyder Township, **Jefferson County**.

**25-00066: Acurrude Erie L. P.** (1015 East 12th Street, Erie, PA 16503) for a Natural Minor Permit to operate a forging plant for production of aluminum truck wheels and tire molds in Erie, **Erie County**.



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**PUBLIC HEARINGS**


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*Southeast Region: Air Quality Program, 2 East Main Street, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**OP-15-0104: Tasty Baking Oxford, Inc.** (700 Lincoln Street, Oxford, PA) a proposed revision to the State implementation plan for VOCs and notice of public hearing for their facility in Oxford Township, **Chester County**. The hearing, originally scheduled for 2 p.m. on February 18, 2004, in the Schuylkill River Room, Southeast Regional Office, 2 East Main Street, Norristown, Montgomery County, has been temporarily postponed.

**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); 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 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 an 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 district mining office indicated before an application 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, 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 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 the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the 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; the 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)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	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.*

**54980101R and NPDES PA0223921. Reilly Mineral Resources, Inc.** (P. O. Box 989, Pottsville, PA 17901), renewal of anthracite surface mine and for existing discharge of treated mine drainage in Walker Township,

**Schuylkill County**, affecting 817.0 acres. Receiving streams: Schuylkill River. Application received January 27, 2004.

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

**32841602. NPDES Permit No. PA0092631, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** and related NPDES permit from Mears Enterprises, Inc. No additional discharges. Application received December 17, 2003.

**32850701. NPDES Permit No. PA0213683, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA

15650), to transfer the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES permit from Mears Enterprises, Inc. No additional discharges. Application received December 17, 2003.

**30830701. NPDES Permit No. PA0214124, Consolidation Coal Company** (R. D. 4, Box 425, Moundsville, WV 26041), to renew the permit for the Dilworth Rock Disposal Area in Cumberland Township, **Greene County** and related NPDES permit. No additional discharges. Application received January 22, 2004.

**32011302. NPDES Permit No. PA0235521, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Gillhouser Run Mine in Buffington and Brush Valley Townships, **Indiana County** and related NPDES permit from Laurel Energy, LP. No additional discharges. Application received January 26, 2004.

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

**33990105 and NPDES Permit No. PA0228001. S & M Mining** (15 Rayne Run Road, Marion Center, PA 15759). Renewal of an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County**, affecting 226.0 acres. Receiving streams: unnamed tributary to Sandy Lick Creek and Sandy Lick Creek (CWF). The first downstream potable water supply intake from the point of discharge is Reynoldsville Public Water Authority. Application for reclamation only. Application received January 26, 2004.

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

**56980110 and NPDES Permit No. PA0234940. Fritz Coal, Inc.** (412 Brownstown Hill, Stoystown, PA 15563), permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 50.9 acres. Receiving streams: unnamed tributaries to and Wells Creek (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Somerset County Municipal Authority Stonycreek Surface Water Withdrawal. Application received January 20, 2004.

#### *Coal Applications Withdrawn*

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

**40030201. Jeddo-Highland Coal Company** (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), commencement, operation and restoration of an anthracite refuse reprocessing operation in Exeter Borough, **Luzerne County**, affecting 83.7 acres. Receiving stream: None. Application received February 24, 2003. Application withdrawn: January 27, 2004.

#### *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	35mg/l	70mg/l	90mg/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.

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

**8274SM4A2C5. Rohrer's Quarry, Inc.** (70 Lititz Road, Lititz, PA 17543), depth correction for an existing quarry operation in Penn and Warwick Townships, **Lancaster County**, affecting 168.2 acres. Receiving streams: unnamed tributary to Conestoga Creek. Application received January 22, 2004.

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

**56920302 and NPDES Permit No. PA0212326. New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit, Shade Township, **Somerset County**. Receiving streams: Laurel Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Withdrawal. NPDES renewal application received January 20, 2004.

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

**26990301 and NPDES Permit No. PA0202584. Vanderbilt Aggregates, LLC** (P. O. Box 125, Uniontown, PA 15401). Transfer application from Carbon Fuel Resources, Inc. for an existing noncoal surface mine in Dunbar Township, **Fayette County**, affecting 297 acres. Receiving streams: unnamed tributaries to Dickerson Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Transfer application received January 16, 2004.

## **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 regional 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 regional 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.*

**E09-870. Township of Middletown**, 3 Municipal Way, Langhorne, PA 19047, Middletown Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Delaware Avenue Park Flood Abatement Project:

1. To construct approximately 1,300 linear feet of watercourse to facilitate the relocation and filling of approximately 1,200 linear feet of an unnamed tributary to Mill Creek (WWF).

2. To construct and maintain an approximately 990-foot long earthen flood levee and two floodwalls measuring approximately 417 feet and 712 feet long within the floodplain of the unnamed tributary to Mill Creek impacting 1,200 linear feet of stream and 0.01 acre of adjacent wetlands. The height of the flood levee berm will range from approximately 3.5 feet to 7.5 feet and the top of the berm will be 10 feet wide. The height of the floodwalls will range from 0 to 8.5 feet. The total length of the flood control project will be 2,120 feet.

3. To construct and maintain 1.60 acres of wetlands in the floodplain of the unnamed tributary to Mill Creek and within a proposed stormwater management facility.

4. To construct and maintain a stormwater basin and collection system associated with the interior drainage of the flood control structure.

5. To construct and maintain a footbridge across the proposed relocated channel.

The project proposes to directly impact a total of 1,200 linear feet of watercourse and 0.01 acre of wetlands. The

site is just southwest of the intersection of Lincoln Highway (SR 0001) and New Rodgers Road (SR 0413) (Langhorne, PA USGS Quadrangle N: 6.5 inches; W: 4.2 inches) in Middletown Township, Bucks County.

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

**E45-459. Stroudsburg Municipal Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301 in Stroud Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To realign and stabilize approximately 800 feet of Brodhead Creek (HQ-CWF) to protect and maintain the Stroudsburg Municipal Authority dam and water intake structure which is used for a public drinking water system. The project is approximately 1,000 feet upstream of Stokes Avenue (East Stroudsburg, PA Quadrangle N: 3.3 inches; W: 10.6 inches).

**E40-630. Hockman Company**, 220 Pine Ridge Road, Tunkhannock, PA 18657 in Rice Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) three road crossings (including one stream enclosure) of tributaries to Little Wapwallopen Creek (CWF) and wetlands, impacting a total of approximately 470 linear feet including culverts and upstream/downstream riprap protection; (2) 10-foot wide access paths across wetlands for each of 31 lakefront parcels; (3) two 15-foot wide stone boat launch ramps (one at the upper lake and one at the lower lake); (4) two 38-foot by 10-foot pile-supported docks (one at the upper lake and one at the lower lake); (5) two 6-inch PVC dry hydrant intake structures; and (6) two sanitary sewer line crossings, for the purpose of constructing 120 building lots, access roads, utilities and stormwater management facilities for the Ice Lakes Subdivision. The project will impact a total of approximately 0.53 acre of wetlands. The project is on a 502-acre site along the south side of Nuangola Road (SR 2042), approximately 1 mile east of SR 0081.

**E45-460. Shawnee Holding, Inc.**, P. O. Box 67, 1 River Road, Shawnee, PA 18356 in Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a seasonal timber bridge having 14 spans totaling 286 feet and an underclearance of approximately 17.5 feet across a side channel of the Delaware River. The bridge will be attached to existing concrete abutments and will serve as access to 24 golf holes on Shawnee Island. The project is at the Shawnee Inn and Golf Resort, approximately 0.5 mile southwest of the intersection of SR 2023 and Township Road, T-663 (Bushkill, PA-NJ Quadrangle N: 1.1 inches; W: 16.0 inches).

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

**E07-380. Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648 in Hollidaysburg Borough and Allegheny Township, **Blair County**.

To construct and maintain: (1) a 68-foot by 24-inch sanitary sewer crossing of Beaverdam Branch (TSF) (Hollidaysburg, PA Quadrangle N: 9.1 inches; W: 2.7 inches); (2) an 85-foot by 24-inch sanitary sewer crossing of Beaverdam Branch (Hollidaysburg, PA Quadrangle N: 9.9 inches; W: 3.5 inches); (3) a 21-foot by 18-inch sanitary sewer crossing of an unnamed tributary to Beaverdam Branch (WWF) (Hollidaysburg, PA Quad-

rangle N: 10.3 inches; W: 3.9 inches); (4) a 30-foot by 18-inch sanitary sewer crossing of an unnamed tributary to Beaverdam Branch (Hollidaysburg, PA Quadrangle N: 10.7 inches; W: 4.3 inches); (5) a 4-foot by 18-inch sanitary sewer crossing of an unnamed tributary to Beaverdam Branch (Hollidaysburg, PA Quadrangle N: 10.8 inches; W: 4.9 inches); (6) a 45-foot by 18-inch sanitary sewer crossing of an unnamed tributary to Beaverdam Branch (Hollidaysburg, PA Quadrangle N: 10.7 inches; W: 5.0 inches); (7) 0.28 acre of temporary PFO wetland impacts for four separate sanitary sewer wetland crossings (Hollidaysburg, PA Quadrangle N: 10.2 inches; W: 3.8 inches, N: 10.4 inches; W: 4.0 inches, N: 10.8 inches; W: 4.9 inches, N: 10.8 inches; W: 4.5 inches); (8) a 15-inch storm sewer outfall with riprap apron in Beaverdam Creek (Hollidaysburg, PA Quadrangle N: 10.1 inches; W: 3.6 inches); and (9) 0.002 acre of permanent PFO wetland impact for a 15-inch outfall with riprap apron (Hollidaysburg, PA Quadrangle N: 10.4 inches; W: 3.8 inches) all for the purpose of upgrading the Legion Park Interceptor in Hollidaysburg Borough and Blair and Allegheny Townships, Blair County. The project proposes to directly impact 253 linear feet of stream channel, temporarily impact 0.23 acre of PFO wetlands and permanently impact 0.002 acre of PFO wetlands. The amount of permanent wetland impact is considered a de minimis impact and wetland mitigation is not required.

**E22-467: James D. Novinger**, 1213 Paxton Church Road, Harrisburg, PA 17110 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To: (1) redeck and maintain the existing bridge structure over Stony Creek (CWF); (2) to install and maintain a dual culvert crossing across an unnamed tributary to Stony Creek (CWF) and wetlands; and (3) to modify and enlarge an existing on-stream pond within an unnamed

tributary to Stony Creek (CWF), all for the purpose of reconstructing a single family residential home, at 815 Stony Creek Road, just east of Dauphin Borough (Halifax, PA Quadrangle N: 0.7 inch; W: 3.7 inches) in Middle Paxton Township, Dauphin County.

**E67-761: Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Jackson Township, **York County**, ACOE Baltimore District.

To remove a 12-foot long box culvert and its wingwalls at the downstream end of an existing 10-foot by 5-foot stream enclosure and then to construct and maintain a 10-foot by 5-foot by 53-foot long box culvert at the channel of an unnamed tributary to Codorus Creek (WWF) to be connected at the downstream end of the existing structure to improve the turning lane and roadway alignment of SR 0116, Section 013, just north of Spring Grove Borough (West York, PA Quadrangle N: 1.5 inches; W: 15.93 inches) in Jackson Township, York County.

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

**E41-533. Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. Lycoming County Wastewater Collection Expansion in Woodward Township, **Lycoming County**, ACOE Baltimore District (Linden, PA Quadrangle N: 15.76 inches; W: 7.14 inches).

To construct, operate and maintain approximately 5 miles of 1.5-inch to 8-inch force mains and approximately 5 miles of 8-inch gravity sanitary sewer line within the Susquehanna River watershed (WWF) for the treatment of municipal wastewater. Construction of the sanitary sewer lines will require the 13 stream and 4 wetland crossings are as follows:

<i>Stream Name</i>	<i>Number of Crossings</i>	<i>Total Length of Crossings</i>
Unnamed tributaries Pine Run	2	108.0 feet
Unnamed tributaries Susquehanna River	8	408.0 feet
Unnamed tributaries Quenshukeny Run	1	61.0 feet
Quenshukeny Run	1	67.0 feet
Daugherty Run	1	46.0 feet
Wetland (adjacent to Pine Run)	1	100.0 feet
Wetland (adjacent to Pine Run)	1	180.0 feet
Wetland (adjacent to Pine Run)	1	140.0 feet
Wetland (near Northway Road)	1	80.0 feet

All sewer line crossings shall be constructed with a minimum of 3 feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing a waterway or wetland to ensure the hydrology of the streams or wetland is not altered. The project will impact 500 linear feet of jurisdictional wetlands and 690 feet of waterway. The project is along the northern and southern right-of-way of SR 0220 approximately 5.33 miles east of Williamsport corporate boundary online SR 0220.

**E59-450. Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. Brownlee raw water conveyance line replacement in Charleston and Duncan Townships, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 10.3 inches; W: 1.3 inches).

The application proposes to replace 3,925 linear feet of clay tile water conveyance line with new 12-inch ductile iron pipe. The application proposes to have 11 temporary wetland crossings and 1 stream crossing with a total of

860 linear feet and a right of way width of 30 feet. The work is proposed in the headwaters of Charleston Creek (WWF).

**E59-451. Department of Conservation and Natural Resources**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105. Mine Hole Road over Mine Hole Run in Morris Township, **Tioga County**, ACOE Baltimore District (Cedar Run, PA Quadrangle N: 10.1 inches; W: 11.5 inches).

The applicant proposes to remove the existing bridge and appurtenant substructures and to construct and maintain a precast reinforced concrete arch with a single clear span of 24.0 feet, 8-foot rise and a length of 86.03 feet. This structure will have precast reinforced concrete wing walls and cast-in-place reinforced concrete strip footings. Other proposed activities involve: (1) constructing 65-foot long cast-in-place reinforced concrete retaining wall along the far left roadway embankment; (2) constructing a rock lined drainage ditch along the far right

approach with 18 inches of thermoplastic cross pipes at two different locations with stone masonry inlet headwalls; (3) permanently fill 0.01 acre of wetland area as a result of roadway embankment placement and proposed retaining wall; and (4) place R-8 riprap for scour protection along the arch, wing walls and retaining wall. The proposed project will directly affect approximately 365 linear feet of Mine Hole Run (EV) permanently impact 0.01 acre of wetland and temporarily impact 0.023 acre of wetland.

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

**E56-328. Turnpike Creamery Partners, LLC, 2279 West Bakersville Edie Road, Somerset, PA 15501.** Turnpike Creamery Partners, LLC floodway fill in Somerset Borough, **Somerset County**, Pittsburgh ACOE District (Somerset, PA Quadrangle N: 3.1 inches; W: 11.05 inches) (Latitude: 40° 01' 02"—Longitude: 79° 04' 43"). The applicant proposes to place and maintain fill in the 100-year floodway along approximately 400 feet of an unnamed tributary to Coxes Creek (WWF) for the purpose of constructing a commercial development. The project is off of North Center Avenue.

**E65-838. Blairsville Municipal Authority, 203 East Market Street, Blairsville, PA 15717.** Conemaugh River Intake in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Blairsville, PA Quadrangle N: 8.1 inches; W: 1.0 inch) (Latitude: 40° 25' 10"—Longitude: 79° 15' 27"). The applicant proposes to construct and maintain a water supply intake in the Conemaugh River (WWF) including a pump station, piping and appurtenances. The project is off of SR 1014, approximately 0.5 mile from its intersection with SR 217.

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

**E43-306, Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301.** SR 0518, Section A00, Segment 0160, Offset 0575 Across Pine Hollow Run in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 1.5 inches; W: 11.3 inches).

To remove the existing bridge and to construct and maintain a 43-foot wide prestressed concrete I-beam bridge having two clear spans 137 feet and one span of 122 feet and an underclearance of 44.5 feet across Pine Hollow Run on SR 0518, Section A00, Segment 0160, Offset 0575 approximately 1,500 feet east of SR 18. The proposed bridge is on a new alignment upstream of the existing bridge and involving realignment of a total of approximately 2,700 feet of roadway. Two temporary stream crossings will be utilized consisting of a series of six 35-foot long culverts and clean rock fill approximately 200 and 350 feet upstream of the existing SR 518 bridge.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA01-007CO. Conway Smith, 312 Lingg Road, New Oxford, PA 17350.** Oxford Township, **Adams County**, ACOE Baltimore District. Project proposes to modify an existing nonjurisdictional dam across a tributary to South Branch Conewago Creek (WWF). The project will involve placing fill on the downstream toe of the dam to reduce the slope to facilitate maintenance. This project will impact 0.03 acre of palustrine emergent wetlands. The Department has determined these impacts to be de minimis and will not require wetland compensation. The dam is along T480 approximately 1,800 feet northwest of the intersection of T480 and T502 (McSherrystown, PA Quadrangle N: 18.3 inches; W: 7.4 inches).

**D13-006EA. Lehighon Water Authority, P. O. Box 29, Lehighon, PA 18235.** Mahoning Township, **Carbon County**, ACOE Philadelphia District. The project proposes to breach and remove Packerton Dam across Beaverdam Run (CWF) for the purpose of eliminating a public safety hazard and restoring the stream to a free flowing condition. The dam is along Packerton Dam Road (SR 3006) approximately 700 feet northeast of the intersection of Packerton Dam Road and T416 (Lehighon, PA Quadrangle N: 17.30 inches; W: 14.35 inches).

**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 NOIs for coverage under general NPDES permits. The approval for coverage under 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. 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

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

<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>
PA0063240	Lehigh Township Municipal Authority 1069 Municipal Road Walnutport, PA 18088	Lehigh Township Northampton	Bertsch Creek 2C	Y
PA0063282	Fairland Sewer Co., Inc. 5426 Route 873 Schnecksville, PA 18078	North Whitehall Township Lehigh County	Unnamed tributary to Fells Creek 2C	Y
PA0063568-A1	Northampton Borough Municipal Authority 1 Clear Springs Drive P. O. Box 156 Northampton, PA 18067-0156	Lehigh County Whitehall Township	Spring Creek 2C	Y

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

<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>
PA0228052 Sewage	Allen's True Value, Inc. 759 Susquehanna Trail Watsonstown, PA 17777	Northumberland County Delaware Township	Unnamed tributary of Muddy Run 10D, WWF	Y
PA0113891 Sewage	Deric Atkins Beavertown Family Restaurant R. R. 2, Box 2407 Beavertown, PA 17813	Snyder County Beaver Township	Unnamed tributary of Middle Creek 6A	Y
PA0208566 Industrial Waste	BTR Inc. P. O. Box 355 Milton, PA 17847	Northumberland County Turbot Township	Storm sewer to Limestone Run 10D	Y
PA0113484 Sewerage	William E. Robinson 1727 W. Roosevelt Highway Mansfield, PA 16933	Richmond Township Tioga County	UNT to North Elk Run 4A	Y
PA0112950 Sewerage	Sunoco, Inc. 5733A Butler Street Pittsburgh, PA 15201-2115	Lower Mahanoy Township Northumberland County	Fidlers Run 6-B	Y
PA0021881	Westfield Borough 429 East Main Street Westfield, PA 16950	Tioga County Westfield Township	Cowanesque River 4A	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>
PA0205036 Industrial Waste	Mostoller Landfill, Inc. 7095 Glades Pike Somerset, PA 15501	Somerset County Brothersvalley and Somerset Townships	UNT to Kimberly Run (Wetland)	Y
PA0025941 Sewage	Canonsburg Houston Joint Authority 68 East Pike Street Canonsburg, PA 15317	Washington County Cecil Township	Chartiers Creek	N
PA0028711 Sewage	Peters Township Sanitary Authority 3244 Washington Road McMurray, PA 15317-3153	Washington County Peters Township	Brush Run	N
PA0033723 Sewage	The Davis Company, LLC P. O. Box 551 Waynesburg, PA 15370	Greene County Wayne Township	Roberts Run	Y
PA0044679 Sewage	Pigeon Creek Sanitary Authority P. O. Box 504 513 Main Street Bentleyville, PA 15314	Washington County Fallowfield Township	Pigeon Creek	N
PA0217867 Sewage	DeSimone Personal Care Home Inc. 6383 Tuscarawas Road Midland, PA 15059	Beaver County Ohioville Borough	Drainage swale tributary to UNT of Upper Dry Run	Y

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

<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>
PA0001945	Wampum Cement Plant 2001 Portland Park Wampum, PA 16158	Wampum Borough Lawrence County	Unnamed tributary to Beaver Run 20-B	Y
PA0221287	Suburban Animal Clinic 101 Thorncrest Drive Butler, PA 16002	Penn Township Butler County	Unnamed tributary to Thorn Creek 20-C	Y
PA0090590	Port O'Call Mobile Home Park Church Road Butler, PA 16002	Penn Township Butler County	Unnamed tributary to Glade Run 20-C	Y
PA0005321	Universal Rundle Corporation 372 Rundle Road P. O. Box 891 New Castle, PA 16102	Taylor Township Lawrence County	Shenango River 20-A	Y
PA0034215	Whitehaven Campground 4007 Westford Road Jamestown, PA 16134-6735	South Shenango Township Crawford County	Unnamed tributary to Pymatuning Reservoir	Y

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

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

**NPDES Permit No. PA0042129, Amendment No. 1, Sewage, United States Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, VA 23510-1096.** Authorized to discharge from a facility at 1625 Berks Road, Worcester, PA 19490. This proposed facility is in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to reflect the change in effective dated for the final water quality based effluent limit for TRC.

**NPDES Permit No. PA027987, Sewage, Sunoco Inc., East Quaker Park Building, 1001 Hector Street, 4th Floor, Conshohocken, PA 19428.** This proposed facility is in Wallace Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to Marsh Creek-3H Brandywine.

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

**NPDES Permit No. PA0062260-A1, Sewage, Brookmont Health Care Center, LLC, Brookmont Drive, Effort, PA 18330-0050.** This proposed facility is in Chestnuthill Township, **Monroe County**.

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

**NPDES Permit No. PA0064301**, Sewage, **Alfonso Bellucci**, 685 South Mountain Boulevard, Mountain Top, PA 18707. This proposed facility is in Dorrance Township, **Luzerne County**. Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

**NPDES Permit No. PA0084778**, Sewage, **Granville Township Supervisors, Strodes Mills STP**, 100 Helen Street, Lewistown, PA 17044. This proposed facility is in Oliver Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Strodes Run in Watershed 12-A.

**NPDES Permit No. PA0088676**, Sewage, **Creek View Mobile Home Community Sewage Association, Inc.**, 595 Greason Road, Carlisle, PA 17013. This proposed facility is in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PA0247189**, CAFO, **Country View Family Farms, Inc., Willow Hill Breeding Farm**, 436 South Angle Street, Mount Joy, PA 17552. This proposed facility is in Metal Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,449-AEU swine farm in Watershed 13-C.

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

**PA0228761**, SIC 4952, **Bakercrest Home for the Elderly**, R. D. 2, Box 195, Millerton, PA 16936. This proposed facility will be in Rutland Township, **Tioga County**.

Description of Proposed Activity: The applicant proposed the construction of a 5,000 gpd sewage treatment plant to serve a 35-bed nursing home, replacing the failed on-lot system.

The receiving stream, unnamed tributary to Bear Creek, is in the State Water Plan watershed 4A and is classified for TSF. The nearest downstream public water supply intake considered during this evaluation is the PA-NY border on the Tioga River, 24 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD:

Parameter	Average Monthly (mg/L)	Average Weekly (mg/L)	Maximum Daily (mg/L)	Instantaneous Maximum (mg/L)
CBOD <sub>5</sub>	10			20
TSS	20			40
NH <sub>3</sub> -N	Report			
TRC	Report			
pH			6.0 to 9.0 at all times	
Fecal Coliform			200/100 mL as geometric average	

**PA0028665**, SIC 4952, **Jersey Shore Borough**, P. O. Box 526, Jersey Shore, PA 17740. This facility is in Jersey Shore Borough, **Lycoming County**.

Description of Proposed Activity: Amendment of an NPDES permit to include discharge of site stormwater through Outfalls S01 and S02.

The receiving stream, Lawshe Run (Outfalls S01 and S02), is in the Lycoming watershed 10-A and is classified for WWF and aquatic life, water supply and recreation. The nearest downstream public water supply intake is the Pennsylvania American Water Company, approximately 40 miles downstream.

The proposed effluent limits for Outfalls S01 and S02 include: Annual stormwater inspection and best management practices.

Other Conditions: Stormwater management requirements.

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

**NPDES Permit No. PA025290**, Sewage, **Center Township**, P. O. Box 435, 100 Municipal Drive, Rogersville, PA 15359. This proposed facility is in Center Township, **Greene County**.

Description of Proposed Action/Activity: Discharge to the receiving waters, known as South Fork Tenmile Creek.

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

**NPDES Permit No. PA0239364**, Sewage, **Gail A. and Richard H. Cannon**, 2482 West Washington Street, Bradford, PA 16701. This proposed facility is in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to Willow Creek.

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

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

**WQM Permit No. 5403406**, Sewerage, **New Ringgold Borough**, P. O. Box 180, New Ringgold, PA 17960. This proposed facility is in New Ringgold Borough, **Schuylkill County**.



Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4597402-T1**, Sewerage, **Brookmont Health Care Center, LLC**, Brookmont Drive, Effort, PA 18330-0050. This proposed facility is in Chestnuthill Township, **Monroe County**.

Description of Proposed Action/Activity: Transfer and issuance of Water Quality Management Permit.

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

**WQM Permit No. 3601405, Amendment 04-1**, Sewerage, **Black Rock Retreat Association**, 1345 Kirkwood Pike, Quarryville, PA 17566. This proposed facility is in Colerain Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

**WQM Permit No. 2102410**, Sewerage, **Creek View Mobile Home Community Sewage Association, Inc.**, 595 Greason Road, Carlisle, PA 17013. This proposed facility is in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

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

**WQM Permit No. 1403202**, Industrial Waste 4941, **State College Borough Water Authority**, 1201 West Branch Road, State College, PA 16801-7697. This proposed facility is in Harris Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of a WQM Part II Permit for construction of a discharge absorption area to accept supernatant return from the existing solids separation tank and filtrate from the existing sludge drying bed at the State College Borough public water supply treatment plant.

**WQM Permit No. 0803408**, Sewerage 4952, **John A. Zeisel**, 1185 Poquessing Avenue, Andalusia, PA 19020. This proposed facility is in Burlington Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a single residence sewage plant. The sewage plant will be an aerobic tank, two free access sand filters and chlorination.

**WQM Permit No. 1795409-T1**, Sewerage 4952, **Tim Dixon**, R. D. 2, Box 388-A, DuBois, PA 15801. This facility is in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: The respective WQM permit will be transferred from J. Calvin Dixon to Tim Dixon. There are no changes to the permit, other than the ownership transfer.

**WQM Permit No. 1703406**, Sewerage 4952, **Evergreen Youth Services, Inc.**, R. D. 1, Box 486, Mifflintown, PA 17059. This proposed facility is in Beccaria Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Part II Permit for construction of a package treatment plant to serve an existing institutional home for children. The discharge will be to the headwaters of Cofinan Run.

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

**WQM Permit No. 1003416**, Sewerage, **Ronald M. and Nancy J. Nalepa**, 2482 Oneida Valley Road, Petrolia, PA 16050. This proposed facility is in Forward Township, **Butler County**.

Description of Proposed Action/Activity: Sewerage discharge for a single residence.

**WQM Permit No. 4203405**, Sewerage, **Gail A. and Richard H. Cannon**, 2482 West Washington Street, Bradford, PA 16701. This proposed facility is in Corydon Township, **McKean County**.

Description of Proposed Action/Activity: Sewerage discharge for a single residence.

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

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*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>	<i>Department Protocol (Y/N)</i>
PAI132222	Lower Macungie Township 3400 Brookside Road Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF	N
PAI132229	Wind Gap Borough 29 Mechanic Street Wind Gap, PA 18091	Northampton	Wind Gap Borough	Tributary to Little Bushkill Creek HQ-CWF	Y
PAI132207	Borough of Freemansburg 600 Monroe Street Freemansburg, PA 18017	Northampton	Freemansburg Borough	Catasauqua Creek CWF Nancy Run HQ-CWF	Y

## NOTICES

<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>
PAI132208	Williams Township 655 Cider Press Road Easton, PA 18042	Northampton	Williams Township	Fry Run HQ-CWF Bull Run CWF	Y
PAI132212	East Allen Township 5344 Nor-Bath Blvd. Northampton, PA 18067	Northampton	East Allen Township	Catasauqua Creek CWF Monocacy Creek HQ-CWF	Y
PAI132203	Scranton City Rear 800 Providence Rd. Scranton, PA 18508	Lackawanna	Scranton City	Lackawanna River WWF Meadow Brook CWF Stafford Meadow Brook HQ-CWF Roaring Brook CWF Leggetts Creek TSF Leach Creek TSF Keyser Creek CWF Lindy Run CWF Lucky Run CWF	Y
PAI132224	Lackawanna County 200 Adams Avenue Scranton, PA 18503	Lackawanna		Lackawanna River HQ-CWF Rush Brook CWF Wildcat Creek CWF Hull Creek CWF Keyser Creek CWF Unnamed tributaries to Lackawanna River and Spring Brook CWF	Y
PAI132230	Wilson Borough 2040 Hay Terrace Easton, PA 18042-4617	Northampton	Wilson Borough	Lehigh River WWF Bushkill Creek HQ-CWF	Y

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


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

<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>
PAG136108	Cokeburg Borough Box 474 Cokeburg, PA 15324	Washington	Cokeburg Borough	Pigeon Creek WWF	NA

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<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>
PAG136111	Allenport Borough P. O. Box 186 Allenport, PA 15412	Washington	Allenport Borough	Monongahela River WWF Hooders Run WWF	NA
PAG136113	Pennsbury Village Borough 1043 Pennsbury Boulevard Pittsburgh, PA 15205	Allegheny	Pennsbury Village Borough	Unnamed tributary of Campbells Run WWF	NA
PAG136125	Dawson Borough P. O. Box A Dawson, PA 15428	Fayette	Dawson Borough	Youghiogheny River WWF Unnamed tributaries of Youghiogheny River WWF	NA
PAG136126	Vanderbilt Borough P. O. Box 475 Vanderbilt, PA 15486	Fayette	Vanderbilt Borough	Dickerson Run WWF	NA
PAG136132	Dunlevy Borough P. O. Box 18 Dunlevy, PA 15432	Washington	Dunlevy Borough	Monongahela River WWF Unnamed tributaries of Monongahela River WWF	NA
PAG136136	South Versailles Township P. O. Box 66 Coulter, PA 15028	Allegheny	South Versailles Township	Youghiogheny River WWF Crawford Run WWF	NA
PAG136157	Big Beaver Borough 114 Forest Drive Darlington, PA 16115	Beaver	Big Beaver Borough	Clarks Run WWF Unnamed tributaries of Clarks Run WWF	NA
PAG136167	Hunker Borough P. O. Box 350 Hunker, PA 15639	Westmoreland	Hunker Borough	Sewickley Creek WWF Belson Run WWF	NA
PAG136168	Haysville Borough 16 River Road Sewickley, PA 15143	Allegheny	Haysville Borough	Ohio River WWF	NA
PAG136169	Fallston Borough 158 Beaver Street New Brighton, PA 15066	Beaver	Fallston Borough	Beaver River WWF Brady Run TSF	NA
PAG136170	Darlington Township 3590 Darlington Road Darlington, PA 16155	Beaver	Darlington Township	North Fork Little Beaver Creek HQ-CWF	NA
PAG136182	Darlington Borough P. O. Box 8 Darlington, PA 16115	Beaver	Darlington Borough	Little Beaver Creek WWF	NA
PAG136186	Everson Borough 232 Brown Street Everson, PA 15631	Fayette	Everson Borough	Jacobs Creek WWF	NA

<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>
PAG136187	Freeport Borough 414 Market Street Freeport, PA 16229	Armstrong	Freeport Borough	Buffalo Creek TSF Allegheny River WWF	NA
PAG136189	South Huntingdon Township 75 Supervisor Drive West Newton, PA 15089	Westmoreland	South Huntingdon Township	Youghiogheny River WWF Sewickley Creek WWF	NA
PAG136190	Chalfant Borough 144 Lynwood Avenue East Pittsburgh, PA 15112	Allegheny	Chalfant Borough	Turtle Creek WWF	NA
PAG136196	Turtle Creek Borough 125 Monroeville Avenue Turtle Creek, PA 15145	Allegheny	Turtle Creek Borough	Thompson Run WWF	NA
PAG136201	North Braddock Borough 600 Anderson Street North Braddock, PA 15104	Allegheny	North Braddock Borough	Turtle Creek WWF	NA
PAG136206	Amwell Township 885 Amity Ridge Road Amity, PA 15311	Washington	Amwell Township	Chartiers Creek WWF	NA
PAG136215	Fawn Township 3054 Howes Run Road Tarentum, PA 15084	Allegheny	Fawn Township	Bull Creek TSF	NA
PAG136220	Crafton Borough Crafton Municipal Building 100 Stotz Avenue Pittsburgh, PA 15205	Allegheny	Crafton Borough	Chartiers Creek WWF Unnamed tributaries of Chartiers Creek WWF Bells Run WWF	NA
PAG136223	Osborne Borough P. O. Box 97 Sewickley, PA 15143-0097	Allegheny	Osborne Borough	Ohio River WWF Parks Run WWF Hays Run WWF Davis Run WWF	NA
PAG136224	Dale Borough 810 Bedford Street Johnstown, PA 115902	Cambria	Dale Borough	Solomon Run WWF	NA
PAG136226	South Buffalo Township 384 Iron Bridge Road Freeport, PA 16229	Armstrong	South Buffalo Township	Allegheny River WWF	NA
PAG136228	Bridgewater Borough 199 Boudry Lane Bridgewater, PA 15009	Beaver	Bridgewater Borough	Beaver River WWF	NA
PAG136231	Lower Tyrone Township 456 Banning Road Dawson, PA 15428-1200	Fayette	Lower Tyrone Township	Youghiogheny River WWF Hickman Run WWF	NA

<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>
PAG136233	Scalp Level Borough 422 Main Street Windber, PA 15963	Cambria	Scalp Level Borough	Paint Creek CWF	NA
PAG136235	McDonald Borough 151 School Street McDonald, PA 15057	Washington	McDonald Borough	Robb Run WWF	NA
PAG136236	Stockdale Borough 432 Locust Street Stockdale, PA 15483	Washington	Stockdale Borough	Monongahela River WWF	NA
PAG136237	Ben Avon Heights Borough 7 Biddebord Road Pittsburgh, PA 15202	Allegheny	Ben Avon Heights Borough	Unnamed tributaries of Lowries Run TSF Unnamed tributaries of Ohio River WWF Unnamed tributary of Spruce Run WWF	NA
PAG136241	Thornburg Borough 1133 Dartmouth Road Pittsburgh, PA 15205-1735	Allegheny	Thornburg Borough	Chartiers Creek WWF Unnamed tributaries of Chartiers Creek WWF	NA
PAG136243	Wall Borough 326 Seeley Avenue Wall, PA 15148	Allegheny	Wall Borough	Turtle Creek WWF	NA
PAG136251	Youngstown Borough P. O. Box 56 Youngstown, PA 15696	Westmoreland	Youngstown Borough	Sawmill Run WWF Nine Mile Run WWF	NA
PAG136253	Sewickley Heights Borough Country Club Road Sewickley, PA 15143-9402	Allegheny	Sewickley Heights Borough	Kilbuck Run CWF Unnamed tributaries of Ohio River WWF	NA
PAG136254	Upper Tyrone Township 259 Montgomery Road Scottsdale, PA 15683	Fayette	Upper Tyrone Township	Jacobs Creek WWF	NA
PAG136255	Rosslyn Farms Borough 421 Kings Highway Carnegie, PA 15106	Allegheny	Rosslyn Farms Borough	Chartiers Creek WWF	NA
PAG136256	Donora Borough 603 Meldon Avenue Donora, PA 15033	Washington	Donora Borough	Monongahela River WWF	NA
PAG136258	Arona Borough P. O. Box 131 Arona, PA 15617	Westmoreland	Arona Borough	Little Sewickley Creek TSF	NA
PAG136259	Aspinwall Borough 217 Commercial Avenue Aspinwall, PA 15215	Allegheny	Aspinwall Borough	Allegheny River WWF	NA

## NOTICES

<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>
PAG136265	Hanover Township 901 Steubenville Pike Burgettstown, PA 15021	Washington	Hanover Township	Harmon Creek WWF	NA
PAG136283	Monessen City Municipal Building 100 3rd Street Monessen, PA 15062	Westmoreland	Monessen City	Monongahela River WWF	NA
PAG136286	Ferndale Borough 109 Station Street Johnstown, PA 15905	Cambria	Ferndale Borough	Stonycreek River WWF	NA
PAG136293	East Rochester Borough 760 Spruce Avenue East Rochester, PA 15074	Beaver	East Rochester Borough	Lacock Run WWF Fosburg Run WWF Unnamed tributary	NA
PAG136295	Koppel Borough P. O. Box 1 Koppel, PA 16136	Beaver	Koppel Borough	Beaver River WWF Stockman Run WWF	NA
PAG136297	Roscoe Borough P. O. Box 502 Roscoe, PA 15477	Washington	Roscoe Borough	Monongahela River WWF	NA
PAG136302	Adamsburg Borough P. O. Box 16 Adamsburg, PA 15611	Westmoreland	Adamsburg Borough	Little Sewickley Creek TSF Brush Creek TSF	NA
PAG136312	Glassport Borough 440 Monogahela Avenue Glassport, PA 15045	Allegheny	Glassport Borough	Monongahela River WWF Unnamed tributary of Youghioghney River WWF	NA
PAG136313	Homewood Borough P. O. Box 417 Racine, PA 15010	Beaver	Homewood Borough	Clarks Run WWF	NA
PAG136315	Sutersville Borough 320 Municipal Avenue Sutersville, PA 15083	Westmoreland	Sutersville Borough	Youghioghney River WWF	NA
PAG136316	South Heights Borough P. O. Box 302 South Heights, PA 15081	Beaver	South Heights Borough	Ohio River WWF	NA
PAG136319	Elco Borough P. O. Box 194 Elco, PA 15434	Washington	Elco Borough	Monongahela River WWF	NA
PAG136321	Daisytown Borough 93 Baiker Street Johnstown, PA 15902-1604	Cambria	Daisytown Borough	Solomon Run WWF Unnamed tributary of Stonycreek River WWF	NA
PAG136324	West Elizabeth Borough 800 Fourth Street West Elizabeth, PA 15088	Allegheny	West Elizabeth Borough	Monongahela River WWF	NA

<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>
PAG136333	Ligonier Township One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Ligonier Township	Loyalhanna Creek TSF	NA
PAG136334	North Bethlehem Township P. O. Box 105 Scenery Hill, PA 15360	Washington	North Bethlehem Township	Unnamed tributary of South Branch Pigeon Creek WWF	NA
PAG136335	Patterson Heights Borough 510 Eighth Avenue Beaver Falls, PA 15010	Beaver	Patterson Heights Borough	Beaver River WWF	NA
PAG136336	Glenfield Borough 105 River Road Sewickley, PA 15143	Allegheny	Glenfield Borough	Kilbuck Run CWF Toms Run WWF Ohio River WWF	NA
PAG136342	South Franklin Township 100 Municipal Road Washington, PA 15301	Washington	South Franklin Township	Chartiers Creek WWF Ten Mile Creek WWF	NA
PAG136346	Eastvale Borough 510 Second Avenue Beaver Falls, PA 15010	Beaver	Eastvale Borough	Beaver River WWF	NA
PAG136349	Middle Taylor Township 504 Waterfall Drive Johnstown, PA 15906	Cambria	Middle Taylor Township	Unnamed tributary of Conemaugh River WWF	NA
PAI136114	Somerset Township 615 Vanceville Road Eighty Four, PA 15330	Washington	Somerset Township	Little Chartiers Creek HQ-WWF North Branch Pigeon Creek WWF Oppossum Run WWF	NA
PAI136117	West Taylor Township 712 Cooper Avenue Johnstown, PA 15906	Cambria	West Taylor Township	Laurel Run HQ-CWF	NA
PAI136124	Bell Acres Borough 1153 Camp Meeting Road Sewickley, PA 15143	Allegheny	Bell Acres Borough	Unnamed tributary of Little Sewickley Creek HQ-TSF Unnamed tributary of East Branch of Big Sewickley Creek TSF	NA

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI084203004	Otter Exploration, Inc. 104 College Street Hudson, OH 44236	McKean	Lafayette Township	Lewis Run and Miam Run HQ-CWF

### 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 Plants
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
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>
Lehigh County Lower Milford Township	PAG2003903013	John J. Pileggi 1111 Easton Rd. Warrington, PA 18976	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Lehigh County Whitehall Township	PAG2003903023	Ken Snyder Spectrum Homes 3312 7th St. Whitehall, PA 18052	Jordan Creek TSF, MF	Lehigh County Conservation District (610) 391-9583
Luzerne County Plains Township	PAG2004004001	Mericle 620 Baltimore, LLC 100 Baltimore Dr. Wilkes-Barre, PA 18702	Laurel Run Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Plains Township	PAG2004004002	Three Fifteen Realty Corp. 1092 Route 315 Wilkes-Barre, PA 18702	Laurel Run Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Fairview Township	PAG2004003033	TDG Development, LLC 100 Colliery Rd. Dickson City, PA 18519	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Lower Saucon Township	PAG2004803049	Lower Saucon Township 3700 Old Philadelphia Pike Bethlehem, PA 18015	Saucon Creek CWF Source to Black River	Northampton County Conservation District (610) 746-1971
Tilden Township Berks County	PAR10C4442	Cabela's 100 Cabela's Drive Hamburg, PA 19526	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201



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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Tulpehocken Township Berks County	PAG2000604003	Mervin Martin 54 Mill Road Myerstown, PA 17067	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Walker Township Huntingdon County	PAG2003103012	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	UNT to Crooked Creek WWF	Huntingdon County Conservation District R. R. 1 Box 7C Huntingdon, PA 16652
Bradford County Canton Borough	PAG2000804001	Canton Borough Authority P. O. Box 237 Canton, PA 17724	Tannery, Towanda, Mill Creek CWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Benner Township	PAG2001403044	University Park Airport Pennsylvania State University 2535 Fox Hill Rd. State College, PA 16803	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA (814) 355-6817
Lycoming County Limestone Township	PAG2004103016	Department of Transportation P. O. Box 218 Montoursville, PA 17754	Antes Creek CWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Limestone Township	PAG2004103019	Dwayne Wasson 117 Knorr Rd. Jersey Shore, PA 17740	Antes Creek CWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Loyalsock Township	PAG2004103018	Loyalsock Township School District 1225 Clayton Ave. Williamsport, PA 17701	Millers Run WWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Snyder County Penn Township	PAG2005504001	Robert Sprenkle R. R. 3, Box 262H Selinsgrove, PA 17870	Middle Creek TSF	Snyder County Conservation District 403 West Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Beaver County Brighton Township	PAG2000403026	Rev. B. Timothy Michaux Assembly of God 500 Dutch Ridge Rd. Beaver, PA 15009	Two Mile Run WWF	Beaver County Conservation District (724) 774-7090

<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>
Indiana County Center Township	PAG003203010	John Armstrong Mystic Brooke Dev. 2460 Philadelphia St. Indiana, PA 15701	Unnamed tributary to Tearing Creek CWF Unnamed tributary to Yellow Creek CWF	Indiana County Conservation District (724) 463-8547
Somerset County Southampton Township	PAG2005603007	Brooke Grove Foundation 18100 Slade School Road Sandy Springs, MD 20860	Tributary to Jennings Run CWF	Somerset County Conservation District (814) 445-4652
Butler County Cranberry Township	PAR10E188-2	Donald Rodgers 215 Executive Drive Suite 300 Cranberry, PA 16001	Tributary to Brush Run WWF	Butler County Conservation District (724) 284-5270
Crawford County West Mead Township	PAG2002003012	Stanley Hopkins 13226 Leslie Rd. Meadville, PA 16335	Tributary to Mill Run WWF	Crawford County Conservation District (814) 724-1793
Erie County Wayne Township	PAG2002503055	Corry Area Industrial Development Corp. 1524 Enterprise Rd. Corry, PA 16407	Hare Creek CWF	Erie County Conservation District (814) 825-6403
Lawrence County Wayne Township	PAR103732R	The Salvation Army c/o Lawrence Torbitt 424 Third Ave. Pittsburgh, PA 15219	Slippery Rock Creek CWF	Lawrence County Conservation District (724) 652-4512
Lawrence County Shenango	PAG2003704001	Joseph Monsour	Tributary to Shenango River WWF	Lawrence County Conservation District (724) 652-4512
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Snyder County Monroe Township	PAR124810	National Beef Packing Co. LLC 12200 N. Ambassador Dept. 200 Kansas City, MO 64163-1244	Rolling Green Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Muncy Borough Lycoming County	PAR114813	The Young Industries, Inc. 16 Painter Street Muncy, PA 17756	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Point Township Northumberland County	PAR804870	Eldorado Properties Corporation 900 Eisenhower Boulevard Harrisburg, PA 17105	Unnamed tributary of Susquehanna River CWF	Northcentral Regional Office Water Management Program Manager 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Ambridge Borough Beaver County	PAR206108	Worldclass Processing Corp. 21 Century Drive Ambridge, PA 15003	Big Sewickley Creek/Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Blairsville Borough Indiana County	PAR216145	Blairsville Wilbert Vault Co. Inc. P. O. Box 7 Blairsville, PA 15717	Tributary to Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Neville Township Allegheny County	PAR216162	Neville Aggregates Co. Inc. 4700 Neville Road Pittsburgh, PA 15225	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Tioga Township Tioga County	PAG045001	David L. Button R. R. 2, Box 66A Tioga, PA 16946	Steam Mill Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Lewis Township Northumberland County	PAG045067	Michael A. Cero P. O. Box 81 Washingtonville, PA 17884	County Line Branch CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Anthony Township Montour County	PAG045059	Dwayne Derr 519 Strawberry Ridge Road Danville, PA 17821	UNT Whitehall Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Jackson Township Snyder County	PAG045055	Glenn and Linda Holler R. R. 5, Box 107 Middleburg, PA 17842	Tuscarora Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Worth Township Centre County	PAG045066	Kenneth Klein P. O. Box 189 Port Matilda, PA 16870	Laurel Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township Clearfield County	PAG045075	Lisa Lawhead 49 McGonigal Lane Woodland, PA 16881	UNT Millstone Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
North Centre Township Columbia County	PAG045050	Duane Powlus 45A Cabin Run Road Bloomsburg, PA 17815	Cabin Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Burlington Township Bradford County	PAG045171	John A. Zeisel 1185 Poquessing Avenue Andalusia, PA 19020	Bailey Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Sandy Township Clearfield County	PAG044813 Sewage	Tim Dixon R. D. 2, Box 388-A DuBois, PA 15801	Muddy Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
North Centre Township Columbia County	PAG044883 Sewage	Donald Yohey 152 Dohl Road Berwick, PA 18603	Briar Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Forward Township Butler County	PAG048939	Ronald M. and Nancy J. Nalepa 2482 Oneida Valley Road Petrolia, PA 16050	Unnamed tributary to Connoquenessing Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lackawannock Township Mercer County	PAG048318	Brian R. Luba 1088 Greenfield Road Hermitage, PA 16148	Tributary to Magargee Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Warren County	PAG048615	Christal L. Green R. R. 1, Box 178D Sugar Grove, PA 16350	Unnamed tributary of Saunders Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-12*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Franklin County Fannett Township	PAG123516	Country View Family Farms, Inc. New Hope Farm 436 South Angle Street Mount Joy, PA 17552	UNT Doylestown Stream CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-13*

*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>	<i>Department Protocol (Y/N)</i>
PAG132258	Foster Township 1000 Wyoming Ave. P. O. Box 465 Freeland, PA 18224	Luzerne	Foster Township	Black Creek CWF	Y
PAG132202	Bowmanstown Borough P. O. Box 127 Bowmanstown, PA 18030	Carbon	Bowmanstown Borough	Lehigh River TSF Fireline Creek CWF	Y
PAG132204	Weissport Borough 440 Allen St. Weissport, PA 18235	Carbon	Weissport Borough	Lehigh River TSF	Y
PAG132203	Lower Towamensing Township 595 Hahns Dairy Rd. Palmerton, PA 18071	Carbon	Lower Towamensing Township	Aquashicola Creek TSF, MF Mill Creek CWF Fireline Creek CWF	Y
PAG132250	Fountainhill Borough 5920 Hamilton Blvd. Suite 108 Allentown, PA 18106	Lehigh	Fountainhill Borough	Lehigh River WWF	Y
PAG132251	West Wyoming Borough 464 W. 8th St. West Wyoming, PA 18644	Luzerne	West Wyoming Borough	Abraham's Creek CWF	Y
PAG132249	Bangor Borough 197 Pennsylvania Ave. Bangor, PA 18013	Northampton	Bangor Borough	Bushy Meadow Creek TSF, MF Martins Creek CWF	Y
PAG132233	Laflin Borough 476 Laflin Rd. Laflin, PA 18702	Luzerne	Laflin Borough	Gardner Creek CWF	Y

## NOTICES

<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>
PAG132262	City of Hazleton 40 N. Church St. Hazleton, PA 18201	Luzerne	City of Hazleton	Black Creek CWF Hazle Creek CWF	Y
PAG132227	Plains Township 126 N. Main St. Plains, PA 18705	Luzerne	Plains Township	Laurel Run CWF Mill Creek CWF Susquehanna River WWF	Y
PAG132267	Abington Township P. O. Box 8 Waverly, PA 18657	Lackawanna	Abington Township	Ackerly Creek TSF	Y
PAG136133	Georges Township 1151 Township Drive Uniontown, PA 15401	Fayette	Georges Township	Georges Creek WWF Unnamed tributaries of Georges Creek WWF Muddy Run WWF Mountain Creek CWF	Y
PAG136137	Dunbar Borough 47 Connellsville Street Dunbar, PA 15431	Fayette	Dunbar Borough	Dunbar Creek TSF	Y
PAG136149	Reserve Township 33 Lonsdale Street Pittsburgh, PA 15212	Allegheny	Reserve Township	Allegheny River WWF	Y
PAG136150	Millvale Borough 501 Lincoln Avenue Pittsburgh, PA 15209	Allegheny	Millvale Borough	Girtys Run WWF	Y
PAG136153	Springdale Township 100 Plate Drive Harwick, PA 15049	Allegheny	Springdale Township	Allegheny River WWF Tawney Run WWF Yutes Run WWF Riddle Run WWF	Y
PAG136181	Washington Township 285 Pine Run Church Road Apollo, PA 15613	Westmoreland	Washington Township	Kiskiminetas River WWF Beaver Run TSF Pucketa Creek TSF	Y
PAG136211	Carroll Township 130 Baird Street Monongahela, PA 15063	Washington	Carroll Township	Pigeon Creek WWF Dry Run WWF Monongahela River WWF	Y
PAG136212	Chartiers Township 2 Buccaneer Drive Houston, PA 15342	Washington	Chartiers Township	Chartiers Creek WWF Chartiers Run WWF Arnold Hollow WWF Allison Hollow WWF	Y

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<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>
PAG136213	Houston Borough 42 Western Avenue Houston, PA 15342	Washington	Houston Borough	Chartiers Run WWF Chartiers Creek WWF	Y
PAG136214	North Franklin Township 620 Franklin Farms Road Washington, PA 15301	Washington	North Franklin Township	Chartiers Creek WWF	Y
PAG136229	East Deer Township 927 Freeport Road Creighton, PA 15030	Allegheny	East Deer Township	Allegheny River WWF Bailey Run WWF Crawford Run WWF Clarks Run WWF Riddle Run WWF	Y
PAG136230	Versailles Borough 5100 Walnut Street McKeesport, PA 15132	Allegheny	Versailles Borough	Youghiogheny River WWF Long Run WWF	Y
PAG136238	Oakmont Borough Fifth Street and Virginia Avenue P. O. Box 206 Oakmont, PA 15139	Allegheny	Oakmont Borough	Allegheny River WWF Plum Creek WWF Falling Springs Run WWF	Y
PAG136239	Forest Hills Borough 2071 Ardmore Boulevard Pittsburgh, PA 15221	Allegheny	Forest Hills Borough	Unnamed tributaries of Turtle Creek WWF	Y
PAG136240	Heidelberg Borough 1631 Railroad Street Carnegie, PA 15106	Allegheny	Heidelberg Borough	Chartiers Creek WWF	Y
PAG136242	Mt. Oliver Borough 150 Brownsville Road Pittsburgh, PA 15210	Allegheny	Mt. Oliver Borough	Becks Run WWF Unnamed tributaries of Becks Run WWF Unnamed tributaries of Saw Mill Run WWF Unnamed tributaries of Monongahela River WWF	Y
PAG136244	Lorain Borough 451 Green Valley Street Johnstown, PA 15902	Cambria	Lorain Borough	Sams Run WWF	Y
PAG136247	Indiana Borough 80 North Eighth Street Indiana, PA 15701	Indiana	Indiana Borough	Marsh Run CWF Whites Run CWF Unnamed tributary of Whites Run CWF	Y

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<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>
PAG136248	Tarentum Borough 318 E. Second Avenue Tarentum, PA 15084	Allegheny	Tarentum Borough	Allegheny River WWF Bull Run TSF	Y
PAG136249	Richland Township 322 Schoolhouse Road Johnstown, PA 15904	Cambria	Richland Township	Little Paint Creek CWF Sams Run WWF Solomon Run WWF Stony Creek WWF	Y
PAG136250	West Pike Run Township 238 Pike Run Road Daisytown, PA 15427	Washington	West Pike Run Township	Pike Run Basin TSF	Y
PAG136252	Rostraver Township 201 Port Royal Road Belle Vernon, PA 15012	Westmoreland	Rostraver Township	Monongahela River WWF Cedar Creek TSF Speers Run WWF Pollock Run WWF Youghioghney River WWF	Y
PAG136262	New Eagle Borough 157 Main Street New Eagle, PA 15067	Washington	New Eagle Borough	Monongahela River WWF Unnamed tributaries of Monongahela River WWF Dry Run WWF Mingo Creek TSF	Y
PAG136277	Allegheny Township 136 Community Building Road Leechburg, PA 15656	Westmoreland	Allegheny Township	Chartiers Run TSF Unnamed tributaries of Chartiers Run TSF	Y
PAG136288	Lower Yoder Township 128 J Street Johnstown, PA 15906	Cambria	Lower Yoder Township	Strayer Run CWF St. Clair Run CWF Gray Run CWF	Y
PAG136290	City of New Kensington 301 Eleventh Street New Kensington, PA 15068	Westmoreland	City of New Kensington	Allegheny River WWF Pucketa Creek TSF	Y



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<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>
PAG136294	Manor Borough 47 Race Street Manor, PA 15665	Westmoreland	Manor Borough	Turtle Creek WWF Brush Creek WWF Bushy Run Creek WWF Unnamed tributary of Brush Creek WWF Unnamed tributaries of Bushy Run Creek WWF	Y
PAG136299	City of Jeannette 110 South Second Street Jeannette, PA 15644	Westmoreland	City of Jeannette	Turtle Creek WWF Brush Creek WWF Bull Run WWF Down's Run WWF Unnamed tributary of Bull Run WWF Unnamed tributary of Down's Run WWF	Y
PAG136300	Connellsville Township 1407 Buttermore Boulevard Connellsville, PA 15425	Fayette	Connellsville Township	Mounts Creek WWF Unnamed tributaries of Mounts Creek WWF	Y
PAG136301	Bullskin Township 178 Shenandoah Road Connellsville, PA 15425	Fayette	Bullskin Township	Mounts Creek WWF Unnamed tributaries of Mounts Creek WWF	Y
PAG136305	City of Uniontown 20 North Gallatin Avenue Uniontown, PA 15401	Fayette	City of Uniontown	Redstone Creek WWF Coal Lick Run WWF Cove Run WWF	Y
PAG136311	North Union Township 7 South Evans Station Road Lemont Furnace, PA 15456	Fayette	North Union Township	Redstone Creek WWF Coolspring Run WWF Bennington Spring Run WWF Cove Run WF Jennings Run WWF	Y
PAG136314	Emsworth Borough 171 Center Avenue Emsworth, PA 15202	Allegheny	Emsworth Borough	Ohio River WWF Lowries Run TSF	Y

<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>
PAG136320	Westmoreland County Department of Public Works R. D. 2, Box 203 Donahoe Road Greensburg, PA 15601-9217	Westmoreland	City of Greensburg	Brush Creek TSF Jacks Run WWF Little Sewickley Creek TSF Loyalhanna Creek WWF Monastery Run WWF Township Line Run WWF	Y
PAG136322	Cheswick Borough 220 South Atlantic Avenue P. O. Box 235 Cheswick, PA 15024	Allegheny	Cheswick Borough	Allegheny River WWF Tawney River WWF	Y
PAG136323	Verona Borough 736 East Railroad Avenue Verona, PA 15147	Allegheny	Verona Borough	Allegheny River WWF Plum Creek WWF	Y
PAG136329	City of Latrobe P. O. Box 829 Latrobe, PA 15650	Westmoreland	City of Latrobe	Loyalhanna Creek WWF/CWF/TSF	Y
PAG136337	Bentleyville Borough 900 Main Street Bentleyville, PA 15314	Washington	Bentleyville Borough	Pigeon Creek WWF	Y
PAG136338	Lincoln Borough 45 Abe's Way Elizabeth, PA 15037	Allegheny	Lincoln Borough	Monongahela River WWF Youghioghney River WWF Wylie Run WWF Boston Hollow WWF	Y
PAG136340	Windber Borough 1409 Somerset Avenue Windber, PA 15963	Somerset	Windber Borough	Paint Creek TSF/CWF Seese Run CWF Weaver Run CWF	Y
PAG136343	Robinson Township 8400 Noblestown Road McDonald, PA 15026	Washington	Robinson Township	Saint Patrick Run WWF Robb Run WWF Raccoon Creek WWF Robinson Run WWF Raccoon Run WWF	Y
PAG136345	Conemaugh Township 1120 Tire Hill Road Johnstown, PA 15905	Somerset	Conemaugh Township	Benscreek CWF Stonycreek River WWF	Y
PAG136348	Aleppo Township 100 North Drive Sewickley, PA 15143	Allegheny	Aleppo Township	Ohio River WWF	Y
PAG136350	Ellsworth Borough 23 Main Street P. O. Box 545 Ellsworth, PA 15331	Washington	Ellsworth Borough	Pigeon Creek WWF	Y

<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>
PAG136351	City of Washington 55 West Maiden Street Washington, PA 15301	Washington	City of Washington	Catfish Creek WWF Chartiers Creek WWF	Y

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

<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>
PAG138321	City of Erie 626 State Street, Room 504 Erie, PA 16501-1128	Erie	City of Erie	Lake Erie	N

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) 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.**

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

**Permit No. 1503506**, Public Water Supply.  
Applicant **Pikeland Village Square Well No. 1**  
P. O. Box 559  
Kimberton, PA 19442

Township West Pikeland  
County **Chester**  
Type of Facility PWS  
Consulting Engineer Evans Mills Environmental, Inc.  
P. O. Box 735  
Uwchland, PA 19480  
Permit to Construct February 2, 2003  
Issued

**Permit No. 1503507**, Public Water Supply.  
Applicant **Pikeland Village Square Well No. 2**  
P. O. Box 559  
Kimberton, PA 19442

Township West Pikeland  
County **Chester**  
Type of Facility PWS  
Consulting Engineer Evans Mills Environmental, Inc.  
P. O. Box 735  
Uwchland, PA 19480  
Permit to Construct February 2, 2003  
Issued

**Operations Permit** issued to **Pikeland Village Square, Well No. 1**, P. O. Box 559, Kimberton, PA 19442, PWS ID 1150641, West Pikeland Township, **Chester County** on February 2, 2003, for the operation of facilities approved under Construction Permit No. 1503506.

**Operations Permit** issued to **Pikeland Village Square, Well No. 2**, P. O. Box 559, Kimberton, PA 19442, PWS ID 1150387, West Pikeland Township, **Chester County** on February 2, 2003, for the operation of facilities approved under Construction Permit No. 1503507.

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

**Operations Permit** issued to **Pennsylvania American Water**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID 2520062 Lehman Township, **Pike County** on January 22, 2004, for the operation of facilities approved under Construction Permit N/A.

**Operations Permit** issued to **Pennsylvania Suburban Water Co. d/b/a Consumers Pennsylvania Water Co.**, 204 East Sunbury Street, Shamokin, PA 17872-4859, PWS ID 2400066, Conyngham Township, **Luzerne County** on January 26, 2004, for the operation of facilities approved under Construction Permit Minor Permit Amendment.

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

**Permit No. 2203502, Public Water Supply.**

Applicant **Millersburg Area Authority**  
 Municipality Upper Paxton Township  
 County **Dauphin**  
 Type of Facility Construction of an infiltration gallery type intake on the Wiconisco Creek and a raw water pumping station with metering facilities. The addition of spring no. 7 as a source of supply.  
 Consulting Engineer Gene C. Koontz, P. E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Construct Issued January 22, 2004

**Permit No. 0603515 MA, Minor Amendment, Public Water Supply.**

Applicant **Reading Area Water Authority**  
 Municipality Ontelaunee Township  
 County **Berks**  
 Type of Facility This permit application is for the installation of a permanent caustic feed system to control pH/alkalinity of raw and finished water.  
 Consulting Engineer Thomas L. Weld Jr., P. E.  
 BCM Engineers  
 920 Germantown Pike  
 Plymouth, PA 19462  
 Permit to Construct Issued December 31, 2003

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

**Permit No. Minor Amendment—Operation. Public Water Supply.**

Applicant **Pike Township Municipal Authority**  
**Michael Smeal, Manager**  
 P. O. Box 27  
 Curwensville, PA 16833  
 Township Lawrence  
 County **Clearfield**  
 Type of Facility PWS—Operation of the Glen Richey finished water storage tank.  
 Permit to Operate Issued January 30, 2004

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

**Operations Permit issued to Clintonville Borough Sewer and Water Authority, P. O. Box 292, Clintonville, PA 16372, PWS ID 6610016, Clintonville Borough, Venango County on January 29, 2004, for the**

operation of a booster pump station and pneumatic storage as approved under Construction Permit No. 6101501.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Springfield Township	1791 Perry Highway Volant, PA 16156	Mercer

Plan Description: The approved plan provides for the expansion of both Springfield and Pine Townships' pump stations along PA 208 to provide conveyance capacity for the Born-2-Run Sports Complex and other future development in the area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. WQM permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following 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.*

**Kennett Square Inn**, Kennett Square Borough, **Chester County**. Erik Stephens, Mankó, Gold, Katcher & Fox LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Stephen Warner, 201 E. State St., Kennett Square, PA 19348, has submitted a Final Report concerning remediation of site soil contaminated with no. 2 heating oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**Chester Waterfront Redevelopment Project Site**, City of Chester, **Delaware County**. Kimberly A. Scarborough, Exelon Power, 200 Exelon Way, Suite 140, Kennett Square, PA 19348, has submitted a Final Report concerning remediation of site soil contaminated with PCB, lead, heavy metals, pesticides, solvents, BTEX, PHC and PAH; and groundwater contaminated with lead, heavy metals, pesticides, solvents, BTEX, PHC and PAH. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Sunoco A Plus Mini Market (DUNS No. 03363-9630)**, City of Philadelphia, **Philadelphia County**. Marco Droese, Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 on behalf of Sunoco, Inc. (R & M), Michael Babicki, 1801 Market St., Ten Penn Center, 20th Fl., Philadelphia, PA 19103, has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

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

**V & S Sandwich Shop**, Wyomissing Borough, **Berks County**. Alternative Environmental Solutions, Inc., 930 Pointview Avenue, Ephrata, PA 17522, on behalf of David Mogel, 11 State Hill Road, Wyomissing, PA 19610, submitted a combination Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to the Site-Specific Standard.

**Defense Distribution Depot Susquehanna PA IRP Site 60**, Fairview Township, **York County**. 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 report is intended to document remediation of the site to the Site-Specific Standard.

**Penn Mar Oil Company**, Chambersburg Borough, **Franklin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The report is intended to docu-

ment remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

**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 Remedial Investigation/Work Plan concerning the remediation of 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.

*Northwest Region: Environmental Cleanup Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Pitt-Des Moines (PDM) Property**, City of Warren, **Warren County**. Jeffrey P. Walentosky, Moody & Assoc. Inc., 11548 Cotton Rd., Meadville, PA 16335 (on behalf of James Haber, President, Ironbridge Corp., 950 Third Ave., 23rd Floor, New York, NY 10022) has submitted a Baseline Environmental Report concerning remediation of site soil contaminated with chlorinated solvents, diesel fuel, inorganics, lead, other organics, PAHs, PCBs and unleaded gasoline. Groundwater contaminated with chlorinated solvents, diesel fuel, inorganics, lead, MTBE, other organics, PAHs and unleaded gasoline. The report is intended to document remediation of the site to meet Special Industrial Area Requirements.

## 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 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 re-

quired 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 before 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:

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

**Simpson Mid-Town, City of Philadelphia, Philadelphia County.** Richard A. Pellissier, Accredited Environmental Technologies, Inc., 28 N. Pennell Rd., Media, PA 19063, on behalf of Simpson Mid-Town, Rev. David Powell, 150 Monument Rd., Suite 405, Bala Cynwyd, PA 19004, has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report demonstrated attainment of Site-Specific Standards and was approved by the Department on January 22, 2004.

**Former Mount Sinai Hospital, City of Philadelphia, Philadelphia County.** Thomas M. Hippensteal, P. G., Mid-Atlantic Associates, Inc., P. O. Box 1128, North Wales, PA 19454, on behalf of Edward Giganti, Stanley Partners LP, 1599 Kitty Hawk Ave., Philadelphia, PA 19112, has submitted a Final Report concerning remediation of site soil contaminated with fuel oil nos. 2 and 4. The Final Report demonstrated attainment of the State-wide Health Standard and was approved by the Department on January 23, 2004.

#### MUNICIPAL WASTE GENERAL PERMITS

**Applications Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM015. American Soil and Mulch, Inc.,** 552 Round Table Drive, Nazareth, PA 18064. General Permit Number WMGM015 is for the processing and beneficial use of wood and timber waste (that is, tree stumps, limbs, clean wood, untreated and unpainted wood and pallets) to create mulch for commercial purposes. The general permit was issued by Central Office on February 1, 2004.

Persons interested in obtaining more information, or obtaining copies of the general permit, may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 100549. Waste Management Disposal Services of Pennsylvania, Inc.,** 1425 Sell Road, Pottstown, PA 19464, Douglass and West Pottsgrove Townships, **Berks and Montgomery Counties**, respectively. A major permit modification for Pottstown Landfill has been approved to bring the facility into compliance with the radiation protection action plan requirements. A comment and response document has also been prepared for the public hearing held on this application. The permit was issued by the Southeast Regional Office on January 27, 2004.

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

**Permit ID No. 100172. Arden Landfill, Inc.,** Arden Station Road, Washington, PA 15301. Permit renewal for continued operation of a municipal waste landfill in Chartiers Township, **Washington County** until October 20, 2005. Permit renewal was issued in the Regional Office on February 3, 2004.

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

**Permits revoked under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act 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. 603415. Gettysburg Municipal Authority,** 601 E. Middle St., P. O. Box 3307, Gettysburg, PA 17325, Butler and Tyrone Townships, **Adams County.** The permit was revoked at the request of the permittee for Adams County Nursery Farm, Butler and Tyrone Townships, Adams County. The permit was revoked by the Southcentral Regional Office on January 27, 2004.

**Permit No. 602978. Gettysburg Municipal Authority,** 601 E. Middle St., P. O. Box 3307, Gettysburg, PA 17325, Franklin Township, **Adams County.** The permit was revoked at the request of the permittee for John

McFadden Farm, Franklin Township, Adams County. The permit was revoked by the Southcentral Regional Office on January 27, 2004.

**Permit No. 602978. Gettysburg Municipal Authority**, 601 E. Middle Street, P. O. Box 3307, Gettysburg, PA 17325, Straban Township, Adams County. The permit was revoked at the request of the permittee for Dave Martin (Keller) Farm, Straban Township, Adams County. The permit was revoked by the Southcentral Regional Office on January 27, 2004.

Persons interested in reviewing the general permit may 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.

**Permits received under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 300904. First Quality Tissue, LLC**, P. O. Box 268, Lock Haven, PA 17745-0268 in Castanea Borough, Township, Clinton County. The permit for the disposal of new residual waste type at the captive Class III landfill was received by the Williamsport Regional office on January 29, 2004.

Persons interested in reviewing the permit may contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**MUNICIPAL 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.*

**C & O Trucking**, 1307 Maple Ave., Roebling, NJ 08554. Authorization No. WH5680. Effective December 12, 2003.

**Arthur Cohan**, 102 Rock Ct., Dingman's Ferry, PA 18328. Authorization No. WH5682. Effective December 12, 2003.

**Scott Harold Jones**, P. O. Box 421, Flinton, PA 16640. Authorization No. WH5683. Effective December 12, 2003.

**William Jack Homes**, 9155 Marshall Rd., Cranberry Township, PA 16066-2911. Authorization No. WH5678. Effective December 12, 2003.

**Mery Benavides**, 246 Summit Ave., Jersey City, NJ 07304. Authorization No. WH5677. Effective December 12, 2003.

**Nsiah Sekyere**, 2460 Davidson Ave., Apt. 1B, Bronx, NY 10468. Authorization No. WH5675. Effective December 12, 2003.

**The Purcell Company**, P. O. Box 440, Hershey, PA 17033-0440. Authorization No. WH5676. Effective December 12, 2003.

**A-1 Environmental Recycling, LLC**, 95 S. Cherry St., Wallingford, CT 06492. Authorization No. WH5674. Effective December 12, 2003.

**Penn State Milton S. Hershey Medical Center, Dept. of Facilities**, 600 Centerview Dr., Hershey, PA 17033-0855. Authorization No. WH5672. Effective December 12, 2003.

**Valdir Viana**, 16 Westford St., Apt. 4, Allston, MA 02134. Authorization No. WH5662. Effective December 12, 2003.

**Sam S. Russo, Inc.**, 26 Gladney Ave., Bayville, NJ 08721. Authorization No. WH5661. Effective December 12, 2003.

**R. T. Stocker Builders**, 6140 W. Main Blvd., Bath, PA 18014. Authorization No. WH5660. Effective December 12, 2003.

**Sunshine Bulk Commodities, Inc.**, 2094 Rte. 96, Clifton Springs, NY 14432. Authorization No. WH5659. Effective December 12, 2003.

**Euier Martinez**, 26 Summit Ave., Spring Valley, NY 10977. Authorization No. WH5620. Effective December 12, 2003.

**Stephen A. Wagner**, 604 Rocky Ridge Road, Spring Grove, PA 17362. Authorization No. WH4905. Effective December 17, 2003.

**Clinton C. Haldeman**, P. O. Box 224, 3927 Grant St., Slatedale, PA 18079. Authorization No. WH5673. Effective December 17, 2003.

**East Coast Waste Services**, P. O. Box 95, Gloucester City, NJ 08030. Authorization No. WH5627. Effective December 24, 2003.

**North Star Waste, LLC d/b/a Earthcare**, 223 Fellowship Road, Eagle, PA 19480. Authorization No. WH5603. Effective December 24, 2003.

**Deeneboy Trucking**, 38 Urban Dr., Selden, NY 11784. Authorization No. WH5695. Effective December 19, 2003.

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

**William O. Ozdemir**, 6 Liberty Trail, Delran, NJ 08075. Authorization No. WH5718. Effective January 8, 2004.

**B & M Disposal, LLC**, 4359 Holmesburg Ave., Philadelphia, PA 19136-4403. Authorization No. WH5719. Effective January 8, 2004.

**Marc Draper**, 802 N. Broad St., Philadelphia, PA 19130. Authorization No. WH5720. Effective January 8, 2004.

**Alberto Aramayo**, 121 Prospect St., 1st Fl., Passaic, NJ 07055. Authorization No. WH5721. Effective January 8, 2004.

**Bamboo Trucking, Inc.**, 1433 Burnett Ave., 2nd Fl., Union, NJ 07083. Authorization No. WH5722. Effective January 8, 2004.

**Merkin Body & Hoist Co., Inc.**, 1539 Church St., Easton, PA 18042. Authorization No. WH5706. Effective January 8, 2004.

**Meadow Run Builders**, 209 Executive Plaza, East Stroudsburg, PA 18301. Authorization No. WH5679. Effective January 8, 2004.

**Luis Villacis**, 601 Broadway St., 2nd Fl., Newark, NJ 07104. Authorization No. WH5709. Effective January 8, 2004.

**Victor Salazar**, 163 Mt. Prospect Ave., Newark, NJ 07104. Authorization No. WH5711. Effective January 8, 2004.

**Don R Plumbing, Inc. d/b/a D. R. Plumbing**, 5425 Enterprise Blvd., Bethel Park, PA 15102. Authorization No. WH5708. Effective January 8, 2004.

**Ronald S. George**, 131 William St., Lilly, PA 15938. Authorization No. WH5712. Effective January 8, 2004.

**Gurmail Singh**, 8 K, Dorchester Arms, Cranbury, NJ 08512. Authorization No. WH5713. Effective January 8, 2004.

**BC Transport, Inc.**, 7081 Cole Rd., Leroy, NY 14482-0075. Authorization No. WH5714. Effective January 8, 2004.

**MKK Trucking**, Apt. 31-G, 3001 Route 130S, Delran, NJ 08075. Authorization No. WH5717. Effective January 8, 2004.

**Yasser S. Montasser**, 16 Adirondack Circle A, Gansevoort, NY 12831. Authorization No. WH5723. Effective January 8, 2004.

**Richard P. Markulics**, 684 English Rd., Bath, PA 18014. Authorization No. WH5752. Effective January 8, 2004.

**Nelson Farms**, 108 Woolman Rd., Elmer, NJ 08318. Authorization No. WH5726. Effective January 8, 2004.

**Coeto & Son Transport, Inc.**, P. O. Box 1699, Rahway, NJ 07065. Authorization No. WH5727. Effective January 8, 2004.

**Guardian Environmental Services, Inc.**, 1280 Porter Rd., Bear, DE 19701. Authorization No. WH5728. Effective January 14, 2004.

**Nick J. Micale**, 97 Little Deer Creek Rd., Cheswick, PA 15024-2403. Authorization No. WH5730. Effective January 14, 2004.

**Nemeth Asphalt Paving**, P. O. Box 316, Stewartsville, NJ 08886. Authorization No. WH5700. Effective January 8, 2004.

**B. A. Hawk Trucking, Inc.**, P. O. Box 567, Kresgeville, PA 18333. Authorization No. WH5699. Effective January 16, 2004.

**Coatesville City, Chester County**, One City Hall Place, Coatesville, PA 19320. Authorization No. WH5455. Effective January 16, 2004.

**Jeffery R. Consalvi**, 29 Beechwood Avenue, Malvern, PA 19355. Authorization No. WH5521. Effective January 16, 2004.

**Penn Development Services, LP**, 732 McClellandtown Rd., P. O. Box 110, Uniontown, PA 15401. Authorization No. WH5710. Effective January 16, 2004.

**McBroom's Servistar Hardware, Inc.**, R. R. 5, Route 30 E., Latrobe, PA 15650. Authorization No. WH5725. Effective January 8, 2004.

**James R. Ayoub**, P. O. Box 734, Cherryville, PA 18035. Authorization No. WH5731. Effective January 16, 2004.

**Garden State Property Maintenance, Inc.**, 322 Old White Horse Pike, Waterford, NJ 08089-2238. Authorization No. WH5732. Effective January 16, 2004.

**EPD Trucking**, 2228 Skyline Dr., Slatington, PA 18080. Authorization No. WH5733. Effective January 16, 2004.

**Turan Trucking**, Apt. 128, 1020 Woodlane Rd., Edgewater Park, NJ 08010. Authorization No. WH5734. Effective January 16, 2004.

**Gary Warner**, 612 Colfax Ave., Kennilworth, NJ 07033. Authorization No. WH5735. Effective January 16, 2004.

**Thomas Lloyd**, 208 Bayview Ave., Jersey City, NJ 07305. Authorization No. WH5736. Effective January 16, 2004.

**V & I Transport**, 60 Valley View Rd., Liverpool, PA 17045. Authorization No. WH5737. Effective January 16, 2004.

**Jesse L. Bachik**, R. R. 2, Box 301, Portage, PA 15946. Authorization No. WH5739. Effective January 16, 2004.

**Kakhaber Basharuli**, 1 Woodland Hill Rd., Danbury, CT 06810. Authorization No. WH5740. Effective January 16, 2004.

**Richard G. Emory**, 1611 Elm St., New Cumberland, PA 17070. Authorization No. WH5741. Effective January 16, 2004.

**Schweikert Trucking, LLC**, 15 Countrywoods Lane, Pine Beach, NJ 08741. Authorization No. WH5742. Effective January 16, 2004.

**John & Claudia Trucking, Inc.**, 89-43 Pontiac St., Queens Village, NY 11427. Authorization No. WH5743. Effective January 16, 2004.

**Centimark Corporation**, 3000 Industrial Blvd., Bethel Park, PA 15102-2538. Authorization No. WH5744. Effective January 16, 2004.

**Fred L. Melvin**, 901 Bergen St., Newark, NJ 07112. Authorization No. WH5745. Effective January 16, 2004.

**John F. Hoehne & Sons, Inc.**, 1270 Farmington Ave., Pottstown, PA 19464. Authorization No. WH5746. Effective January 16, 2004.

**Timber End, Inc.**, R. R. 1, Box 1, Coal Township, PA 17866-9506. Authorization No. WH5747. Effective January 16, 2004.

**Jojenta Trucking, Inc.**, 179 Swinnerton St., Staten Island, NY 10307. Authorization No. WH5748. Effective January 16, 2004.

**Glen G. Hale, Inc.**, 3511 Glover Rd., Easton, PA 18040. Authorization No. WH5749. Effective January 16, 2004.

**Matthew R. Simcox**, 4985 Warrensville Rd., Montoursville, PA 17754. Authorization No. WH5750. Effective January 16, 2004.

**L. G. Trucking**, 304 Gates Mountain Rd., Howard, PA 16841. Authorization No. WH5780. Effective January 16, 2004.

**Andy W. Szakos**, 205 Grove St., Jeanette, PA 15644. Authorization No. WH5782. Effective January 16, 2004.

**Mitchell's Transport, Inc.**, 819 S. Eagle Valley Rd., Bellefonte, PA 16823. Authorization No. WH5781. Effective January 16, 2004.



**Montana Transport, Inc.**, 243 Jewett Ave., Jersey City, NJ 07304. Authorization No. WH5399. Effective January 18, 2004.

**Wagner Roofing**, 8116 Michaur Dr., P. O. Box 602, Fayetteville, PA 17222-0602. Authorization No. WH3180. Effective January 20, 2004.

**O'Connor General Contractors, Inc.**, 158 Stoney Bank Road, Glen Mills, PA 19342. Authorization No. WH5638. Effective January 23, 2004.

**Dominic D. Regos**, 6867 Lincoln Highway, Bedford, PA 15522-6734. Authorization No. WH5775. Effective January 23, 2004.

**Ebersole Excavating & Landscaping, Inc.**, P. O. Box 499, Schaefferstown, PA 17088. Authorization No. WH3920. Effective January 20, 2004.

**Robert L. Juroso**, 361 Fostedale Road, Uniontown, PA 15401. Authorization No. WH4975. Effective January 23, 2004.

**John Bagan**, 15 Bloomingdale Avenue, Garfield, NJ 07026. Authorization No. WH5753. Effective January 23, 2004.

**Jerome Ross**, 1202 Bailey Street, Harrisburg, PA 17104. Authorization No. WH5754. Effective January 23, 2004.

**Scott F. Kocijanski**, 49 Jones Quarry Road, Woodstock, NY 12498. Authorization No. WH5755. Effective January 23, 2004.

**Jorge J. Retamar**, 6529 Jay Avenue, Maspeth Queens, NY 11378. Authorization No. WH5756. Effective January 23, 2004.

**Charles G. Deininger Jr.**, P. O. Box 1051, Monroeville, NJ 08343. Authorization No. WH5757. Effective January 23, 2004.

**All-Over Transport**, 19 Walnut Street, Summit, NJ 07901. Authorization No. WH5758. Effective January 23, 2004.

**Morey Brothers Construction Co. Inc.**, 700 Hunters Road, Mohnton, PA 19540. Authorization No. WH5759. Effective January 23, 2004.

**C. L. Construction, Inc.**, 291 Tuckahoe Road, Vineland, NJ 08360. Authorization No. WH5760. Effective January 23, 2004.

**J & R Landscape & Design, Inc.**, 24 Lenape Drive, East Stroudsburg, PA 18301. Authorization No. WH5762. Effective January 23, 2004.

**Fjora, Inc.**, 95 Duffy Avenue, Hicksville, NY 11801. Authorization No. WH5763. Effective January 23, 2004.

**Walker & Sons Contracting**, 138 Mountain View Road, Friedens, PA 15541-7106. Authorization No. WH5764. Effective January 23, 2004.

**Baker Construction Co.**, 117 Southwood Drive, Uniontown, PA 15401. Authorization No. WH5765. Effective January 23, 2004.

**Donald K. Pici**, 915 Mulligan Hill Road, New Florence, PA 15944. Authorization No. WH5767. Effective January 23, 2004.

**Robert Campbell**, 929 Second Avenue, Duncansville, PA 16635. Authorization No. WH5768. Effective January 23, 2004.

**Charles W. Gower**, 5867 Tyrone Pike, Tyrone, PA 16686. Authorization No. WH5769. Effective January 23, 2004.

**JFC Transport, Inc.**, 46 Wilson Street, Little Ferry, NJ 07643. Authorization No. WH5770. Effective January 23, 2004.

**Singh Rajvir**, 601 Race Street, Nescopeck, PA 18635. Authorization No. WH5771. Effective January 23, 2004.

**TSB, Inc.**, P. O. Box 798, Latrobe, PA 15650-0798. Authorization No. WH5772. Effective January 23, 2004.

**Mancuso Contractors, Inc.**, 616 Alexander Avenue, Maple Shade, NJ 08052-2002. Authorization No. WH5773. Effective January 23, 2004.

**RLT Transport, LLC**, 124 Church Street, Nutley, NJ 07110. Authorization No. WH5774. Effective January 23, 2004.

**New Century Enterprises International, Inc.**, 100 Division Street, Trenton, NJ 08611-1016. Authorization No. WH5777. Effective January 23, 2004.

## 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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**AQ-SE-0020: Naceville Materials** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 2, 2004, to operate a portable nonmetallic mineral plant in Plumstead Township, **Bucks County**.

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

**GP1-36-03048: Lancaster Community Hospital** (1100 Highland Drive, Lititz, PA 17543) on January 29, 2004, authorized to operate two small gas and no. 2 oil fired combustion units under GP1 in Warwick Township, **Lancaster County**.

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

**16-144: EOG Resources—Idle Rd. Station** (Idle Road, Fairmount City, PA 16224) on January 31, 2004, to operate a compressor engine in New Bethlehem, **Clarion County**.

**20-294: Honeywell Industrial Wax—Titusville** (1100 East Main Street, Titusville, PA 16354) on January 31, 2004, to operate a natural gas fired boiler in Titusville, **Crawford County**.

**20-257: Great Lake Energy Partners—Lippert Station** (Pettis Road, Cochranon, PA 16314) on January 31, 2004, with an effective date of February 28, 2004, to operate two gas fired engines in East Fairfield Township, **Crawford 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.**

*Southeast Region: Air Quality Program, East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0033B: Waste Management Disposal Service of PA, Inc.** (1425 Sell Road, Pottstown, PA 19464) on January 27, 2004, to operate a landfill gas collection system in West Pottsgrove Township, **Montgomery County**.

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

**66-315-043: The Procter and Gamble Paper Products Co.** (P. O. Box 32, Route 87, Mehoopany, PA 18629) on January 30, 2004, to construct a diaper dust handling and material delivery system and associated air cleaning devices at their facility in Washington Township, **Wyoming County**.

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

**36-05004C: Masterfoods USA—Division of Mars, Inc.** (295 Brown Street, Elizabethtown, PA 17022) on January 28, 2004, to modify the dry milk process and the milk crumb process at their Elizabethtown Plant in Elizabethtown Borough, **Lancaster County**.

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

**42-117A: Zippo Manufacturing Corp.** (33 Barbour Street, Bradford, PA 16701) on January 27, 2004, for post construction of several buffing machine sources and automatic assembly machines controlled by dust collectors at their Zippo Manufacturing site in Bradford, **McKean County**.

**61-007B: IA Construction Corp.—Franklin Plant** (Route 8 and Route 62, Franklin, PA 16323) on January 27, 2004, to modify existing Permit 61-007A by replacing burner, dryer, baghouse, including exhaust fan and automatic damper. The plant will increase rated capacity from 180 tons to 400 tons per hour. Alternative fuels: reprocessed fuel no. 5, no. 2 fuel oil, liquid propane and natural gas will be burned. This is the Franklin Hot Mix Asphalt Plant in Sugar Creek Township, **Venango County**.

**42-197C: M and M Royalty—Irishtown Plant** (Route 307, Lewis Run, PA 16738) on January 27, 2004, to add two compressors and a reboiler in Lafayette Township, **McKean County**.

**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.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0048A: H and K Materials—Division of Haines and Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 26, 2004, a plan approval to modify a batch asphalt plant in Hilltown Township, **Bucks County**.

**46-0037P: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on January 30, 2004, to operate a scrubber in Douglass Township, **Montgomery County**.

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

**39-313-042: Filmtech Corp.** (2121 31st Street South West, Allentown, PA 18103) on January 20, 2004, to modify polyethylene extrusion lines and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

**48-301-045: Falk Funeral Home, Inc.** (163 Main Street, Pennsburg, PA 18073) on January 22, 2004, to construct a crematory incinerator and associated air cleaning device at their East Penn Crematory facility at 1418 Main Street, Hellertown Borough, **Northampton County**. The Plan Approval has been extended.

**48-302-103: Newstech PA LP** (6 Horwith Drive, Northampton, PA 18067) on January 30, 2004, to reactivate a boiler at their facility in Northampton Borough, **Northampton 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.*

**65-00143A: Hanson Aggregates PMA, Inc.** (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) on January 27, 2004, to install two diesel engines and generators at their Torrance Quarry in Derry Township, **Westmoreland County**. This plan approval was extended.

**56-00167A: North American Hoganas** (111 Hoganas Way, Hollsopple, PA 15935) on January 30, 2004, to construct a powdered metal process at their Stony Creek Plant in Quemahoning Borough, **Somerset County**. This plan approval was extended.

**63-00629A: Better Materials Corp.** (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) on January 30, 2004, to modify to allow the addition of no. 4 fuel oil, no. 6 fuel oil and waste derived liquid fuel to the no. 2 fuel oil and natural gas fuels currently approved for their Dunningville Asphalt Plant in Somerset Township, **Washington 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, 2 East Main Street, Norristown, PA 19401; Edward Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00011: Perkasio Industries Corp.** (P. O. Box 179, 50 East Spruce Street, Perkasio, PA 18944) on January 28, 2004, to operate a Facility Title V Operating Permit in Perkasio Borough, **Bucks County**.

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

**32-00055: Homer City—OL1-OL8 LLC** (1750 Power Plant Road, Homer City, PA 15748) on January 30, 2004, for their coal-fired power plant in Center Township, **Indiana County**. As a result of the potential levels of emissions of NOx, SOx and PM from this facility, it is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is, therefore, subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-00074: R. A. Ferris and Co., Inc.** (899 Fern Hill Road, West Chester, PA 19380) on January 28, 2004, to operate a Natural Minor Operating Permit in West Goshen Township, **Chester County**.

**09-00084: Grand View Hospital** (700 Lawn Avenue, Sellersville, PA 18960) on January 29, 2004, to operate a Synthetic Minor Operating Permit in West Rockhill Township, **Bucks County**.

**09-00115: Draper—DBS** (1803 North Fifth Street, Perkasio, PA 18944) on January 29, 2004, to operate a Synthetic Minor Operating Permit in East Rockhill Township, **Bucks County**.

**46-00026: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) on January 29, 2004, to operate a Synthetic Minor Operating Permit in Upper Providence Township, **Montgomery County**.

**15-00059: Paulsonbilt, Ltd.** (1000 West 11th Avenue, Coatesville, PA 19320) on January 29, 2004, to operate a Natural Minor Operating Permit in the City of Coatesville, **Chester County**.

**09-00136: Powdersize, Inc.** (20 Pacific Drive, Quakertown, PA 18951) on January 29, 2004, to operate a Natural Minor Operating Permit in Richland Township, **Bucks County**.

**15-00070: Robert S. Swanson Co.** (433 South Walnut Street, Kennet Square, PA 19348) on January 29, 2004, to operate a Natural Minor Operating Permit in Kennett Square Borough, **Chester County**.

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

**06-03015: FM Brown's Sons** (P. O. Box 67, South Furnace Street, Birdsboro, PA 19508) on January 29, 2004, to operate their feed mill in Birdsboro Borough, **Berks County**.

**21-03033: Lane Enterprises, Inc.** (1244 Claremont Road, Carlisle, PA 17013) on January 28, 2004, to operate their Carlisle Plant in Middlesex Township, **Cumberland County**.

**67-05078: Global Stone PenRoc, LP** (1058 Roosevelt Avenue, York, PA 17404-2833) on January 28, 2004, to operate a limestone crushing operation at their Whiting Plant in West Manchester Township, **York County**.

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

**56-00177: County of Somerset** (300 North Center Avenue, Somerset, PA 15501) on January 26, 2004, for the Somerset County Courthouse, **Somerset County**. The facility's sources of emissions include two tri-fuel boilers.

**04-00695: Norfolk Southern Railway Co.** (Route 65, Conway Yard, Conway, PA 15027) on January 30, 2004, to operate the Conway Classification Yard where incoming trains are separated (classified) into component rail cars in Conway Borough, **Beaver County**.

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

**25-00971: Erie Plating Co.** (656 West 12th Street, Erie, PA 16501) on January 28, 2004, for an amendment to the existing Natural Minor operating permit to include sources and requirements from three recently issued plan approvals. The facility is in the City of Erie, **Erie County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0033: Waste Management Disposal Services of PA** (1425 Sell Road, Pottstown, PA 19464) on January 27, 2004, an administrative amendment for Facility NOx RACT in West Pottsgrove Township, **Montgomery County**.

**46-00033: Waste Management Disposal Services of PA** (1425 Sell Road, Pottstown, PA 19464) on January 27, 2004, an administrative amendment for Facility Title V Operating Permit in West Pottsgrove Township, **Montgomery County**.

**09-00021: MRI Flexible Packaging, Inc.** (122 Penns Trail, P. O. Box 128, Newtown, PA 18940) on January 29, 2004, an administrative amendment for a Natural Minor Operating Permit in Newtown Township, **Bucks County**.

**09-00027: Fres-Co.—Systems USA, Inc.** (3005 State Road, Telford, PA 18969) on January 15, 2004, for an administrative amendment to operate a printing press to a thermal oxidizer in West Rockhill Township, **Bucks County**.

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

**66-310-004A: Reading Materials, Inc.** (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on January 27, 2004, to change ownership of their Operating Permit from Wyoming Sand and Stone Company, Hilltop Quarry, Falls Township, **Wyoming County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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*

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

**54980102R. Triple T. Mining Company, LP** (P. O. Box 487, New Philadelphia, PA 17959), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 140.0 acres. Receiving streams: None. Application received August 12, 2003. Renewal issued January 28, 2004.

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

**32921601. NPDES Permit No. PA0095117, Sprinkle Mills Tipple** (P. O. Box 343, Punxsutawney, PA 15767-0343), to renew the permit for the Valier Coal Yard in North Mahoning Township, **Indiana County** and related NPDES permit. No additional discharges. Permit issued January 27, 2004.

**11031301. NPDES Permit No. PA0235539, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to operate the Madison Mine in Jackson Township, **Cambria County**, a new mine. Surface Acres Proposed 67.3, Underground Acres Proposed 3502, SCP Acres Proposed 2808. Receiving streams: Saltlick Run (HQ-CWF). The first downstream potable water supply intake from the point of discharge is Saltlick Reservoir and Greater Johnstown Water Authority. Permit issued January 29, 2004.

*Noncoal Permit Actions*

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

**06030801. Christopher Zwicky** (10 Zwicky Lane, Robesonia, PA 19551), commencement, operation and restoration of a small noncoal (topsoil, fill and shale) quarry operation in Maiden Creek Township, **Berks County**, affecting 5.0 acres. Receiving streams: Maiden Creek. Application received October 28, 2003. Permit issued January 29, 2004.

**58030828. Northeast Stone Works, Inc.** (R. R. 1, Box 1BB, Springville, PA 18844), commencement, operation and restoration of a small noncoal (bluestone, shale and fill) quarry operation in Bridgewater Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: Snake Creek. Application received October 17, 2003. Permit issued January 30, 2004.

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

**20030810. Keith Nicolls** (8617 Tower Road, Springboro, PA 16435). Commencement, operation and restoration of a small noncoal sand and gravel operation in Spring Township, **Crawford County**, affecting 5.0 acres. Receiving streams: Carr Run. Application received October 14, 2003. Permit issued January 20, 2004.

**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.*

**01034015. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Hilton Hotel Project in Straban Township, **Adams County**, with an expiration date of January 31, 2005. Permit issued January 27, 2004.

**67044001. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Stonegate Commons Phase 1 in Conewago Township, **York County**, with an expiration date of August 31, 2004. Permit issued January 27, 2004.

**21044002. Penn Development Services** (P. O. Box 110, Uniontown, PA 15401), construction blasting at Shippen Towne Centre, Shippensburg Township, **Cumberland County**, with an expiration date of January 30, 2005. Permit issued January 27, 2004.

**67044002. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting at The Woods housing development in Newberry Township, **York County**, with an expiration date of January 31, 2005. Permit issued January 27, 2004.

**46044001. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), blasting for utilities and interceptor at Springville Farms, Montgomery Township, **Montgomery County**, with an expiration date of July 12, 2004. Permit issued January 27, 2004.

**15044001. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), blasting for a regional sanitary sewer line in East Fallowfield Township, **Chester County**, with an expiration date of February 12, 2006. Permit issued January 27, 2004.

**09044001. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), blasting for sewer extensions on Sugar Bottom Road, Warwick Township, **Bucks County**, with an expiration date of June 15, 2004. Permit issued January 27, 2004.

**15044002. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Robins Cove in East Fallowfield Township, **Chester County**, with an expiration date of February 15, 2007. Permit issued January 27, 2004.

**15044003. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Hunters Ridge in East Fallowfield Township, **Chester County**, with an expiration date of February 15, 2007. Permit issued January 27, 2004.

**28044001. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting at The Eclave Housing Development in Chambersburg Borough, **Franklin County**, with an expiration date of May 15, 2004. Permit issued January 27, 2004.

**36044001. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at East Earl Home in East Earl Township, **Lancaster County**, with an expiration date of February 15, 2007. Permit issued January 27, 2004.

**67044003. ABEL Construction Co. Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Southern Heights in York Township, **York County**, with an expiration date of January 31, 2005. Permit issued January 29, 2004.

**49044001. Doli Construction Corp.** (120 Independence Lane, Chalfont, PA 18914-1832), construction blasting at Route 487 Sewer Extension in Ralpho Township,

**Northumberland County**, with an expiration date of July 31, 2004. Permit issued January 29, 2004.

**22044001. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Ebersole Excavating in Lower Paxton Township, **Dauphin County**, with an expiration date of February 15, 2005. Permit issued January 29, 2004.

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

**10044001. Popple Construction, Inc.** (202 Main Street, Laffin, PA 18702). Blasting activity permit to blast for a housing development in Allegheny Township, **Butler County**, for 120 days. Application received January 15, 2004. Application issued January 28, 2004.

**24040401. Onyx Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846). Blasting activity permit to blast for the expansion of a landfill in Fox Township, **Elk County**, for 365 days. Application received January 29, 2004. Application issued January 29, 2004.

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.*

**E54-309. Schuylkill Valley Sewer Authority**, P. O. Box 314, Mary-D, PA 17952. Blythe and Schuylkill Townships and New Philadelphia and Middleport Boroughs, **Schuylkill County**, Army Corps of Engineers Philadelphia District, Subbasin 3A.

To remove the existing four-span bridge along Ridge Road and to construct and maintain a concrete spread box beam bridge having a single span of 80.0 feet and an average underclearance of 5.5 feet across the Schuylkill River (CWF, perennial). The project also includes 42 utility line stream crossings in the Schuylkill River, tributaries thereof and wetlands and a 15-inch diameter sewage treatment plant effluent outfall structure in the floodway of the Schuylkill River. This work is associated with the Schuylkill Valley Wastewater Treatment Facility and sewage collection and conveyance system. The project is generally along SR 0209 between Cumbola and Tuscarora (Pottsville, PA Quadrangle N: 15.0 inches; W: 3.0 inches). The project proposes to directly affect 30 linear feet of stream channel and temporarily affect 384 linear feet of stream channel for sewer line crossings and cofferdams. Also, 0.28 acre of wetlands will be temporarily affected by sewer line crossings.

**E39-426. North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037. North Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure; to construct and maintain a 32-foot wide timber bridge with concrete

abutments and wingwalls, having a 14-foot span and a 5.7-foot underclearance, across Copeechan Creek (HQ-CWF, wild trout) impacting 50 feet of stream; and to place fill in a de minimis area of PSS Wetlands equal to 0.01 acre for the purpose of constructing the bridge abutments. The project is on Copeechan Road (T-713) approximately 0.6 mile west of its intersection with SR 0873 (Slatedale, PA Quadrangle N: 10.6 inches; W: 0.3 inch) (Subbasin: 2B).

**E45-445. Resorts USA, Inc.**, P. O. Box 447, Bushkill, PA 18324. Middle Smithfield Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a bridge having a single span of 55 feet and an underclearance of approximately 3.0 feet across Sand Hill Creek (HQ-CWF) impacting 20 feet of stream for the purpose of providing a road crossing for pedestrians, golf carts and maintenance vehicles. The project is at Fernwood Resort, northeast of the intersection of SR 0209 and River Road (Bushkill, PA-NJ Quadrangle N: 14.1 inches; W: 3.6 inches) (Subbasin: 1E).

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

**E08-410. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754. Bridge replacement in Windham Township, **Bradford County**, ACOE Baltimore District (Windham, PA Quadrangle N: 10.66 inches; W: 15.41 inches).

To: (1) remove the existing reinforced concrete slab bridge which has a normal clear span of 14.0 feet, a curb-to-curb width of 25.2 feet, an average underclearance of 2.3 feet and is on a 90° skew; and (2) construct and maintain a 14.0-foot by 5.0-foot by 43-foot long reinforced concrete box culvert on a 90° skew, with a curb-to-curb width of 26.0 feet, depressed 1 foot in the streambed with an effective waterway opening of 14 feet by 4 feet and with concrete wingwalls and R-6 rock protection placed at the wings and inlet and outlet cut off walls. The project is on SR 1055, approximately 5.6 miles from the intersection of SR 1055 with SR 187. The project will disturb approximately 0.42 acre of earth. The project will not impact wetlands while impacting approximately 50 feet of waterway. The West Branch of Parks Creek is a CWF. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E12-144. Bobbi and James Singer**, 2846 Sizerville Road, Emporium, PA 15834. Garage addition in Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 8.7 inches; W: 11.5 inches).

The permit authorizes the Singers to construct, operate and maintain 24-foot by 24-foot by 10-foot wooden addition to an existing garage. This structure will be in the floodway of the Portage Branch of the Sinnemahoning Creek, SR 155, 3 miles from the intersection with SR 120. This permit was issued under section 105.13(e) "Small Projects."

**E18-369. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 0144, Section A02, Structure Replacement over Drury Run in Noyes Township, **Clinton County**, ACOE Baltimore District (Renovest, PA Quadrangle N: 6.50 inches; W: 5.90 inches).

To remove the structurally unsound existing bridge that carries SR 0144, Section A02 over Drury Run and to construct and maintain: (1) a 55-foot single span pre-

stressed concrete spread box beam bridge with a waterway opening of 312 square feet; and (2) R-8 riprap for scour protection on the left and right bank for 40 feet upstream and 25 feet downstream. This project proposes to permanently impact 150 feet of Drury Run (CWF) without any wetland impacts.

**E19-238. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754. Bridge stream paving in Main Township, **Columbia County**, ACOE Baltimore District (Shumans, PA Quadrangle N: 18.31 inches; W: 18.9 inches).

To pave the entire streambed, 6 inches deep, under an existing bridge for an area 32 feet long by 11 feet wide in an unnamed tributary to Catawissa Creek (CWF) on SR 2011 Section 0010 approximately 0.5 mile north of Mainville near the Evangelical Lutheran Church. Upstream water will be collected and pumped around the work zone during a low flow period. It is anticipated that less than 0.02 acre of earth will be disturbed by the project. The project will not impact wetlands while impacting 35 feet of waterway. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-529. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Streambed paving under SR 0287 in Cogan House Township, **Lycoming County**, ACOE Susquehanna River Basin District (English Center, PA Quadrangle N: 3.1 inches; W: 0.4 inch).

To perform approximately 45 linear feet streambed paving a width of 9 feet in an unnamed tributary to Second Fork of Larry's Creek (HQ-CWF) along SR 0287, Segment 0300, Offset 0199. This project proposes to permanently impact 45 linear feet of the unnamed tributary and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-532. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Streambed paving under SR 3026, Seg. 0070, Offset 0361 in Lycoming Township, **Lycoming County**, ACOE Susquehanna River Basin District (Cogan Station, PA Quadrangle N: 7.9 inches; W: 15.9 inches).

To perform streambed paving in an unnamed tributary to Beauty's Run (CWF) along SR 3026, Segment 0070, Offset 0361. This project proposes to permanently impact 40 linear feet of the unnamed tributary and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-393. Eric and Barbara Peters**, 1385 US Highway 6 West, Galeton, PA 16922. Water Obstruction and Encroachment Joint Permit Application in Pike Township, **Potter County**, ACOE Susquehanna River Basin District (West Pike, PA Quadrangle N: 4.0 inches; W: 11.0 inches).

To construct, operate and maintain a single span footbridge over Pine Creek for pedestrian access to private property. The single span footbridge shall be constructed with a maximum 70-foot span, 10.0-foot width and 8.0-foot underclearance. This permit does not authorize any impact to the channel of Pine Creek or associated wetlands. The project is along the western right-of-way of SR 0006 approximately 1,000 feet east of SR 1003 and SR 0006 intersection. Since Pine Creek is regulated as a stock trout fishery, no construction or future repair work

shall be done in or along the stream channel between March 1 and June 15 without prior written permission from the Fish and Boat Commission. Since Pine Creek is also a wild trout fishery, no construction or future repair work shall be done in or along the stream channel between October 1 and December 31 without prior written permission from the Fish and Boat Commission. This permit was issued under section 105.13(e) "Small Projects."

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

**E02-1367-A1. City of Pittsburgh, Department of Planning,** 200 Ross Street, 4th Floor, Pittsburgh, PA 15219. Nine Mile Run channel restoration in the City of Pittsburgh, **Allegheny County,** Pittsburgh ACOE District (Pittsburgh East, PA Quadrangle N: 7.3 inches; W: 5.7 inches) (Latitude: 40° 25' 45"—Longitude: 79° 53' 45"). This amendment will authorize the construction and maintenance of an extension to the aquatic restoration of Nine Mile Run and one of its tributaries. For Nine Mile Run, an approximate additional 5,640 feet of stream channel will be restored and approximately 55 feet of a tributary to Nine Mile Run will be restored. The amendment will authorize the removal of additional structures and the stabilization and maintenance of various outfall structures. The amendment will also authorize the construction of three seepage collection walls, an inverted siphoner and the discharge conveyance line. This work is part of Phase 2 of the Nine Mile Run Aquatic Restoration Project. This phase of the project starts at Commercial Street and extends to Nine Mile Run confluence with the Monongahela River. The total project impacts including Phases 1B and 2 are 9,339 feet of Nine Mile Run and 2,211 feet to its tributaries and .28 acre of wetland impacts.

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

**E27-073, Pennsylvania General Energy,** 208 Liberty Street, Warren, PA 16365. Warrant 5135 in Kingsley Township, **Forest County,** ACOE Pittsburgh District (Marienville West, PA Quadrangle N: 19.5 inches; W: 12.6 inches).

To construct and maintain a steel beam bridge having a clear span of 59 feet and an underclearance of 8 feet across Salmon Creek and a de minimis area of wetland on an access road into Warrant 5135 approximately 750 feet northwest of Forest Roadway 145, 2.9 miles north of SR 3004.

**E33-213, Borough of Brookville,** Two Jefferson Court, Brookville, PA 15825. Brookville Flood Protection Project Maintenance in the Borough of Brookville, **Jefferson County,** ACOE Pittsburgh District (Brookville, PA Quadrangle N: 6.0 inches; W: 11.0 inches).

The applicant proposes to maintain the Federal flood control project within the Borough of Brookville, Jefferson County involving the removal of unvegetated gravel bars from North Fork Creek (HQ-CWF, perennial), Redbank Creek (TSF, perennial), Sandy Lick Creek (TSF, perennial) to original flood control project contours.

**E43-300, Richard Van Buren,** 17352 Highway 98, Meadville, PA 16335. Scott Kettering Site in West Salem Township, **Mercer County,** ACOE Pittsburgh District (Greenville West, PA Quadrangle N: 1.9 inches; W: 8.8 inches).

The applicant proposes to construct and maintain a home partially within the right floodway and to place fill

in the right floodway having dimensions of approximately 4,200 square feet and an average depth of 2 feet adjacent to an unnamed tributary to Big Run (WWF, perennial). The project has been constructed and the application was the result of an enforcement action. The project proposes to directly affect approximately 0.09 acre of floodway.

**E43-301, Mercer County Board of Commissioners,** 503 Mercer County Courthouse, Mercer, PA 16137. Haywood St. over Hogback Run Bridge Replacement in the Borough of West Middlesex, **Mercer County,** ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 9.7 inches; W: 10.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain a steel beam bridge (no. 2812) having a clear span of 42.96 feet and an underclearance of 8 feet across Hogback Run (WWF, perennial) on Haywood Street approximately 0.4 mile southeast of the intersection of U. S. Interstate 80 and SR 18.

**E114-001. Lower Yoder Township,** 128 J Street, Johnstown, PA 15906 in Lower Yoder Township, **Cambria County,** ACOE Pittsburgh District, Application to amend Small Projects Permit E11-285.

To amend Permit E11-285 that authorized the removal of failed gabion baskets and the construction and maintenance of cable-concrete mats in and along 175 linear feet of St. Clair Run (CWF) for the purpose of stabilizing the stream banks and invert. The requested amendment is to remove the existing failed cable-concrete mats from the stream banks and channel invert for approximately 145 linear feet, shape the stream banks on a 3 horizontal: 1 vertical slope and install permanent Turf Reinforcement Mats (TRM) covered by a temporary erosion control blanket on both stream banks where the cable-concrete mats are removed. The proposed project would include grouting approximately 25 linear feet of existing riprap on both stream banks at the upstream project limit, constructing two rock grade control structures on the stream invert equally spaced along the TRM installation and extending the existing riprap cutoff at the downstream project limit by approximately 5 linear feet. The TRM will be seeded and soil-filled and all other disturbed areas will be graded, seeded and mulched. The project would impact approximately 190 linear feet of the channel. The project is approximately 180 linear feet downstream of Falcon Drive, adjacent to St. Clair Road (Johnstown, PA Quadrangle N: 15.40 inches; W: 12.85 inches) in Lower Yoder Township, Cambria County.

## SPECIAL NOTICES

### Extended Application Deadline for the Recycling Markets Infrastructure Development Grant

Applications for the 2003 Recycling Markets Infrastructure Development Grant (grant) are now available from the Department of Environmental Protection (Department). Grants will be awarded on a competitive basis to qualified existing for-profit businesses and nonprofit organizations that seek to purchase machinery or equipment that will result in increased consumption of recyclable materials recovered in this Commonwealth. The Department will accept grant applications until 4 p.m. on May 7, 2004.

The success of recycling programs is directly related to demand for recyclable goods. Strong, profitable recycling based businesses are good for the environment and the economy in this Commonwealth. The grant aims to build strong markets for recycled materials in this Common-

wealth by assisting existing businesses or nonprofit organizations with increasing their use of recyclable materials in the production of finished products.

Applications for the 2003 grant program may be obtained by contacting Jeff Bednar, Bureau of Land Recycling and Waste Management, (717) 787-7382, jbednar@state.pa.us. Applications for the 2003 grant program are also on the Department's website: www.state.pa.us (DEP Keyword: Market Development).

#### **Extended Application Deadline for the Recycling Markets Center Grant**

Applications for the Recycling Markets Center Grant (grant) are now available from the Department of Environmental Protection (Department). With this program, one grant will be awarded on a competitive basis to a qualified nonprofit organization or university for the establishment, support and oversight of the Pennsylvania Recycling Markets Center (Center). The Department will accept grant applications until 4 p.m. on May 28, 2004.

Businesses need marketing information to identify new opportunities for smart growth since the information enables businesses to develop strategic plans that chart a course to profitability. Developing reliable recycling market information involves: the compilation of economic, political, regulatory, societal and technological data; the interpretation of how current and anticipated events will impact business practices and relationships among solid waste, scrap and manufacturing industries; the identification of those business practices that need to be adjusted; and good communication skills to transfer knowledge to a targeted audience. Furthermore, to remain competitive in the ever-changing recycling environment, recycling busi-

nesses need to be introduced to the latest technologies that increase efficiency and productivity in collection, processing and manufacturing activities.

The Department sees the need to assure that recycling market information is available to businesses in this Commonwealth. To fulfill this need, the Department is seeking a nonprofit organization or university to establish, support and oversee the Center. This Center will serve to expand and develop more secure and robust markets for recovered secondary materials by helping to overcome market barriers and inefficiencies.

Applications for the grant program may be obtained by contacting Georgia Kagle, Bureau of Land Recycling and Waste Management, (717) 787-7382, gkagle@state.pa.us. Applications for the grant program are also on the Department's website: www.state.pa.us (DEP Keyword: Market Development).

#### **Certification to Perform Radon-Related Activities in this Commonwealth**

In the month of January 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joseph Cline	P. O. Box 4422 Harrisburg, PA 17111	Testing
William Fromm	100 Lebo Road Carlisle, PA 17013	Testing
Harry E. Harvey, III	206 East Mill Street Horseheads, NY 14845	Testing
Gregg Harwood Professional Home Inspection Service	1278 Vestal Avenue Binghamton, NY 13903	Testing and Mitigation
Harold Henry	622 Japan Street Erie, PA 16502	Testing
Edward Johnston	1902 Concord Road Ambridge, PA 15003	Testing
Daniel Jones	6 Chestwood Drive Connellsville, PA 15425	Testing
Joseph Kelly	P. O. Box 156 Virginville, PA 19564	Testing
Daniel Linski	100 North Wilkes-Barre Boulevard Wilkes-Barre, PA 18702	Testing
Vince Mantegna	1070 Conchester Highway Glen Mills, PA 19342	Testing
Paul McCaa Karl & Associates, Inc.	20 Lauck Road Mohnton, PA 19540	Testing



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Timothy McDaniel	300 S. Saint Elmo Street Allentown, PA 18104	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Mitigation
Dwayne Ott	667 Park Avenue (Rear) Tyrone, PA 16686	Testing
RSSI	6312 West Oakton Street Morton Grove, IL 60053	Laboratory
Jeffrey Rau	7 North Old Baltimore Pike Newark, DE 19702	Testing
Adam Rickard	90 Betty Nelson Ct., Lot 108 Carlisle, PA 17013	Testing
Frederick Ruziecki	9870 Hilltop Drive Bangor, PA 18013	Testing
David Scholtz	P. O. Box 118 Effort, PA 18330	Laboratory
Corey Shomper H. B. McClure Company	600 South 17th Street Harrisburg, PA 17104	Testing and Mitigation
Rand Singer	806 Nutes Farm Lane Kennett Square, PA 19348	Testing
Bruce Thomas Absolute Radon Services, Inc.	17 Fosterville Road Greensburg, PA 15601	Testing
James Weber	56 Bentwood Road Drums, PA 18222	Testing

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs)  
for the Brubaker Run Watershed in Cambria County**

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

The Department of Environmental Protection (Department) is holding a public meeting on Tuesday, February 17, 2004, at 6:30 p.m. at the Saint Thomas Church in Ashville, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of 1996 Section 303(d) of the Clean Water Act. Two stream segments in the Brubaker Run Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
26489 (Segment 4026)	Brubaker Run	2.9
26489 (Segment 990819-0920-LMS)	Brubaker Run	7.23

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of both load allocations (LA), which are made to nonpoint sources of pollution and waste load allocations (WLA), which are made to point sources of pollution.

The TMDL was developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2001.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Miles Baird at (814) 472-1900 between 8 a.m. and 3 p.m., Monday through Friday, at the Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931, mbaird@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 31, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on Tuesday, February 10, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Cucumber Run Watershed in Somerset County**

*Greensburg District Mining Office: Watershed Manager; Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601.*

The Department is holding a public meeting on March 4, 2004, at 7 p.m. at the Confluence Community Center, Confluence Borough Building in Confluence, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of 1996 Section 303(d) of the Clean Water Act. Two stream segments in the Cucumber Run Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania 303(d) lists due to depressed pH and high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38817 (Segment 4838)	Cucumber Run	1.7
38817 (Segment 990102-1035-TVP)	Cucumber Run	1.7

The proposed plan provides calculations of the stream's total capacity to accept metals and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. Portions of this watershed were mined for coal in the mid to late 20th century. All of the allocations made in the TMDL are LA that are made to nonpoint sources of pollution.

The TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky at (724) 925-5500 between 8 a.m. and 3 p.m., Monday through Friday, at Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601, rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by April 7, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on Wednesday, February 25, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-247. Filed for public inspection February 13, 2004, 9:00 a.m.]

**Agricultural Advisory Board Meeting Cancellation**

The February 18, 2004, meeting of the Agricultural Advisory Board (Board) has been cancelled. The next scheduled Board meeting will be held on April 21, 2004, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for this meeting will be available through the Department of Environmental Protection's (Department) website at [www.dep.state.us](http://www.dep.state.us) (DEP Keyword: Participate). Questions concerning the

meeting should be directed to Dean Auchenbach, (717) 772-5668, [dauchenbac@state.pa.us](mailto:dauchenbac@state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 772-5668 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-248. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "Current Inventory" heading is the Governor's list of the Department's nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Draft Technical Guidance*

DEP ID: 381-2208-001. Title: Experimental Onlot Wastewater Technology Verification Program. Description: The Department has prepared this draft policy for the purpose of establishing a process for independent third party verification of the performance of experimental onlot wastewater technologies. Comment Period Ends: March 15, 2004. Contact: Tom Franklin, (717) 783-1820, [thfranklin@state.pa.us](mailto:thfranklin@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-249. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Environmental Justice Advisory Board Meeting Change

The meeting of the Environmental Justice Advisory Board scheduled for February 3, 2004, has been rescheduled to Monday, February 23, 2004, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Lorraine Wagner, (717) 783-1566, [lowagner@state.pa.us](mailto:lowagner@state.pa.us). The agenda and meeting materials will be available through the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 783-1566 or through the Pennsylvania AT&T Relay

Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-250. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Small Business Compliance Advisory Committee Meeting Change

Due to inclement weather, the January 28, 2004, meeting of the Small Business Compliance Advisory Committee has been rescheduled. The meeting is now scheduled for February 18, 2004, at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Jon Miller, (717) 787-7019, [jonmiller@state.pa.us](mailto:jonmiller@state.pa.us). The revised agenda and meeting materials will be available through the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Jon Miller at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-251. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Wetlands Protection Advisory Committee Meeting Cancellation

The Wetlands Protection Advisory Committee meeting scheduled for Thursday, February 19, 2004, has been cancelled. The next meeting is scheduled for Thursday, May 20, 2004, at 10 a.m. in the 1st Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for this meeting will be available through the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). Questions concerning this meeting should be directed to Kelly Heffner, (717) 787-6827, [kheffner@state.pa.us](mailto:kheffner@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-252. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### State Surplus Property

The Department of General Services is selling a 1986 Polaris Trail Boss all terrain vehicle for the Department of Conservation and Natural Resources. This all terrain vehicle has a centrifugal belt drive transmission. The tires are fair and the brakes are in poor conditions. The vehicle is located in Harrisonville, PA. The bid opening will be on March 1, 2004. For more information or to obtain a bid packet, call (717) 787-4085.

DONALD T. CUNNINGHAM, Jr.,  
*Secretary*

[Pa.B. Doc. No. 04-253. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1(c) (relating to minimum standards), which requires compliance with minimum standards in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 7.2B1.29 (relating to showers and tubs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-254. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Application of Corry Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Corry Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-255. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hear-

ing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-256. Filed for public inspection February 13, 2004, 9:00 a.m.]

**Application of Mount Nittany Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 138.2, 138.15 and 138.17 (relating to definitions; high-risk cardiac catheterizations; and PTCA).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 04-257. Filed for public inspection February 13, 2004, 9:00 a.m.]

**Minimum Levels of Controlled Substances or Their Metabolites in Blood to Establish Presence of Controlled Substance**

Under 75 Pa.C.S. § 1547(c)(4) (relating to chemical testing to determine amount of alcohol or controlled substance), as amended by the act of September 30, 2003 (P. L. 120, No. 24), the Department of Health (Department) is publishing a notice of the minimum levels of Schedule I, II and III controlled substances or their biotransformation products (metabolites) that must be present in a person's blood for the test results to be admissible in a prosecution for a violation of 75 Pa.C.S.

§ 1543(b)(1.1), 75 Pa.C.S. § 3802(d)(1), (2) or (3) or 75 Pa.C.S. § 3808(a)(2) (relating to driving while operating privilege is suspended or revoked; driving under influence of alcohol or controlled substance; and illegally operating a motor vehicle not equipped with ignition interlock).

Although there are hundreds of controlled substances in Schedules I, II and III, detection limits are listed only for commonly abused controlled substances for which testing procedures are readily available. The minimum concentrations specified are those that can be reliably measured by laboratories approved by the Department to test blood for controlled substance content.

Clinical laboratories that operate in this Commonwealth that perform analyses of blood to determine controlled substance content must be approved by the Department in accordance with 28 Pa. Code § 5.50 (relating to approval to provide special analytical services). The approval process is conducted in much the same manner as the Department's approval of laboratories to test blood for alcohol content, as described in *Commonwealth v. Brown*, 631 A.2d 1014 (Pa. Super. 1993). This approval process requires laboratories to demonstrate an acceptable level of proficiency in determining the presence of controlled substances or their metabolites in blood.

This testing is a two-step process. The first step involves the screening of blood using a relatively rapid and inexpensive technique to presumptively determine which specimens may contain the substance or a metabolite of the substance for which the blood is screened. The second step utilizes a more sensitive and specific procedure to substantiate the presence and concentration of the substance or its metabolite that was presumptively detected in the initial screening procedure.

Confirmatory analyses employed to substantiate the presence of a drug or drug metabolite generally focus on identifying and quantitatively determining the concentration of the parent drug or a primary metabolite if extensive biotransformation occurs. The detection limits listed were developed by reviewing the minimum reportable concentrations for confirmatory analyses that laboratories in the Department's approval program specified they could measure. The concentrations listed are the levels that all laboratories approved by the Department to test blood for controlled substance content can reliably determine.

The list contains only those substances that are included in the Department's proficiency testing program designed to provide assurance that laboratories approved to test blood for controlled substance content can reliably identify and measure the concentrations of drugs and their metabolites in blood. The Department will publish superseding notices as it determines the detection limits for other Schedule I, II and III controlled substances, or as the need otherwise arises.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. M. Jeffery Shoemaker at V/TT (717) 783-6514 or by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

<i>Class</i>	<i>Substance</i>	<i>Schedule</i>	<i>Minimum Detection Limits (nanograms/milliliter)</i>
<i>Amphetamines</i>	Amphetamine	II	10
	Methamphetamine	II	10

<i>Class</i>	<i>Substance</i>	<i>Schedule</i>	<i>Minimum Detection Limits (nanograms/milliliter)</i>
<i>Analgesics</i>	Methadone	II	50
<i>Cannabinoids</i>	Delta-9-carboxy THC*	I	5
<i>Cocaine</i>	Cocaine	II	20
	Benzoylcegonine	II	50
<i>Hallucinogens</i>	Phencyclidine	II	5
<i>Opiates</i>	Codeine	II	10
	Hydrocodone	II	10
	Hydromorphone	II	10
	6-Monoacetylmorphine	II	10
	Morphine	II	10
	Oxycodone	II	10
<i>Sedatives/Hypnotics</i>	Amobarbital	II	200
	Pentobarbital	II	200
	Secobarbital	II	200

\* THC = tetrahydrocannabinol

[Pa.B. Doc. No. 04-258. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 10, 2004, from 10 a.m. to 2 p.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5900.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact William J. Neil at (717) 787-5900, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-259. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by 35 P.S. § 6204, will hold a public meeting on Friday, March 19, 2004, from 10 a.m. to 3 p.m. in Conference Room 907, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine E. Gibble, Program Administrator, Chronic Renal

Disease Program, (717) 772-5138, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-260. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Concordia Lutheran Ministries  
615 North Pike Road  
Cabot, PA 16023

Mt. Macrina Manor  
520 West Main Street  
Uniontown, PA 15401

The Willows of Presbyterian SeniorCare  
1215 Hulton Road  
Oakmont, PA 15139

Harmar Village Care Center  
715 Freeport Road  
Cheswick, PA 15024

Mahoning Valley Nursing and Rehabilitation Center  
397 Hemlock Drive  
Lehighton, PA 18235-9640

Kirkland Village  
One Kirkland Village Circle  
Bethlehem, PA 18017-3847

Church of God Home Inc.  
801 North Hanover Street  
Carlisle, PA 17013

Hanover Hall  
267 Frederick Street  
Hanover, PA 17331

Laurel Care Nursing and Rehabilitation Center  
6375 Chambersburg Road  
Fayetteville, PA 17222

Quincy United Methodist Home  
P. O. Box 217  
Quincy, PA 17247

Rest Haven—York  
19050 S. George Street  
York, PA 17403

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Armstrong County Health Center  
265 South McKean Street  
Kittanning, PA 16201

Woodland Place  
745 Greenville Road  
Mercer, PA 16137

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

Beverly Healthcare Phoenixville  
833 South Main Street  
Phoenixville, PA 19460

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcepthealth@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-261. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is pub-

lished for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or any one of them or their firm, or any firms, corporations or partnerships in which these contractors, or any one of them or their firm, have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Vercusky Painting (Fed. ER I. D. No. 23-2593140), Michael Vercusky and John Vercusky	443 Winters Avenue West Hazelton, PA 18202 -and- 304 Winters Avenue West Hazelton, PA 18202	1/23/04

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 04-262. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Thursday, February 26, 2004, at 10:30 a.m. in the 3rd Floor Conference Room, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

The ADA contact is Gina Meckley, (717) 783-9424.

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 04-263. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Monte Carlo 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 Monte Carlo.

2. *Price:* The price of a Pennsylvania Monte Carlo instant lottery game ticket is \$10.

3. *Play Symbols:*

(a) Each Pennsylvania Monte Carlo instant lottery game ticket will contain four games: "Roulette," "High Card," "7-11" and "Slots." Each game has a different game play method and is played separately.

(b) The play area for "Roulette" will contain a "Roulette Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Roulette Number" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN) and 15 (FIFTEEN).

(c) The play area for "High Card" will contain a "Your Card" area and a "Dealer's Card" area. The play symbols and their captions located in the "Your Card" area are: 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). The play symbols and their captions located in the "Dealer's Card" area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN) and K (KNG). J, Q and K equal 10. A equals 11.

(d) The play symbols and their captions located in the play area for "7-11" are: a die containing a 1 (ONE), a die containing a 2 (TWO), a die containing a 3 (THREE), a die containing a 4 (FOUR), a die containing a 5 (FIVE) and a die containing a six (SIX).

(e) The play symbols and their captions located in the play area for "Slots" are: Melon Symbol (MELON), Banana Symbol (BANANA), Bar Symbol (BAR), Horse Shoe Symbol (SHOE), Apple Symbol (APPLE), Cherry Symbol (CHERRY), Star Symbol (STAR), Bell Symbol (BELL) and 7 Symbol (SEVEN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area for "Roulette" and in the "Prize" areas for "High Card," "7-11" and "Slots" are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$250,000 (TWO HUN FTY).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$250,000.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Monte Carlo instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Roulette" are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$250,000 (TWO HUN FTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$10,000 (TEN THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$1,000 (ONE THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$500 (FIV HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$100 (ONE HUN)

appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$50\$ (FIFTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$25\$ (TWY FIV) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Roulette Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$15.

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

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

(b) Determination of prize winners for "High Card" are:

(1) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$250,000 (TWO HUN FTY) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$250,000.

(2) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$10,000 (TEN THO) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$500 (FIV HUN) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$200 (TWO HUN) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$100.



(7) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$50\$ (FIFTY) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets where the "Your Card" play symbol is greater than the "Dealer's Card" play symbol in the same "Game," and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears 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 "7-11" are:

(1) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$250,000 (TWO HUN FTY) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$250,000.

(2) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$10,000 (TEN THO) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$1,000 (ONE THO) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$500 (FIV HUN) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$200 (TWO HUN) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$100 (ONE HUN) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11

and a prize play symbol of \$50\$ (FIFTY) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$25\$ (TWY FIV) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$20\$ (TWENTY) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets where the two numbers in the dice within the "Your Rolls" area for each roll total 7 or 11 and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that roll, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for "Slots" are:

(1) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$250,000 (TWO HUN FTY) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$250,000.

(2) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$10,000 (TEN THO) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$1,000 (ONE THO) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$500 (FIV HUN) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$200 (TWO HUN) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$100 (ONE HUN) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$50\$ (FIFTY) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$25\$ (TWY FIV) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$25.

(9) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$20\$

(TWENTY) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$15\$ (FIFTN) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$15.

(11) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$10.<sup>00</sup> (TEN DOL) in the "Prize" area for that "Pull," on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets with three matching play symbols in the same "Pull" and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) in the "Prize" area for that "Pull," 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>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$5 × 2	\$10	18.75	384,000
\$10	\$10	20	360,000
\$5 × 3	\$15	100	72,000
\$15	\$15	42.86	168,000
\$5 × 4	\$20	150	48,000
\$10 × 2	\$20	16.67	432,000
\$20	\$20	25	288,000
\$15 × 2 + \$10 × 2	\$50	45.45	13,200
\$5 × 8 + \$10	\$50	545.45	13,200
\$15 × 3 + \$5	\$50	1,090.91	6,600
\$20 × 2 + \$10	\$50	272.73	26,400
\$25 × 2	\$50	1,090.91	6,600
\$10 × 5	\$50	545.45	13,200
\$5 × 10	\$50	545.45	13,200
\$50	\$50	260.87	27,600
\$10 × 5 + \$50	\$100	600	12,000
\$25 × 3 + \$5 × 5	\$100	600	12,000
\$15 × 4 + \$20 × 2	\$100	600	12,000
\$50 × 2	\$100	300	24,000
\$20 × 5	\$100	1,200	6,000
\$10 × 10	\$100	300	24,000
\$100	\$100	240	30,000
\$15 × 10 + \$25 × 2	\$200	4,800	1,500
\$15 × 10 + \$10 × 5	\$200	4,800	1,500
\$20 × 5 + \$50 × 2	\$200	4,800	1,500
\$20 × 10	\$200	4,800	1,500
\$200	\$200	2,400	3,000
\$100 × 5	\$500	24,000	300
\$50 × 10	\$500	30,000	240
\$200 × 2 + \$100	\$500	30,000	240
\$500	\$500	15,000	480
\$100 × 10	\$1,000	30,000	240
\$200 × 5	\$1,000	30,000	240
\$500 × 2	\$1,000	30,000	40
\$1,000	\$1,000	30,000	240
\$1,000 × 10	\$10,000	120,000	60
\$10,000	\$10,000	120,000	60
\$250,000	\$250,000	360,000	20

Roulette—When any of "Your Numbers" match the "Roulette Number," win prize shown under the matching number.

High Card—When "Your Card" beats the "Dealer's Card" within the same game, win prize shown for that game.

7-11—When any of "Your Rolls" total 7 or 11 in the same row, win prize shown for that row.

Slots—Match 3 like symbols in any "Pull," win prize shown for that pull.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Monte Carlo 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 Monte Carlo, prize money from winning Pennsylvania Monte Carlo 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 Monte Carlo 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), 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 Monte Carlo or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-264. Filed for public inspection February 13, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Berks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) plan to replace the existing single lane bridge on SR 0143 over Maiden Creek in Richmond, Greenwich and Perry Townships, Berks County.

The subject project will require use of approximately 0.28 hectare (0.71 acre) of the National Register-eligible Virginville Historic District.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects. To minimize the amount of Section 4(f) protected property impacted by the project, the Department will return the area disturbed by the temporary bridge to its preconstruction setting. The Department will also ensure that the project design for the permanent bridge is compatible with the historic and architectural qualities of the Virginville Historic District and is responsive to the recommended approaches to new construction in the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (United States Department of the Interior, National Park Service, 1990).

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effect.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 04-265. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Finding Jefferson County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration (FHA) and the Department of Transportation are planning the construction of approximately 5 miles of two-lane arterial roadway partially on and off existing roadway alignments. The project also includes construction of a new interchange on Interstate 80 in Jefferson County.

An Environmental Assessment (EA) was prepared to evaluate the potential environmental impacts caused by the subject project. The FHA issued a Finding of No Significant Impact on January 12, 2004, determining that the Modified Revised Western Alternative will have no significant impact on the human environment. The EA and supporting documentation find that there is no practicable alternative to construction of the preferred alternative, and the proposed action includes all practicable measures to minimize harm to the environment that may result from the proposed project.

Mitigation measures will be taken to minimize harm as stipulated in the EA. The proposed project has no Section 4(f) use.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered, and it has been concluded that all reasonable planning was completed to avoid, minimize or mitigate the environmental effects that may result from the construction of this project.

No adverse environmental effect is likely to result from the proposed action.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 04-266. Filed for public inspection February 13, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Bruce C. Jackson v. DEP; EHB Doc. No. 2004-032-MG

Bruce C. Jackson has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Highway Materials, Inc. for a facility in Marlborough Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-267. Filed for public inspection February 13, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Stream Sections

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout stream sections. The listing of a stream section as a wild trout stream section is a biological designation that does not determine how it is managed. The Commission uses many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the list of wild trout stream sections. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout stream sections in the *Pennsylvania Bulletin*. A notice soliciting comments regarding the list was published at 33 Pa.B. 6292 (December 20, 2003). At its quarterly meeting on January 27, 2004, the Commission decided to defer consideration of the list until its April 2004 meeting and to solicit public comments until April 9, 2004.

Persons with comments, objections or suggestions concerning the classification of the stream sections listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 by 4 p.m. on April 9, 2004. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DENNIS T. GUISE,  
*Deputy Executive Director*

[Pa.B. Doc. No. 04-268. Filed for public inspection February 13, 2004, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### General Operating Grants Application Submission Deadline

The Historical and Museum Commission (Commission) announces that the application submission deadline for

general operating support grants (grants) for FY 2004-2005 is April 1, 2004.

Grant applications are available online through [www.artsnet.org/phmc](http://www.artsnet.org/phmc). Applications are to be submitted using the electronic grant process.

Grants are divided into two categories—museums and official county historical societies.

Grants for museums require no matching funds and are restricted to museums with annual operating budgets exceeding \$100,000. The grants are administered on a competitive basis and are made annually based on a peer review process. Museums must be located in this Commonwealth, have tax-exempt status, be incorporated and have been exhibiting to the public at least 2 years prior to the submission of the grant application. Grant awards will not exceed \$150,000 or 10% of the museum's annual operating budget if less than \$1.5 million.

Grants for official county historical societies are restricted to historical organizations that are certified by county governments as official county historical societies for the respective counties. The society must receive funds from the county government to assist in paying the operating expenses of the organization. The grant is noncompetitive and requires a 50/50 cash match. Grant awards will not exceed \$10,000.

Inquiries concerning the grant application process should be directed to Edith D. Walsh, (717) 214-8649, [ewalsh@state.pa.us](mailto:ewalsh@state.pa.us).

The Commission Grant Program, through its funding to nonprofits and local governments, has made a major contribution to supporting downtown and neighborhood revitalization, promoting heritage tourism and encouraging economic development across this Commonwealth.

JOHN C. WESLEY,  
*Interim Executive Director*

[Pa.B. Doc. No. 04-269. Filed for public inspection February 13, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-482	Department of Public Welfare Subsidized Child Day Care Eligibility Head Start Expansion	2/4/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-270. Filed for public inspection February 13, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Liberty Mutual Fire Insurance Company; Homeowners Insurance; Rate Filing

On January 16, 2004, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 5.2% increase amounting to \$1.305 million annually, to be effective April 12, 2004, for new and renewal business.

Unless formal administrative action is taken prior to March 16, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" on the left side. Scroll down to "General Information" in the middle of the page and click "Notices." The PDF copy of this filing is at the "Filing.pdf" link following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

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](mailto: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. 04-271. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, 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 Eric Laws and Suprenna Ginn; file no. 04-181-00310; Progressive Insurance Company; doc. no. P04-01-025; March 3, 2004, 1:30 p.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 Lawrence R. and Ketty Schleicher; file no. 03-124-13645; Erie Insurance Exchange; doc. no. PH04-01-028; March 5, 2004, 10 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of William and Debra Bauerle; file no. 04-181-00012; Hartford Insurance Company; doc. no. PI04-01-027; April 7, 2004, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-272. Filed for public inspection February 13, 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 the company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, 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 Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Harold and Pearl Bortz; file no. 03-407-91280; Everett Cash Mutual Insurance Company; doc. no. PI04-01-030; April 7, 2004, 12:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence.



Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,  
Secretary

[Pa.B. Doc. No. 04-276. Filed for public inspection February 13, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 8, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00120423. David D. Chapman** (17 South 11th Street, Mifflinburg, Union County, PA 17844)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Union, and from points in said county, to points in Pennsylvania, and return.

**A-00120429. Lawrence J. Williams t/d/b/a New Castle Cab Company** (17 N. Greenwood Avenue, New Castle, Lawrence County, PA 16101)—persons, upon call or demand, in the Counties of Lawrence and Mercer.

**A-00120433. Accurate Limousine, LLC** (12 Raintree Road, Chadds Ford, Chester County, PA 19317), a limited liability company of the Commonwealth—persons, in limousine service, between points in the County of Chester, and from points in said county, to points in Pennsylvania, and return.

**A-00120419. Chester City Cab Company** (107 West 23rd Street, Chester, Delaware County, PA 19013)—persons upon call or demand in the City of Chester, Delaware County, and within an airline distance of 5 statute miles of the limits thereof.

**A-00120418. Robert J. Hartley** (736 Beatty School Road, Greenville, Mercer County, PA 16125)—persons in paratransit service, between points in the Counties of Crawford and Mercer, and from points in said counties, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00120440. Michael G. and Dawn M. Phillips** (773 Lancaster Pike, Quarryville, Lancaster County, PA 17566)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or

operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

#### Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.*

**A-00119348, F.1, Am-A. Jadco Enterprises, Inc. t/a Sterling Limousine** (12 Penns Trail, Newtown, Bucks County, PA 18940), a corporation of the Commonwealth—persons in limousine service between points in Pennsylvania: *So As To Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* Barry L. Gross, 547 East Washington Avenue, Newtown, PA 18940.

**A-00118810, F.1, Am-A. Felix M. Szczepanski t/d/b/a J. B. Taxi** (233 Midland Avenue, Midland, Beaver County, PA 15059)—persons upon call or demand in the Borough of Midland, Beaver County: *So As To Permit* the transportation of persons upon call or demand in Beaver County.

#### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

**A-00120425. Hughes Limousine Service, Inc.** (150 John Street, Kingston, Luzerne County, PA 18704), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the rights authorized under the certificate issued at A-00107620 to Thomas P. Hughes t/d/b/a Hughes Limousine Service, subject to the same limitations and conditions. *Attorney:* Francis J. Hoegen, 152 South Franklin Street, Wilkes-Barre, PA 18701.

**A-00120431. Beverly Hills Limousine, Inc.** (P. O. Box 425, Mt. Joy, Lancaster County, PA 17552), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued at A-00106733, F.4 to Johnson Bus, Inc., subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Rhoads & Sinon, LLP, P. O. Box 1146, Harrisburg, PA 17552.

**A-00120441. DAV-EL New Jersey, Inc.** (200 Second Street, Chelsea, MA 02150), a corporation of the State of New Jersey—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the rights authorized under the certificate issued at A-00108396 to Elite Limousine, Ltd., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

#### Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

**A-00112993, Folder 3. Lock Haven Taxi, Inc.** (14 East Main Street, Lock Haven, Clinton County, PA 17745), a corporation of the Commonwealth—persons in paratransit service, between points in the City of Lock Haven, the Boroughs of Flemington, Mill Hall, Beech Creek, Avis, Loganton, Renovo and South Renovo, and the Townships of Allison, Bald Eagle, Beech Creek, Castanea, Chapman, Colebrook, Crawford, Dunnstable, East Keating, Gallagher, Greene, Grugan, Lamar, Leidy, Logan,

Wayne, West Keating and Woodward, all located in Clinton County, and from points in said territory, to points in Pennsylvania, and return.

**A-00118809, Folder 3. Carol J. Ahmed** (2526 Shingletown Road, State College, Centre County, PA 16801)—persons, in group and party service, in vehicles seating 11 to fifteen 15 passengers, including the driver, between points in the County of Centre, and from points in said county, to points in Pennsylvania, and return.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Allegheny Coach, Inc.; Doc. No. A-00114415C*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That ALLEGHENY COACH, INC., respondent, maintains its principal place of business at 11 MAYVIEW ROAD, LAURENCE, PA 15053.
2. That respondent was issued a certificate of public convenience by this Commission on December 7, 1998, at Docket No. A-00114415.
3. That, on August 15, 2003 respondent was sent an initial assessment of \$151.00. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$151.00.
4. That respondent has an outstanding assessment of \$151.00.
5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).
6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).
7. That respondent, by failing to maintain evidence of insurance on file with this commission, violated 52 Pa. Code §§ 32.2 and 32.11.

WHEREFORE, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services  
Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.



F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Audits at (717) 783-6190.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-277. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Telecommunications

**A-311204F7001. Verizon North Inc. and Granite Telecommunications, LLC.** Joint petition of Verizon North Inc. and Granite Telecommunications, LLC for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Granite Telecommunications, LLC, by its counsel, filed on January 19, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1 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 Verizon North Inc. and Granite Telecommunications, 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. 04-278. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Telecommunications

**A-310554F7001. Verizon North Inc. and RCN Telecom Services, Inc.** Joint petition of Verizon North Inc. and RCN Telecom Services, Inc. for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and RCN Telecom Services, Inc., by its counsel, filed on January 16, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an 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 Verizon North Inc. and RCN Telecom Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-279. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Telecommunications

**A-310401F7000. Verizon Pennsylvania Inc. and Intermedia Communications, Inc. d/b/a Pennsylvania Intermedia Communications, Inc.** Joint petition of Verizon Pennsylvania Inc. and Intermedia Communications, Inc. d/b/a Pennsylvania Intermedia Communications, Inc. for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Intermedia Communications, Inc. d/b/a Pennsylvania Intermedia Communications, Inc., by its counsel, filed on January 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an 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 Verizon Pennsylvania Inc. and Intermedia Communications, Inc. d/b/a Pennsylvania Intermedia Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-280. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Telecommunications

**A-310752F7000. Verizon Pennsylvania Inc. and MCImetro Access Transmission Services, LLC.** Joint petition of Verizon Pennsylvania Inc. and MCImetro Access Transmission Services, LLC for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and MCImetro Access Transmission Services, LLC, by its counsel, filed on January 27, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to an 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 Verizon Pennsylvania Inc. and MCImetro Access Transmission Services, 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. 04-281. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Telecommunications

**A-310555F7000. Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and RCN Telecom Services of Philadelphia, Inc. f/k/a C-TEC Services Inc. f/k/a Residential Communications Network Inc.**

Joint petition of Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and RCN Telecom Services of Philadelphia, Inc. f/k/a C-TEC Services Inc. f/k/a Residential Communications Network Inc. for approval of amendment no. 4 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and RCN Telecom Services of Philadelphia, Inc. f/k/a C-TEC Services Inc. f/k/a Residential Communications Network Inc., by its counsel, filed on January 16, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 4 to an 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 Verizon Pennsylvania Inc. f/k/a Bell Atlantic-Pennsylvania, Inc. and RCN Telecom Services of Philadelphia, Inc. f/k/a C-TEC Services Inc. f/k/a Residential Communications Network Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-282. Filed for public inspection February 13, 2004, 9:00 a.m.]

### Tentative Order

Public Meeting held  
January 29, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Amendment to NMP); P-00930715F0002*

*Verizon Pennsylvania Inc. Petition and Plan for Alternative Form of Regulation Under Chapter 30; 2000 Biennial Update to Network Modernization Plan (Petition For Reconsideration of May 15, 2002 Order); P-00930715*

### Tentative Order

*By the Commission:*

By an Opinion and Order entered September 17, 2003 (Order), we granted Verizon Pennsylvania Inc.'s (Verizon PA) Petition to amend the Network Modernization Plan (NMP) portion of its Chapter 30 Plan, as modified by that order. The Order disposed of exceptions filed by various parties to the Recommended Decision of Administrative Law Judge Larry Gesoff, which was issued on March 26, 2003, in the previously captioned proceeding.

Following issuance of the Order, Commission staff found that an inconsistency exists between the target dates in the Order for Verizon PA's broadband deployment commitments and the due dates for the biennial updates to confirm compliance. All the target dates established in the Order (except for the last one in 2015) for meeting Verizon PA's broadband deployment commitments are as of December 31st of even-numbered years, but the Order does not change when Verizon PA has to file its biennial updates. Biennial updates are currently required to be filed in June of even-numbered years and report results as of December 31st of the prior calendar year (which are odd-numbered years). See September 17, 2003, Order at 21 and 82, Ordering Paragraph No. 8.

The net effect is that Verizon PA will be reporting compliance with deployment commitments as of the end of odd-numbered years, which will make it difficult, if not impossible, to audit Verizon PA's compliance (consistent with Ordering Paragraph No. 16 of the Order) with the even-numbered year milestone commitment levels contained in the deployment schedule. This, in turn, will effectively preclude our pursuit, as necessary, of appropriate enforcement steps for any commitment shortfalls. In short, the current time lines give Verizon PA an extra year to meet its milestone commitments before it actually has to report its results.

The Commission believes the best approach to correct this situation, and thereby increase the effectiveness of the audits, is to synchronize the target and filing dates by changing the due dates for biennial updates to June of odd-numbered years. To accomplish this change, we believe the appropriate course is to follow section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), relating to, among other things, amending a prior final order of the Commission. This section requires that notice and an opportunity to be heard must first be provided to interested parties to the proceedings before the amendment can become effective.

Given that the proposed change merely changes when biennial updates are to be filed with the Commission, we do not believe an evidentiary hearing is necessary to effectuate this change unless an interested party provides valid grounds for the need for a hearing during the 30-day notice period provided herein. Therefore, this Tentative Order will become final at the conclusion of the notice period absent any other adverse comment being received by the Commission.

We also believe this filing date change is supported by another important consideration. In the instant matter, Verizon PA's amendment effected a major, substantive change in the NMP originally approved in 1994. The substantive modification to Verizon PA's NMP occurred in

2003, and, therefore, it is reasonable to expect that biennial updates would be filed every 2 years thereafter, that is, in future odd-numbered years.

Finally, this Tentative Order does not affect our previous determination in our September 17, 2003, Order that Verizon PA file a report in 2004 because the company has not filed a biennial update since June 2000. The 2004 Biennial Update will contain data for the period January 1, 2000, through December 31, 2003. The following chart summarizes the schedule Verizon PA will follow relating to the filing of biennial NMP update reports with the Commission:

<i>Report Date Coverage Period</i>	<i>Report Filing Due Date</i>
January 1, 2000—December 31, 2003 (4-year report)	June 2004
January 1, 2004—December 31, 2004 (1-year report)	June 2005
January 1, 2005—December 31, 2006 (2-year report)	June 2007
January 1, 2007—December 31, 2008 (2-year report)	June 2009
January 1, 2009—December 31, 2010 (2-year report)	June 2011
January 1, 2011—December 31, 2012 (2-year report)	June 2013
January 1, 2013—December 31, 2014 (2-year report)	June 2015

As previously stated, interested parties will have a 30-day period to file comments to this proposed change of timing for filing biennial updates. If no adverse comments are received, this Tentative Order will become final at the end of this comment period; *Therefore,*

*It Is Ordered That:*

1. The due dates for Verizon Pennsylvania Inc.'s biennial NMP updates are hereby tentatively changed to June of odd-numbered years starting in 2005.

2. Verizon Pennsylvania Inc., consistent with Ordering Paragraph No. 18 of our September 17, 2003, Order at this docket, will file its 2002 Biennial Update in June 2004 containing data for the period January 1, 2000, through December 31, 2003.

3. The Secretary serve a copy of this Tentative Order upon all parties on the service list in this docket and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

4. 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.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-283. Filed for public inspection February 13, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

March 3, 2004	Heather N. Scullin (Class T-D Membership)	1 p.m.
June 9, 2004	Ralph A. Cardella (Class T-D Membership)	2:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-284. Filed for public inspection February 13, 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.

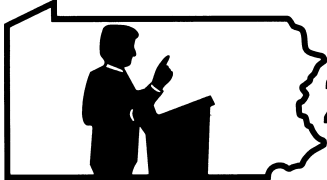
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) 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.

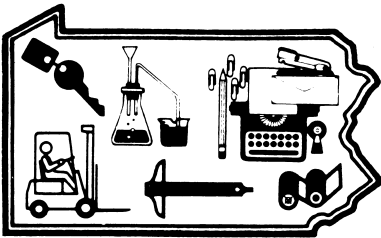
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## 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*

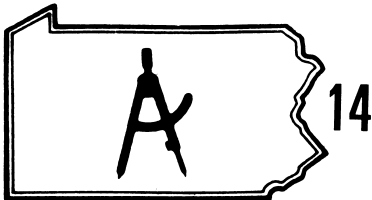


Commodities

**102727 PA.** Department of Transportation, Butler County Dist. 1020, is soliciting bids for purchasing of est. (300) tons of solar deicing salt (ASTMgrade) for making salt brine mixture from firms and corporation; must include delivery charge in the unit price per ton. Requesting a bid package, please fax with a company contact name with your complete address, phone number and Fed. I.D. # to fax 724-283-3571 or e-mail your information to askunda@state.pa.us.

**Department:** Transportation  
**Location:** Solar deicing salt will be delivered to: 351 New Castle Road, Butler, PA (as needed).  
**Duration:** Expiration Date: May 01, 2007  
**Contact:** Andy Skunda, (724) 284-8226

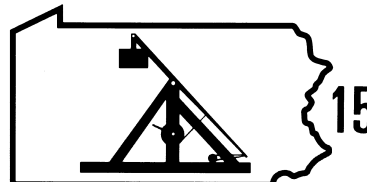
## SERVICES



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)



Environmental Maintenance Service

**OSM 17(7103)101.1** Abandoned Mine Land Reclamation Project, Ohio School. The principal items of work and approximate quantities include backfilling subsidence holes, backfilling a vertical opening, implementation of the erosion and sediment pollution control plan, 345,000 cubic yards of grading, 292 cubic yards of ditch excavation, 525 square yards of rock lining with filter material and 74 acres of seeding. This project issues on February 13, 2004, and bids will be opened on March 9, 2004, at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$24.7 million 2002 Pennsylvania AML Grant.

**Department:** Environmental Protection  
**Location:** Decatur Township, Clearfield County, PA  
**Duration:** 360 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**AMD 65(1183)202.1** Acid Mine Drainage Abatement Project, Keystone. This project is being rebid from last October, and a list of major changes to the bid documents is available upon request. The principal items of work and approximate quantities include 3,015 cubic yards of grading, 910 cubic yards of ditch excavation, 680 square yards of R-4 rock lining, 130 tons of R-4 rock embankment, 3,400 square yards of impervious lining (PVC), 1,600 square yards of roadway surface material, 55 linear feet of corrugated polyethylene pipe, 1,780 tons of aggregate (High CaCO<sub>3</sub> Content), 190 tons of aggregate (non-calcareous), 2,560 linear feet of polyvinyl chloride (PVC) pipe, 5 gate valves, 1 flume, 1 concrete vault with siphon, 440 cubic yards of spent mushroom compost with wetland seed and 3 acres of seeding. This project issues on February 13, 2004, and bids will be opened on March 11, 2004, at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$24.7 million 2002 Pennsylvania AML grant.

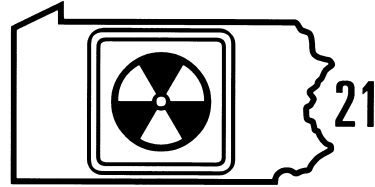
**Department:** Environmental Protection  
**Location:** Derry Township, Westmoreland County, PA  
**Duration:** 240 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 02-18** Cleaning Out and Plugging Forty-Six (46) Abandoned and Orphan Oil Wells, (Ms. Leora A. Gardner and Mr. Peter L. Gardner Properties). The principal items of work include cleaning out and plugging forty-six (46) abandoned and orphan oil wells, estimated to be between 800-1,000 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on February 13, 2004, and bids will be opened on March 11, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is planned, but a date has not been set. Please use the contact information provided in this advertisement to find out more about the conference.

**Department:** Environmental Protection  
**Location:** Foster Township, McKean County, PA  
**Duration:** 270 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 02-14A** Cleaning Out and Plugging Eighteen (18) Abandoned Oil Wells (Mr. and Mrs. William Young and Ms. Clydia Burkhart Shaffer Properties). The principal items of work and approximate quantities include cleaning out and plugging eighteen (18) abandoned oil wells, estimated to be between 600-800 feet in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing equipment. This project issues on February 13, 2004, and bids will be opened on March 11, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is planned but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid conference.

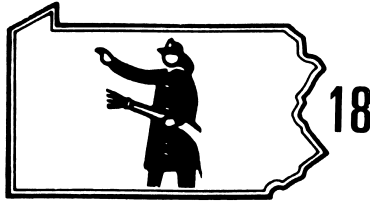
**Department:** Environmental Protection  
**Location:** Sugarcreek Township and Sugarcreek Borough, Venango County, PA  
**Duration:** 120 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



Hazardous Material Services

**CN00007065** Contractor shall properly label, remove, transport and dispose of waste oil, dibasic ester (Aliphatic Dibasic Acid Esters), waste gasoline, waste perchloroethylene, waste PERC filters and any other waste deemed hazardous. If you have any questions concerning this service, please contact Mr. Philip Keller, Institutional Safety Manager at 412/761-1955 ext. 384.

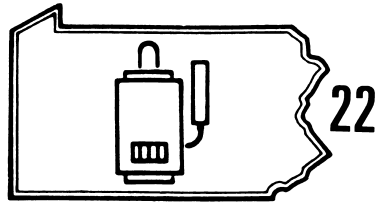
**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 01, 2004 to June 30, 2006  
**Contact:** Nancy Keller, Purchasing Agent, (412) 761-1955 ext. 378



Firefighting Services

**CN00007066** Contractor shall provide fire extinguisher service, hydrostatic pressure tests and annual kitchen hood inspections, and annual preventative maintenance checks to conform with state and local fire codes on fire extinguishers. If you have any questions concerning these services, please contact Mr. Philip Keller, Institutional Safety Manager at 412/761-1955 ext. 384.

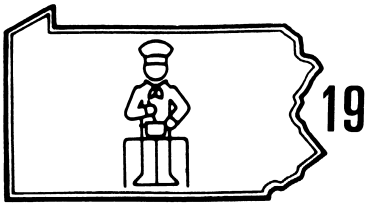
**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** July 01, 2004 to June 30, 2006  
**Contact:** Nancy Keller, Purchasing Agent, (412) 761-1955 ext 378



HVAC Services

**CN#00006413** Refrigeration maintenance services for the Altoona Center. Contractor will furnish all labor and parts to keep the refrigerators, ice makers, water coolers, and refrigeration plants with coolers in first class condition. This contract covers repair calls only. Facilities will provide general maintenance. Work will be performed by factory-trained personnel. Although the service is for Altoona Center, the paperwork will be done at the Ebensburg Center. Complete bid specifications can be obtained from the purchasing Office at Ebensburg Center.

**Department:** Public Welfare  
**Location:** Altoona Center, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** Contract is anticipated to begin July 1, 2004 and end June 30, 2007.  
**Contact:** Nannette McCreary, Purchasing Office, (814) 472-0290



Food

**CN00007056** Poultry.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** April 2004 - June 2004  
**Contact:** Tina Robbins, (570) 271-4578

**CN00007053** Dairy Products.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** April 2004 - June 2004  
**Contact:** Tina Robbins, (570) 271-4578

**CN00007054** Miscellaneous Foods.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** April 2004 - June 2004  
**Contact:** Tina Robbins, (570) 271-4578

**CN00007055** Miscellaneous Meat.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** April 2004 - June 2004  
**Contact:** Tina Robbins, (570) 271-4578



Laboratory Services

**SPC-04-010** Contractor to provide complete laboratory services including but not limited to pick up and delivery service, all supplies' phlebotomist as requested and required for the Gino J. Merli Veterans Center. For detailed specifications please send request via fax to (570) 961-4400 or e-mail to bpartyka@state.pa.us.

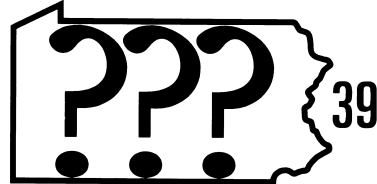
**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2004 through June 30, 2008  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354



### Legal Services & Consultation

**RFP-BP-2004-1** The PA Governor's Office of General Counsel (OGC) is seeking to review qualifications from legal service providers ("law firms") for participation in four designated bond counsel pools. The OGC expects to make its bond counsel appointment for further Commonwealth financing transactions only to law firms identified and qualified through this Supplementary ITQ process and thus strongly encourages any and all interested law firms which are not currently qualified to participate at this time to ensure consideration of their qualifications to provide bond counsel services. Submissions are due by 2:00 PM on Monday, March 1, 2004. Questions should be submitted in writing to David DeVries via mail or Fax (717) 772-9187.

**Department:** Governor's Office  
**Location:** Governors Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101  
**Duration:** 3 Year Contract  
**Contact:** David DeVries, (717) 787-9350



### Miscellaneous

**065381** For the removal of ice and snow from the entire length of Interstate (I-95) and Traffic Route (TR 63) in Philadelphia County. Bidding documents will be available for purchase upon request from the PennDOT Sales Store, 5th Floor, Commonwealth Keystone Building, 400 North Street, P. O. Box 2730, Harrisburg, PA 17120, Telephone number 717-787-5968. Specifications can also be viewed on PennDOT's home page <http://www.dot.state.pa.us> by selecting "Doing Business with PennDOT," "EBS/ECMS," "ECMS," "Electronic Bidding," "Contracts/Proposals." The bid opening will be in the Commonwealth Keystone Building, Harrisburg, PA, March of 2004.

**Department:** Transportation  
**Location:** Interstate 95 and Traffic Route 63  
**Duration:** From 11/2004 through 4/2005.  
**Contact:** Louis J. Porrini, Highway Maintenance Manager, (610) 205-6703

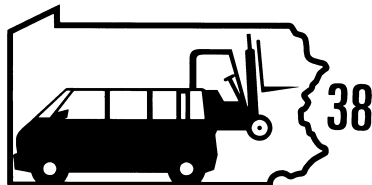
[Pa.B. Doc. No. 04-285. Filed for public inspection February 13, 2004, 9:00 a.m.]



### Medical Services

**SPC-04-004** Vendor to provide consulting rehab services to include physical therapy, occupational therapy and speech therapy to the residents of the Gino J. Merli Veterans Center. To obtain detailed specifications, please send request via fax to (570) 961-4400 or email to [bpartyka@state.pa.us](mailto:bpartyka@state.pa.us).

**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2004 through June 30, 2007 with 1 renewal option  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354



### Vehicle, Heavy Equipment and Powered Machinery Services

**RFQ 6000035995** Monthly rental of two Cat D-8 bulldozers or equivalent at DEP Project Site BD 2635. Rental shall include mobilization, demobilization, set-up, mileage, permits, and any other related costs. Bids must be received by February 13, 2004 at 2:00 PM.

**Department:** Environmental Protection  
**Location:** Border of Darlington Township, Beaver County and Little Beaver Township, Lawrence County, just off State Route 351 about 1/2 mile up Echo Valley Road.  
**Duration:** One month period between February 2004 and May 2004.  
**Contact:** Phyllis Cocco, (814) 472-1800

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*