

PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Department of Agriculture
Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of Transportation
Environmental Hearing Board
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Board of Education

Detailed list of contents appears inside.



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No. 343, June 2003

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CONTENTS

THE COURTS

PHILADELPHIA RULES

Philadelphia County

- Amendment of Philadelphia Orphans' Court rule 6.9.D; president judge general court regulation no. 2003-04 2745
- Procedure concerning arrest warrants, arraignment, providing court-appointed counsel, and sentencing defendants who fail to plead to traffic citations or pay outstanding fees, fines and costs; president judge general court regulation no. 2003-01 2745

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

- Pennsylvania agricultural product promotion matching grant program; 2003-2004 application period.. 2765

DEPARTMENT OF BANKING

Notices

- Action on applications..... 2765

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

- Weatherization assistance program public hearing .. 2767

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

- Conservation and Natural Resources Advisory Council meeting 2768
- Pigeon Creek, Stony Run and Schuylkill River Watersheds Conservation Plan..... 2768

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

- Applications, actions and special notices..... 2768
- Availability of technical guidance 2823
- Mining and Reclamation Advisory Board; Orphan Mine Task Force meeting cancellation..... 2823
- Pennsylvania Bituminous Mine Safety Advisory Committee meeting cancellation 2823
- Small Water Systems Technical Assistance Center special meeting..... 2824

DEPARTMENT OF GENERAL SERVICES

Notices

- State contracts information..... 2844

DEPARTMENT OF HEALTH

Notices

- Health Research Advisory Committee meeting..... 2824
- Pennsylvania Cancer Control Prevention and Research Advisory Board meeting 2824
- Request for exception; long-term care nursing facilities..... 2824
- Traumatic Brain Injury Advisory Board meeting 2825

DEPARTMENT OF REVENUE

Rules and Regulations

- Corrective amendment to 61 Pa. Code § 34.4(b)(5) .. 2756

DEPARTMENT OF TRANSPORTATION

Notices

- Application for lease of right-of-way..... 2825
- Contemplated sale of land no longer needed for transportation purposes (2 documents) 2825
- Disadvantaged business enterprise participation in Federal Aviation Administration funded contracts. 2825
- Disadvantaged business enterprise participation in Federal Highway Administration funded contracts 2827
- Disadvantaged business enterprise participation in Federal Transit Administration funded contracts.. 2828
- Finding 2829

ENVIRONMENTAL HEARING BOARD

Notices

- Roaring Spring Area Citizens Coalition v. DEP and New Enterprise Stone & Lime Company, Inc., permittee; EHB doc. no. 2003-121-C..... 2829

FISH AND BOAT COMMISSION

Proposed Rulemaking

- Injurious nonnative species..... 2762
- Seasons, sizes and creel limits; general and special fishing; fishing in Lake Erie and boundary lakes.. 2757
- Wild brook trout enhancement..... 2760

Notices

- Proposed special regulation; designations and redesignations..... 2829
- Reopening of Upper Hereford Manor Lake, Beaver County..... 2831
- Triploid grass carp permit applications..... 2831

GAME COMMISSION

Rules and Regulations

- Deer management assistance program 2754
- Hunting and trapping..... 2749
- Hunting and trapping; hunting and furtaking licenses..... 2753
- Hunting and trapping; rimfire rifle 2751
- Hunting and trapping; shooting hours..... 2752
- Lands and buildings; special permits..... 2748

Proposed Rulemaking

- Lands and buildings 2763

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

**INDEPENDENT REGULATORY REVIEW
COMMISSION**

Notices

Actions taken by the Commission 2831
 Notice of comments issued 2832

INSURANCE DEPARTMENT

Notices

Dalai, Incorporated; prehearing 2833
 HealthAmerica; northwestern service area; rate fil-
 ing 2834
 Review procedure hearings; cancellation or refusal
 of insurance 2834
 Review procedure hearings under the Unfair Insur-
 ance Practices Act 2835

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Natural gas service 2835
 Railroad 2835
 Service of notice of motor carrier applications 2835
 Telecommunications (6 documents) 2836, 2837
 Water service 2837

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT
BOARD**

Notices

Hearings scheduled 2838

STATE BOARD OF EDUCATION

Notices

Approval of standards of the Department of Educa-
 tion necessary to comply with the No Child Left
 Behind Act of 2001 (2 documents) 2838, 2841

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1 1452

Proposed Rulemaking

243 892
249 892

Statements of Policy

1 (with correction) 1624
9 34, 760, 1722

7 Pa. Code (Agriculture)

Adopted Rules

21 1329
106 541

Statements of Policy

133 2172

17 Pa. Code (Conservation and Natural Resources)

Adopted Rules

23 21

22 Pa. Code (Education)

Adopted Rules

4 255, 283

Proposed Rulemaking

4 1847
215 882

25 Pa. Code (Environmental Protection)

Adopted rules

93 1226, 1227

Proposed Rulemaking

109 (with correction) 1234, 1239, 1350

28 Pa. Code (Health and Safety)

Proposed Rulemaking

25 2169

31 Pa. Code (Insurance)

Adopted Rules

115 346
165 24

34 Pa. Code (Labor and Industry)

Adopted Rules

65 25

37 Pa. Code (Law)

Adopted Rules

421 353
431 1617

Proposed Rulemaking

203 1246

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

9 28
36 358, 2476
49 1346

Proposed Rulemaking

9 1116
13 1358
19 1124
23 1118, 1120
31 1359
40 1715

52 Pa. Code (Public Utilities)

Proposed Rulemaking

53 1106
54 31
57 2064
59 2064

55 Pa. Code (Public Welfare)

Adopted Rules

1101 (with correction) 361
4225 1051
4226 1051

58 Pa. Code (Recreation)

Adopted Rules

51 1348
53 1228
61 1229
63 1468
65 1229
69 1230
91 1348
93 1348
111 1231
135 2748
137 1470, 1471
141 1473, 2749, 2751, 2752, 2753
143 1475, 2753
147 1714, 2748, 2754

Proposed Rulemaking

61 2757
63 2757, 2762
65 1479, 2757, 2760
69 1479, 2757
71 2762
73 2762
75 1479
77 1479
91 1482
109 1482
111 1479
117 1482
131 2589
135 1350, 2763
139 1098, 1103
141 1103, 1351, 1353, 1355, 1357, 2590, 2591
143 1357, 1484, 2589
147 1350, 2589

Proposed Statements of Policy

57 1487

61 Pa. Code (Revenue)**Adopted Rules**

34	2756
71	1842
85	1842
815	1845

64 Pa. Code (Securities)**Proposed Rulemaking**

102	884
202	884
203	884
204	884
207	884
305	884
606	884

67 Pa. Code (Transportation)**Adopted Rules**

177	2479
449	2378

Proposed Rulemaking

201	1930
203	1930
211	1930
212	1930

Statements of Policy

102	1624
204	1361

201 Pa. Code (Rules of Judicial Administration)**Adopted Rules**

3	2044
7	634
17	1926
19	1711

204 Pa. Code (Judicial System General Provisions)**Adopted Rules**

85	967
----	-----

Proposed Rulemaking

83	744
401	2468

207 Pa. Code (Judicial Conduct)**Adopted Rules**

4	2474
121	1449

Proposed Rulemaking

51	745
----	-----

210 Pa. Code (Appellate Procedure)**Adopted Rules**

1	2586
21	1711, 2044, 2586

Proposed Rulemaking

15	2259
----	------

225 Pa. Code (Rules of Evidence)**Proposed Rulemaking**

IV	197, 2355
VII	198

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

200	634, 748, 1712, 2356
1000	748, 751, 1450, 1926, 2356, 2587
1300	2359
1930	13
2120	751, 1450
2150	751, 1450
2170	751, 1450
2350	1927
4000	748

Proposed Rulemaking

1930	1580
------	------

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

1	1324
4	969, 1324
7	1927

Proposed Rulemaking

1	967, 1048, 2161
2	2163
6	1049, 2164
7	2161

237 Pa. Code (Juvenile Rules)**Proposed Rulemaking**

1	1581
2	1581
3	1581
4	1581
5	1581
6	1581
8	1581

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

100	2167
-----	------

Proposed Rulemaking

600	753
1000	753

249 Pa. Code (Philadelphia Rules)

Unclassified	532, 2269, 2360, 2655, 2656, 2745
--------------	-----------------------------------

252 Pa. Code (Allegheny County Rules)

Unclassified	757
--------------	-----

255 Pa. Code (Local Court Rules)

Unclassified	14, 17, 200, 341, 540, 635, 758, 873, 874, 875, 878, 879, 880, 1221, 1450, 1713, 1838, 1929, 2045, 2047, 2168, 2270, 2272, 2374, 2375, 2376, 2474, 2588
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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Philadelphia Orphans' Court Rule 6.9.D; President Judge General Court Regulation No. 2003-04

Order

And Now, this 22nd day of May, 2003, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2003 to amend Philadelphia Orphans' Court Rule 6.9.D., *It Is Hereby Ordered* that Philadelphia Orphans' Court Rule 6.9.D. is amended effective July 1, 2003.

This General Court Regulation is issued in accordance with Pa.O.C. Rule 1.2, and shall become effective July 1, 2003. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Clerk of the Orphans' Court, the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Orphans' Court Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

FREDERICA A. MASSIAH-JACKSON,
President Judge

Phila.O.C. Rule 6.9.D. is amended to read as follows:

* * * * *

(3) *Accounts of Trustees.* In addition to the papers required by Rule 6.9.D.(1), at the time of the filing of an account of a trustee, counsel shall file:

(a) the original letters or the original trust instrument, if not submitted at a prior audit; **and**

(b) a copy of the trust instrument, certified by the accountant or counsel to be true and correct [;].

[(c) a preliminary audit statement prepared on the form supplied by the Court and signed by the attorney who will appear for the accountant at the audit.]

Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2003. Effective on July 1, 2003.

[Pa.B. Doc. No. 03-1109. Filed for public inspection June 13, 2003, 9:00 a.m.]

PHILADELPHIA COUNTY

Procedure Concerning Arrest Warrants, Arraignment, Providing Court-Appointed Counsel, and Sentencing Defendants Who Fail to Plead to Traffic Citations or Pay Outstanding Fees, Fines and Costs; President Judge General Court Regulation No. 2003-01

The procedures which apply to Summary Offenses under the Vehicle Code are set forth in Pa.R.Crim.P. Nos. 470-471, and generally at 400 et seq. Specific statutory authority and rules address the Philadelphia Traffic Court's jurisdiction to issue warrants due to a Defendant's failure to respond to a traffic citation, or pay outstanding fines and costs. See Pa.R.Crim.P. No. 430-431. Moreover, statutory authority and rules address the Philadelphia Traffic Court's obligation to appoint counsel in Summary trials as well for contempt proceedings whenever it appears that incarceration is likely to be imposed. See Pa.R.Crim.P. No. 122 and 140, and 42 Pa.C.S. § 4136 et seq. However, the inter-relationship among the cited rules and other authority is, at times, confusing and may result in unwarranted expectation among the various interested parties. The within President Judge General Court Regulation is intended to clarify the various issues involved in the issuance and enforcement of arrest warrants, the appointment of counsel, and the imposition of mandatory sentences or for failure to respond to traffic citations, or pay outstanding fines and court costs.

1. *Issuance of Arrest Warrant.* A warrant for the arrest of a Defendant, who has been issued a traffic citation by a law enforcement officer, may be issued as provided in Pa.R.Crim.P. No. 430.

2. *Defendant Arrested Pursuant to an Arrest Warrant.* A Defendant arrested pursuant to an Arrest Warrant issued as provided in paragraph 1. will be taken without unnecessary delay before a proper issuing authority, shall be arraigned, and shall be advised concerning:

(A) *Specific Charges.* Defendant shall be provided with information concerning specific citations to which Defendant has not plead as required by Pa.R.Crim.P. No. 407, and plea will be elicited; and will be provided information concerning citations which have been adjudicated and which have outstanding fines or costs and in default of a payment order or plan.

(B) *Right to Counsel.* Defendant shall be advised that he/she has the right to retain counsel and that if he/she does not have the financial ability to retain counsel, counsel will be appointed by the Court if there is a likelihood that imprisonment may be imposed. Defendant will be directed to report to the First Judicial District's Pretrial Service Division for a financial interview to determine eligibility to court-appointed counsel. Failure to report for a financial interview as directed may result in the denial of court-appointed counsel. Upon establishment of financial eligibility, counsel will be appointed for the Traffic Court's summary trial or contempt hearing. Counsel's appointment will terminate at the conclusion of the summary hearing or contempt hearing, unless the Traffic Court sentences the Defendant to a period of incarceration. In the latter event, counsel's appointment shall either continue, or counsel will be otherwise provided to those Defendants who do not have the financial

ability to retain counsel pursuant to policies adopted from time to time by the President Judge of the Philadelphia Traffic Court.

(C) *Summary Trial or Contempt Hearing.* A summary trial or contempt hearing shall be scheduled or held as follows:

(1) *Unadjudicated Citations.* A trial will be scheduled as provided in Pa.R.Crim.P. No. 423(B), and Defendant will be served with a scheduling order, subpoena or notice to appear on the hearing date. The scheduling order, subpoena or notice shall contain a recitation of the rights set forth in Pa.R.Crim.P. No. 423(B)(3).

(2) *Guilty In Absentia Citations.* Upon arraignment on a bench warrant issued against a Defendant who was found guilty in absentia and did not pay the amount ordered to be paid pursuant to Pa.R.Crim.P. No. 455(D), the Traffic Court shall:

(a) conduct an immediate hearing to determine Defendant's financial ability to pay the amount due, and may provide for an Installment Payment Plan pursuant to Pa.R.Crim.P. No. 454(E); or

(b) schedule a hearing for a date certain to determine Defendant's financial ability to pay the amount due, and, on the hearing date, may provide for an Installment Payment Plan pursuant to Pa.R.Crim.P. No. 454(E).

(3) *Adjudicated Citations With Outstanding Fines and Costs.* Pursuant to Pa.R.Crim.P. No. 456, the Traffic Court shall:

(a) conduct an immediate hearing to determine whether Defendant is financially able to pay the outstanding fines and costs as previously ordered. If Defendant is financially unable to pay as previously ordered, the Traffic Court may issue a revised payment order or payment plan. If it appears that Defendant is financially able to pay as previously ordered, and that there is a likelihood that imprisonment will be imposed at the conclusion of the contempt hearing, Defendant's eligibility to court appointed counsel must be established as provided in Section (2)(B) above, and the contempt hearing may be rescheduled for a date certain; or

(b) schedule a hearing for a date certain on the issue of whether Defendant is financially able to pay as ordered. If it appears that there is a likelihood that imprisonment will be imposed at the conclusion of that hearing, Defendant's eligibility to court appointed counsel must be established as provided in Section (2)(B) above.

(4) *Unadjudicated Citations and Adjudicated Citations With Outstanding Balances.* A Summary trial and contempt hearing will be scheduled as provided above, and may be scheduled before the same Traffic Court Judge.

(D) *Proper Issuing Authority.* The President Judge may from time to time determine, with the approval of the President Judge of the Municipal Court, whether arraignments of Traffic Court Defendants shall be conducted by the Traffic Court Judiciary, or by the Philadelphia Municipal Court Bail Commissioners. To the extent Municipal Court Bail Commissioners conduct Traffic Court arraignments, the bail process shall be governed by Pa.R.Crim.P. No. 500 et seq., Phila.Crim.R. No. 500 et seq., Phila.M.Crim.R. No. 540, the Bail Commissioners' Rules, and as may otherwise be provided from time to time.

(E) *Bail Pending Summary Hearing or Contempt Hearing.* Bail may be imposed in appropriate circumstance in accordance with established procedures. The imposition of

nominal bail or unsecured bail bond (SOB—or Sign Own Bail) is preferred if the Defendant does not have a prior history of failure to appear for scheduled hearings. Monetary bail may be imposed if a Defendant previously failed to appear for a Traffic Court scheduled hearing if notice was personally served on Defendant; provided, however, that the monetary bail shall not exceed the collateral which may be required for Defendant's unadjudicated citations and/or the balance of outstanding fines and costs owed on adjudicated citations.

3. *Eligibility of Court-Appointed Counsel.* If the Court has preliminarily determined that there is a likelihood that imprisonment may be imposed at the conclusion of a summary trial or contempt hearing, the Court will instruct Defendant to report, within ten (10) days of the issuance of the scheduling order, to the First Judicial District's Pretrial Service Unit for a financial interview to determine eligibility of court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs and other relevant information at the time of the interview. Defendant's failure to report to the Pretrial Services Division may result in the denial of court-appointed counsel.

4. *Hearing or Trial.* At the summary trial or contempt hearing scheduled as provided above, Defendant may be represented by retained or court appointed counsel, or may waive the right to counsel. If the Defendant pleads guilty or is adjudicated guilty, the Court shall impose an appropriate sentence at the conclusion of the trial. If a sentence of imprisonment is imposed, the execution of the sentence shall be stayed during the thirty (30) day appeal period as required by Pa.R.Crim.P. Nos. 456 and 460. Defendant shall be ordered to report to the Traffic Court on a date certain for execution of the sentence, unless an Appeal is filed.

5. *Sentencing.* The Traffic Court shall enter any appropriate sentence upon conviction of a Motor Vehicle offense, including, but not limited to, alternatives to sentences as may be set forth in 42 Pa.C.S. § 9721 et seq.

6. *Notice of Appeal.* The sentence imposed by the Traffic Court may be appealed to the Court of Common Pleas within thirty (30) days, as authorized by Pa.R.Crim.P. Nos. 456 and 460. Defendant may file the Notice of Appeal without the payment of the Appeal costs if court-appointed counsel was provided at the Traffic Court level. If court-appointed counsel was not provided at the Traffic Court level, Defendant must pay the requisite Appeal fees unless a Petition to Proceed in Forma Pauperis is filed concurrently with the Notice of Appeal. The Judge to whom the underlying Appeal is assigned will determine whether Appeal costs must ultimately be paid by Defendant.

7. *Hearing on Appeal by the Court of Common Pleas.* The Court of Common Pleas will conduct a hearing de novo on the specific issue which is timely appealed by the Defendant. For instance:

(A) *Guilty Finding/Imposition of Sentence.* A de novo hearing on the merits of the underlying citation(s) will be held by the Court of Common Pleas if the Defendant appeals the Guilty Plea, or guilty adjudication and sentence within thirty (30) days of its entry.

(B) *Guilty in Absentia Payment Plan Orders.* A de novo hearing on the issue of Defendant's ability to pay the citation(s) adjudicated in Defendant's absence in a lump sum or through a payment plan will be held by the Court of Common Pleas. The Court of Common Pleas will not hold a hearing on the merits of the underlying citation(s)

unless the Notice of Appeal is filed within thirty (30) days of the entry of the Guilty in Absentia order.

(C) *Contempt of Court for Failure to Pay Outstanding Fines and Costs.* A de novo hearing on the issue of whether Defendant is in contempt of the Traffic Court's order to pay fines and costs (i.e. whether Defendant has the ability to pay the previously ordered fines and costs) will be held by the Court of Common Pleas if appealed within thirty (30) days of the contempt adjudication and imposition of sentence. See Pa.R.Crim.P. No. 141.

8. *Bail Pending Appeal.* Bail may be imposed in appropriate circumstance in accordance with established procedures. The imposition of nominal bail or unsecured bail bond (SOB—or Sign Own Bail) is preferred if the Defendant does not have a prior history of failure to appear for scheduled hearings. Monetary bail may be imposed if a Defendant previously failed to appear for a Traffic Court scheduled hearing if notice was personally served on Defendant; provided, however, that the monetary bail shall not exceed the collateral which may be required for Defendant's unadjudicated citations and/or the balance of outstanding fines and costs owed on adjudicated citations.

This General Court Regulation is promulgated in accordance with 42 Pa.C.S. § 4136 et seq., and Pa.R.Crim.P. Nos. 400 et seq., and shall become effective July 7, 2003. As required by Pa.R.Crim.P. No. 105, the original General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

FRANCIS E. KELLY,
President Judge
Philadelphia Traffic Court

[Pa.B. Doc. No. 03-1110. Filed for public inspection June 13, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 135 AND 147]

Lands and Buildings; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, adopted the following amendments:

Amend § 135.41 (relating to State game lands) to exempt persons who may lawfully hunt without orange from the requirement to wear orange on state game lands (SGL) from November 15 through December 15; and § 147.701 (relating to general) to allow bobcat permit applications from applicants who have applied for bobcat permits in previous years to be included in the drawing until the applicant is successfully drawn.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 33 Pa.B. 1350 (March 15, 2003).

1. *Introduction*

The Commission has amended §§ 135.41 and 147.701.

2. *Purpose and Authority*

New State game lands regulations were promulgated in April 2002, which included the broad requirement for anyone present on SGL from November 15 through December 15 to wear fluorescent orange. There are, however, open hunting seasons during that same time period that do not require hunters to wear fluorescent orange (for example, duck hunting). A conflict of regulations may be created in this circumstance, since some hunters are permitted by the regulations to hunt without wearing any fluorescent orange during certain open seasons, yet would be required to wear fluorescent orange while on SGL from November 15 through December 15. This final-form rulemaking is designed to remove this inconsistency by providing an exception to the requirement to wear fluorescent orange for those persons *lawfully* engaged in hunting (emphasis added). This exception will apply only to those persons lawfully hunting from November 15 through December 15 during an open season that does not require the wearing of fluorescent orange.

The amendments to § 147.701 provide for a preference for those applicants who have applied annually for bobcat hunting/trapping permits but have been unsuccessful in having their application drawn. Under this preference, those applicants who have applied in the previous year or previous consecutive years will have their prior years applications remain in the pool of applications from which successful applicants are drawn, thus accruing preference and increasing their chances of being drawn for a permit. For example, if a person has applied for the 5th consecutive year, but has not been successfully drawn during the previous 4 years, that person will have five chances to be drawn in that 5th year's drawing.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands or waters

owned, leased or otherwise controlled by the commission shall be under the sole control of the director; and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 2102(a) of the code (relating to regulations) authorizes the Commission to: "promulgate such regulations as it deems necessary and appropriate concerning . . . the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 135.41 was made under this authority.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment to § 147.701 was made under this authority.

3. *Regulatory Requirements*

The final-form rulemaking will permit hunters who are lawfully hunting during an open season that does not require the wearing of fluorescent orange to hunt on SGL without wearing fluorescent orange and will allow bobcat permit applicants to accrue preference and increase their chances of being drawn for a permit by applying annually.

4. *Persons Affected*

Persons wishing to hunt on SGL and persons applying for bobcat permits will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 135 and 147, are amended by amending § 135.41 to read as set forth at 33 Pa.B. 1350 and by amending § 147.701 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 33 Pa.B. 1350 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-160 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to residents of this Commonwealth who possess a valid resident furtakers license, junior combination license, senior combination license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or to persons who qualify under section 2363 of the act (relating to trapping exception for certain persons).

(2) The fee for an application for a permit to take a bobcat is \$5.

(3) Applications shall be submitted on a form supplied by the Commission or by using an electronic application on the Commission's Internet website and shall contain the required information as requested. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number on the application, or some other appropriate form of individual identification. A \$5 application fee shall accompany the application and is nonrefundable. Applications shall be submitted to the Commission's Harrisburg Headquarters.

(4) Applications may only be submitted between July 1 and the third Friday in August. Applications post marked later than the third Friday in August will be rejected.

(5) Only one application per person may be submitted. Anyone submitting more than one application for a permit will have all applications rejected.

(6) The selection of applications will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and shall be open to the public.

(7) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits shall be mailed by the first Friday in October. The number of permits issued shall be set by the Executive Director no later than the first day of June.

(8) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. The bobcat carcass shall remain intact, that is, with entrails, until examined and tagged by a Commission representative. The temporary carcass tag shall remain attached to the animal until it is tagged with a numbered permanent interlocking tag. The person taking the bobcat may remove the pelt provided the pelt is kept with the carcass for examination and tagging.

(ii) A permitted person taking a bobcat shall contact the Commission within 48 hours of the taking by telephoning the number specified on the permit to arrange for carcass examination, data collection and tagging.

(iii) A bobcat taken under authority of a special permit shall be tagged with a numbered permanent interlocking tag no later than 4 p.m. on the 10th day following the closing of the bobcat season.

(iv) The tag shall remain attached to the bobcat until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(9) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year. Applications from current applicants who have applied in the 2003-2004 license year and preceding years will be included in the drawing until the applicant is successfully drawn and issued a permit.

(10) A bobcat guide permit will be issued as follows:

(i) A person who assists another person to hunt or take bobcats in any manner shall first secure a bobcat guide permit from the Commission.

(ii) The fee for a bobcat guide permit is \$10 for residents and \$25 for nonresidents.

[Pa.B. Doc. No. 03-1111. Filed for public inspection June 13, 2003, 9:00 a.m.]

**[58 PA. CODE CH. 141]
Hunting and Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, proposed the following amendments:

Amend § 141.7(b) (relating to use of artificial lights) to make an editorial change to clarify a reference to the concurrent antlered and antlerless deer season; § 141.25 (relating to early goose hunting season) to make an editorial change to bring regulations in compliance with season frameworks approved by the United States Fish

and Wildlife Service (Service); and § 141.48 (relating to elk management units) to provide fewer but larger management areas.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 33 Pa.B. 1351 (March 15, 2003).

1. Introduction

The Commission has amended §§ 141.7(b), 141.25 and 141.48.

2. Purpose and Authority

With the advent of the concurrent antlered/antlerless deer season, there is no longer a need for the separate antlered deer season and antlerless deer season reference found in § 141.7(b). The final-form rulemaking corrects language in § 141.7(b) to reflect current regulations.

The Service has made changes in Federal season frameworks. One change, regarding Canada goose hunting, removes the reference to "late goose hunting" from the Federal regulations. The amendments to § 141.25 removes the reference to "late goose hunting season" to stay in compliance with the Federal regulations.

In April 2002, the elk management areas were revised to provide fewer, but larger, management areas. This revision improved hunter opportunity and management capability, except in management area 11. This area, found in the vicinity of the community of Saint Marys, is largely private agricultural and forestland with very limited public hunting access. Elk hunting harvest success was only 17% in this area, as opposed to the average of 94% in all other areas last season. The amendments to § 141.48 combine elk management units 1 and 11 into a single unit in an effort to improve hunter success rates and provide additional opportunities for a hunter to be selected for an elk license in this area of the elk range.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides "The Commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." These provisions provide the statutory authority for the amendment to § 141.7(b).

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons . . . and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting. . . ." Section 2102(a) of the code provides "The Commission shall promulgate such regulations

as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game. . . ." These provisions provide the statutory authority for the amendment to § 141.25.

Section 2705(15) of the code (relating to classes of licenses) provides that: "To ensure sound management of Pennsylvania's wild elk population, the commission may promulgate regulations to establish a limited number of licenses." Section 322(c)(4) of the code specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(a) of the code provides "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat. . . ." These provisions provide the statutory authority for the amendment to § 141.48.

3. Regulatory Requirements

The final-form rulemaking makes an editorial change to remove the reference to the concurrent antlered and antlerless deer season to reflect current regulations, makes an editorial change to remove the reference to "late goose hunting" to reflect current Federal waterfowl regulations and provides fewer, but larger, elk management units by combining elk management units 1 and 11 into a single unit.

4. Persons Affected

Persons wishing to spotlight during deer season, hunt Canadian geese and hunt elk will be affected by the final-form rulemaking.

5. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

6. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

7. Effective Date

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code § 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.7, 141.25 and 141.48 and Appendix F to read as set forth at 33 Pa.B. 1351.

(b) The Executive Director of the Commission shall certify this order and 33 Pa.B. 1351 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-161 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 03-1112. Filed for public inspection June 13, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Rimfire Rifle

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, adopted the following amendments:

Amend §§ 141.1(d) and 141.22(a)(4) (relating to special regulations areas; and small game) to permit the use of the new .17 caliber rimfire cartridge.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 33 Pa.B. 1353 (March 15, 2003).

1. *Introduction*

The Commission has amended §§ 141.1(d) and 141.22(a)(4) to permit the use of the new .17 caliber rimfire cartridge.

2. *Purpose and Authority*

The Commission recently promulgated language making the .17 caliber rimfire legal for taking small game. Formerly, the use of the .17 caliber rimfire cartridge was not permitted for taking small game, furbearing animals, crows or other wildlife in the special regulations areas or for dispatching an animal legally caught in a trap. The final-form rulemaking permits use of the .17 caliber rimfire cartridges lawful in all these situations.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to §§ 141.1(d) and 141.22(a)(4) were made under these provisions of the code.

3. *Regulatory Requirements*

The final-form rulemaking does not impose any additional restrictions, but rather permits all hunters and furtakers to use the new .17 caliber rimfire cartridge.

4. *Persons Affected*

Persons wishing to hunt small game or dispatch furbearers will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.1 to read as set forth in Annex A and by amending § 141.22 to read as set forth at 33 Pa.B. 1353.

(b) The Executive Director of the Commission shall certify this order, 33 Pa.B. 1353 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-159 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*(1) *Southwest area.* Includes the County of Allegheny.(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.(c) *Prohibitions.*

(1) Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger-including semiautomatic-using buckshot in the Southeast area only.

(3) Take small game, furbearing animals, crows or wildlife with a manually operated rimfire rifle or handgun .22 caliber or less.

(4) Kill an animal legally caught in a trap with a manually operated rimfire rifle or handgun .22 caliber or less while trapping.

[Pa.B. Doc. No. 03-1113. Filed for public inspection June 13, 2003, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping; Shooting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, adopted the following amendment:

Amend Chapter 141 (relating to hunting and trapping) to add Appendix G to provide actual hunting hours by adding the table of shooting hours and the Pennsylvania meridian map.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 33 Pa.B. 1355 (March 15, 2003).

1. *Introduction*

The Commission has amended Chapter 141 by adding Appendix G.

2. *Purpose and Authority*

Although § 141.4 (relating to hunting hours) does provide that hunting hours are 1/2 hour before sunrise to sunset, the actual times are not stated in Chapter 141. Therefore, the Commission added the table of hunting hours and Pennsylvania Meridian Map to Chapter 141 to clearly define the legal hunting hours and also make them available for reference.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modifications thereof. . . ." Section 2102(a) of the code (relating to regulations) authorizes the Commission to "promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting. . . ." Section 2102(b)(1) of the code authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting. . . ." These provisions provide the statutory authority for the final-form rulemaking.

3. *Regulatory Requirements*

The final-form rulemaking does not change any existing regulations but rather adds a table listing the legal hunting hours and an accompanying Pennsylvania Meridian Map to the regulations.

4. *Persons Affected*

Persons wishing to find a table of shooting hours in the regulations will be affected by the final-form rulemaking.

5. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

7. *Effective Date*

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by adding Appendix G to read as set forth at 33 Pa.B. 1355 and by amending § 141.4 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Executive Director of the Commission shall certify this order, 33 Pa.B. 1355 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-158 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter A. GENERAL

§ 141.4. Hunting hours.

During open hunting seasons, wild birds and animals may be taken 1/2 hour before sunrise to sunset unless further restricted. (See Pennsylvania Meridian Map and Table of Hunting Hours in Appendix G.)

* * * * *

[Pa.B. Doc. No. 03-1114. Filed for public inspection June 13, 2003, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping; Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, adopted the following amendments:

Amend § 141.43(a)(3) and (4) (relating to deer) to remove the reference to flintlock muzzleloading season and replace it with firearms deer season and delete subsection (d)(5) to remove any inconsistency in the regulations; and § 143.84 (relating to application) by extending the date to apply for a flintlock muzzleloader license.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 33 Pa.B. 1357 (March 15, 2003).

1. Introduction

The Commission amended § 141.43(a)(3) and (4) and deleted subsection (d)(5) to remove any inconsistency in the regulations and amended § 143.84 to extend the application date for a flintlock muzzleloader license.

2. Purpose and Authority

After implementing an early rifle season for qualified hunters and an early muzzleloader season that is no longer restricted to flintlock muzzleloaders, § 141.43(a)(3) and (4) needed to be amended to replace any references to "flintlock muzzleloader season" with "firearms season." These changes should remove any inconsistency in the regulations. For these same reasons, § 141.43(d)(5) needed to be completely removed. Additionally, the Com-

mission extended the purchase deadline for muzzleloader licenses from the current date of August 31 to no later than the second Saturday in November to allow muzzleloader hunters more time to purchase a muzzleloader license.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to "promulgate such regulations as it deems necessary and appropriate concerning . . . the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.43(a)(3) and (4) and (d) were made under this authority. Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to § 143.84 were made under this authority.

3. Regulatory Requirements

The final-form rulemaking removes language regarding flintlock muzzleloader seasons that is inconsistent with recent amendments to the regulations and extends the date to apply for a muzzleloader license.

4. Persons Affected

Persons wishing to hunt during the muzzleloader seasons will be affected by the final-form rulemaking.

5. Comment and Response Summary

There were two official comments received in support of the muzzleloader license purchase date extension.

6. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

7. Effective Date

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 143, are amended by amending § 141.43 to read as set forth at 33 Pa.B. 1357 and by amending § 143.84 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 33 Pa.B. 1357 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: Fiscal Note 48-157 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

**CHAPTER 143. HUNTING AND FURTAKE
LICENSES**

**Subchapter E. FLINTLOCK (MUZZLELOADER)
DEER LICENSES**

§ 143.84. Application.

(a) Application shall be made no later than the second Saturday in November.

(b) A collector may, upon completing an application, purchase a muzzleloading firearm deer season license only after the close of the special flintlock season and is not bound by the procedures in this section.

[Pa.B. Doc. No. 03-1115. Filed for public inspection June 13, 2003, 9:00 a.m.]

[58 PA. CODE CH. 147]

Deer Management Assistance Program

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, adopted the following amendments:

Add §§ 147.671—147.676 (relating to deer management assistance program permits) to establish rules for the application and issuance of Deer Management Assistance Program (DMAP) harvest permits for use on lands enrolled in a DMAP.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 33 Pa.B. 1484 (March 22, 2003).

1. Introduction

The Commission added §§ 147.671—147.676 to establish rules for the application and issuance of DMAP harvest permits for use on lands enrolled in a DMAP.

2. Purpose and Authority

The DMAP was established to provide both public and private landowners with an additional tool for the future management of local white-tailed deer herds on lands where excessive deer numbers have compromised the landowners' land uses and other interests. The additional regulations to Chapter 147 (relating to special permits) will permit qualified landowners to be eligible for a determined allotment of coupons, which may then be distributed by the landowners to hunters. A hunter receiving a coupon will be required to submit the coupon to the Commission, which will authorize and issue a harvest permit for the qualified specific area related to

the submitted coupon. The number of coupons that will be issued to an applicant landowner will be determined by what the landowner's land qualifies for. Where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented, one DMAP harvest permit may be allocated for every 5 acres of land enrolled in the DMAP. On other lands, one DMAP harvest permit will be allocated for every 50 acres enrolled in the DMAP. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission approved management plan. The new regulations will outline eligibility standards and application procedures for DMAP coupons and harvest permits.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting . . . in this Commonwealth, including regulations relating to the . . . management of game or wildlife . . ." These provisions provide the statutory authority for the final-form rulemaking.

3. Regulatory Requirements

The final-form rulemaking will establish rules for the application and issuance of DMAP harvest permits for use on lands enrolled in a DMAP.

4. Persons Affected

Persons wishing to hunt for antlerless deer and persons wishing to have more deer harvested from their land may be affected by the final-form rulemaking.

5. Comment and Response Summary

In total, one official comment was received in support and ten official comments were received in opposition to the amendments to Chapter 147. Those opposed to the rulemaking were not opposed to the concept of the DMAP in general, but rather were opposed to the inclusion of the requirement that private lands enrolled in the DMAP be open to public hunting.

6. Cost and Paperwork Requirements

The final-form rulemaking will result in some additional cost to the Commission in the form of printing additional antlerless deer licenses and printing and distributing coupons to landowners for the DMAP.

7. Effective Date

The final-form rulemaking will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. Contact Person

For further information regarding the final-form rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by adding §§ 147.671—147.676 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-156. (1) Game Fund; (2) Implementing Year 2003-04 is \$1,490; (3) 1st Succeeding Year 2004-05 is \$1,490; 2nd Succeeding Year 2005-06 is \$1,490; 3rd Succeeding Year 2006-07 is \$1,490; 4th Succeeding Year 2007-08 is \$1,490; 5th Succeeding Year 2008-09 is \$1,490; (4) 2002-03 Program—\$N/A; 2001-02 Program—\$N/A; 2000-01 Program—\$N/A; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

Sec.

- 147.671. Purpose and scope.
- 147.672. Definitions.
- 147.673. Eligibility and application for DMAP.
- 147.674. Issuance of DMAP harvest permits.
- 147.675. Validity of permit.
- 147.676. Unlawful acts.

§ 147.671. Purpose and scope.

Sections 147.672—147.676 establish rules for application and issuance of DMAP harvest permits for use on lands enrolled in a DMAP.

§ 147.672. Definitions.

The following words and terms, when used in this section and §§ 147.671 and §§ 147.673—147.676, have the following meanings unless the context clearly indicates otherwise:

Coupon—The coupon issued by the Commission to approved DMAP areas entitling the holder to one DMAP harvest permit for the DMAP area indicated on the coupon.

DMAP—Deer Management Assistance Program.

DMAP harvest permit—The numbered permit which is issued by the Commission, authorizing the holder thereof to hunt antlerless deer in a specific DMAP area in accordance with provisions in the act and this part as

they pertain to lawfully hunting deer. Each DMAP harvest permit has its own antlerless deer ear tag and antlerless deer harvest report card attached to be used only for tagging and reporting an antlerless deer harvested.

Public land—Any land owned or controlled by a Federal or State agency, or municipal political subdivision.

§ 147.673. Eligibility and application for DMAP.

(a) In the 2003-2004 license year, DMAP applications will only be accepted for public land, and private land enrolled in one of the Commission's public access programs (Farm Game, Forest Game or Safety Zone—P.1-2-3). Owners or lessees of private land or authorized officers or employees of political subdivisions or government agencies shall apply for the DMAP in a manner and on a form required by the Director. Separate applications for DMAP areas will not be accepted for areas that are within 1 air mile of another area that is owned, leased or controlled by the same person, political subdivision or government agency.

(1) Where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented, one DMAP harvest permit may be allocated for every 5 acres of land enrolled in the DMAP. On other lands one DMAP harvest permit will be allocated for every 50 acres enrolled in the DMAP. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(b) Applications shall be submitted to a regional office by July 1 immediately preceding the first fall deer hunting season and shall include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the person who will be the contact person for the DMAP as well as other information required on the application.

(1) An application for approval of a management plan that will allow the use of additional DMAP harvest permits on a designated land area shall contain the following information:

(i) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(ii) A description of the management area delineated on the map in subparagraph (i) including the size in acres, cover types (forested, nonforested), principal land uses, huntable areas and safety zones.

(iii) An explanation of deer management goals and objectives for the area.

(iv) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing use of DMAP on the area. Area specific information shall be provided that supports the deer management goals and objectives.

(c) Upon approval of the application, the location and boundaries of the area shall be designated in a manner approved by the Commission.

(d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to.

§ 147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued by the Commission.

(b) One coupon for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

(c) Coupon holders shall mail the completed coupon to the Commission along with a \$6 check or money order payable to the "Pennsylvania Game Commission."

(d) While hunting deer, the DMAP harvest permit shall be possessed by the hunter at all times.

§ 147.675. Validity of permit.

(a) DMAP harvest permits are valid only during open seasons for hunting antlerless deer.

(b) DMAP harvest permits are valid only on the DMAP area indicated on the license.

§ 147.676. Unlawful acts.

It is unlawful to:

(1) Use, possess or attempt to use or possess more than one DMAP harvest permit for a specific DMAP area in any license year.

(2) Use or possess or attempt to use or possess a DMAP harvest permit that was issued to another person.

(3) Lend or transfer in any manner whatsoever a DMAP harvest permit to any other person regardless of the purpose.

(4) Issue more than one coupon to any person for a specific DMAP area in any license year.

(5) Fail to tag any deer taken with a DMAP harvest permit in accordance with provisions of this part and the act relating to tagging big game.

(6) Fail to complete harvest report and survey information in accordance with instructions provided on the report card or the survey, or both.

(7) Charge or accept any fee or consideration for a DMAP coupon.

(8) Fail to comply with any other provisions of §§ 147.672—147.675.

[Pa.B. Doc. No. 03-1116. Filed for public inspection June 13, 2003, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 34]

Corrective Amendment to 61 Pa. Code § 34.4(b)(5)

The Department of Revenue has discovered a discrepancy between the agency text of 61 Pa. Code § 34.4(b)(5) (relating to direct payment permit) as deposited with the Legislative Reference Bureau and as published at 2 Pa.B. 1686 (September 9, 1972) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 208, March 1992) and as currently appearing in the *Pennsylvania Code*.

Therefore, under 45 Pa.C.S. § 901, the Department of Revenue has deposited with the Legislative Reference Bureau a corrective amendment to 61 Pa. Code § 34.4(b)(5). The corrective amendment is effective as of February 29, 1992, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 61 Pa. Code § 34.4(b)(5) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 34. REGISTRATION, RECORDKEEPING AND RETURNS

§ 34.4. Direct payment permit.

* * * * *

(b) *Requirements.* To receive a Direct Payment Permit, the following requirements shall be met by the taxpayer:

* * * * *

(5) Direct Payment Permit holders are required, as a condition of the issuance of the permission, to provide the Department access to all records maintained to account for the tax due.

* * * * *

[Pa.B. Doc. No. 03-1117. Filed for public inspection June 13, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61, 63, 65 AND 69]

Seasons, Sizes and Creel Limits; General and Special Fishing; Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) proposes to amend Chapters 61, 63, 65 and 69. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to changing the opening day of the regular trout season and implementing a regional opening day program. The proposed rulemaking includes conforming changes.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2004. The Commission will consider delaying the effective date of the proposed rulemaking until January 1, 2005.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendments to §§ 61.1, 61.2, 63.43, 65.10, 65.12 and 69.12 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish). The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Due to variations in this Commonwealth's topography and climate, the potential of increasing trout fishing opportunities exists. Typically, while many trout stocked waters in northern and central counties are barely recovered from winter's icy grip, those in southern areas are ideal for recreational trout angling. Warming spring temperatures create optimum stocked trout fishing opportunities earlier in southern Pennsylvania, but similarly these warming conditions can limit stocked trout fishing opportunities later in the season.

Changes in angler activities as warmer temperatures impact streams and lakes also can affect the utility of

inseason trout stocking. Angler use and harvest studies indicate trout anglers in urban and suburban areas decrease fishing by mid-May, and responses to late spring stockings are often limited to the first couple of days after stocking. Conflicts with other warm weather activities can limit trout fishing participants in southeastern Pennsylvania because the climate warms earlier in this area of this Commonwealth.

Based on air temperature data provided by weather specialists at The Pennsylvania State University, Commission staff initially identified an 18-county area of southeastern Pennsylvania that should accommodate an earlier opening day. Trout production personnel are currently evaluating the feasibility of having preseason stocking completed in this area for a new regional opening day. The size of the region for the early opener would depend on the capabilities of the trout production staff and could be reduced as necessary. For the most part, with a few exceptions, county lines fit the approach nicely. The regional opening day approach should align stocked trout management in this part of this Commonwealth more closely with optimum climate and environmental conditions for the program and would provide additional opportunity for recreation and to manage waters closer to their potential.

Accordingly, the Commission is proposing and soliciting comments on a new special regulations program (§ 65.12 (relating to Regional Opening Day of Trout Season Program)) that would allow the Executive Director, with the approval of the Commission, to designate waters in certain counties or watersheds as waters subject to the Regional Opening Day of Trout Season regulations. The regional opening day of the trout season for these waters would be the first Saturday in April. These waters would be closed to all fishing effective midnight February 14. The designation of these waters would be effective after publication of a notice of designation in the *Pennsylvania Bulletin*. Although Commission staff initially selected approved trout waters in counties located in southeastern Pennsylvania, the program could be extended in the future to waters in other parts of this Commonwealth where conditions support their inclusion in the program. Lakes managed under the Select Trout Stocked Lake Program included in the new regional opening day program would be closed to angling at midnight March 14.

For other approved trout waters, not part of the regional opening day special regulation program, the Commission proposes a minor adjustment in the opening day from the current first Saturday after April 11 to 8 a.m. on the third Saturday in April. This change would move the regular opening day window back from the period April 12 to April 18 to the period April 15 to April 21. In light of the early regional opening day program, it is appropriate to move back the opening day in the rest of this Commonwealth to try to take advantage of better weather. Accordingly, the Commission proposes the amendments, including conforming changes, to read as set forth in Annex A.

In addition to seeking public comments on the proposed changes in Annex A, the Commission is soliciting public comments on the following alternatives: (1) an amendment that would implement a regional opening day of the first Saturday in April with a regular opening day of 8

a.m. on the second Saturday in April; (2) an amendment that would change the opening day of the regular trout season from the 8 a.m. on the first Saturday after April 11 to 8 a.m. on the first Saturday in April; and (3) an amendment that would change the opening of the regular trout season from 8 a.m. on the first Saturday in April to 8 a.m. on the third Saturday in April. Anglers also are invited to submit comments on other concepts for opening day.

The Commission intends to hold a public meeting to gather additional public input.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. 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.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-142. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. [first Saturday after April 11,] third Saturday in April to midnight Labor Day	7 inches	5—Streams, lakes and ponds (combined species) except areas with special regulations
	Extended Season: Streams listed as approved trout waters and all waters downstream of streams listed as approved trout waters plus lakes and ponds		
	January 1—last day of February and day after Labor Day to midnight, last day of February of the following year.	7 inches	3 (combined species)
* * * * *			

§ 61.2. Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River and to Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
TROUT	8 a.m., [first Saturday after April 11] third Saturday in April to midnight, September 30	North of I-84: 14 inches	North of I-84: 1 (combined species)
		South of I-84: no minimum	South of I-84: 5 (combined species)
		West Branch Delaware River:* 12 inches	West Branch Delaware River:* 2 (combined species)
AMERICAN EEL	One year-round	8 inches	50
* * * * *			

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.20. Permits for the protection and management of trout and salmon.

* * * * *

(f) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

* * * * *

(2) The person fishes in streams or rivers that are approved trout waters as defined in § 63.3 (relating to fishing in approved trout waters) or their tributaries during the **2 week period [from 8 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday in May]** that begins on the opening day of trout season as specified in § 61.1 (relating to Commonwealth inland waters).

* * * * *

§ 63.43. Fishing for bass during spring season.

During the period from 12:01 a.m. on the [**first Saturday after April 11**] opening day of trout season as specified in § 61.1 (relating to Commonwealth inland waters) until 12:01 a.m. on the first Saturday after June 11:

* * * * *

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.10. Select Trout Stocked Lake Program.

* * * * *

(b) It is unlawful to fish in waters designated as part of the Select Trout Stocked Lake Program except in compliance with the following requirements:

(1) Notwithstanding § 63.3 (related to fishing in approved trout waters), fishing is permitted from March 1

until midnight, March 31, **except in those waters designated under § 65.12 (relating to Regional Opening Day of Trout Season Program).** Those waters designated under § 65.12 shall be closed to fishing at midnight March 14 until the applicable opening day.

* * * * *

§ 65.12. Regional Opening Day of Trout Season Program.

(a) **The Executive Director, with the approval of the Commission, may designate waters in certain counties or watersheds as part of the Regional Opening Day of Trout Season Program. The designation of waters as part of the Regional Opening Day of Trout Season Program shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.**

(b) **It is unlawful to fish in waters designated as part of the Regional Opening Day of Trout Season Program except in compliance with the following requirements:**

(1) **These waters shall be closed to all fishing effective midnight February 14 until opening day.**

(2) **The regular season for these waters shall be the first Saturday in April until midnight Labor Day.**

(3) **Except as otherwise provided in this section, the Statewide sizes and creel limits and extended season shall apply. See § 61.1 (relating to Commonwealth inland waters).**

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
Mercer	Shenango River from the dam downstream to SR 3025, a distance of 1.5 miles.	Closed season on trout: April 1 until 8 a.m., [first Saturday after April 11] the opening day of trout season in April. Daily limit—Opening day of trout season in April until Labor Day: five trout per day; day after Labor Day to midnight, March 31 of the following year—three trout per day. Inland regulations apply to warmwater/coolwater species.
* * * * *		

<p><i>County</i> Somerset, Fayette, Westmoreland and Allegheny</p>	<p><i>Name of Water</i> Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run downstream to the mouth of the river. Youghiogheny River from Reservoir downstream to confluence on Casselman River.</p>	<p><i>Special Regulations</i> No closed season on trout. Daily limit opening day of trout season to Labor Day—[5] five trout; day after Labor Day to succeeding opening day of trout season—[3] three trout per day. Inland regulations apply to warmwater/coolwater species. Closed season on trout: April 1 until 8 a.m., [first Saturday after April 11] the opening day of trout season in April. Daily limit—Opening day of trout season in April until Labor Day—five trout per day; day after Labor Day to midnight, March 31 of following year: three trout per day. Inland regulations apply to warmwater/coolwater species.</p>
* * * * *		
<p>Wyoming</p>	<p>Lake Winola</p>	<p>Bass—It is unlawful to take, catch, kill or possess bass that are 12 to 18 inches in length. The daily creel limit for bass less than 12 inches in length and greater than 18 inches in length is [6] six, only one of which may exceed 18 inches in length. Closed to all fishing from 12:01 a.m. March 1 to 8 a.m. [the first Saturday after April 11] the opening day of trout season in April.</p>

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES
Subchapter B. SPORT FISHING AND ANGLING

§ 69.12. [Season] Seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries.

* * * * *

(f) Subject to the provisions of subsections (d) and (e), the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
TROUT and SALMON	<p>[First Saturday after April 11] 8 a.m. third Saturday in April until midnight Labor Day.</p> <p>12:01 a.m. the day after Labor Day until midnight on the Friday before the [first Saturday after April 11] third Saturday in April</p>	<p>9 inches</p> <p>15 inches</p>	<p>5 (combined species only 2 of which may be lake trout).</p> <p>3 (combined species only 2 of which may be lake trout).</p>
* * * * *			

[Pa.B. Doc. No. 03-1118. Filed for public inspection June 13, 2003, 9:00 a.m.]

[58 PA. CODE CH. 65]
Wild Brook Trout Enhancement

The Fish and Boat Commission (Commission) proposes to amend § 65.13 (relating to wild brook trout enhancement). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to enhancing wild brook trout populations.

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2004.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed rulemaking is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. Summary of Proposal

Historically, brook trout are the only stream dwelling trout native to this Commonwealth's streams. Currently, special regulations for wild trout are typically applied to waters that support wild brown trout or a combination of wild brook and brown populations. Because brook trout dominate in smaller headwater reaches and tributary streams and there typically is a transition to brown trout downstream areas, very few waters under special regulations are dominated by wild brook trout. Based on discussions with various wild trout angling groups and feedback from the recent Trout Summit, there is interest in developing regulations directed at enhancing the abundance of larger, older wild brook trout in this Commonwealth's streams. The general concept is to reduce the effect of harvest of brook trout on the number of older and larger brook trout. The approach being sought is to apply regulations on a watershed basin level (main stem and tributaries) or a portion of the basin to provide a larger area for this management strategy to provide

increased protection for larger brook trout in selected streams.

The Commission proposes two options for consideration. The preferred option, which is set forth in Annex A, provides for catch and release. Catch and release of wild brook trout in this program would allow fishing year-round (no closed season) with no tackle restrictions. This proposal would provide the maximum protection for all wild brook trout while appealing to a broad range of anglers. All other trout species would be under conventional seasons, sizes and creel limits.

The Commission is also seeking public comments on a second option that imposes a 7-inch maximum size limit on wild brook trout. A 7-inch maximum size limit on brook trout would allow anglers the opportunity to harvest some brook trout while affording the larger, older brook trout maximum protection from angling. Fishing would be permitted year-round (no closed season) with no tackle restrictions. The creel limit would be five trout per day from opening day through Labor Day, and no harvest from midnight Labor Day to 8 a.m. the opening day of the regular trout season. All other trout would be subject to conventional seasons, sizes and creel limits.

Some potential waters for inclusion in the wild brook trout enhancement program are shown in the following table.

<i>Stream</i>	<i>County</i>	<i>Limits</i>	<i>Length Miles</i>	<i>Tributary Length Miles</i>
Tubbs Run	Forest	Entire Watershed	4.9	1.2
Minister Creek	Forest	Entire Watershed	5.0	3.6
Birch Run	Potter	Entire Watershed	5.3	
Cooks Run	Cameron	Entire Watershed	4.0	12.1
Lyman Run	Potter	Headwaters downstream to confluence with Lyman Lake	5.3	12.0
Kettle Creek	Tioga/Potter	Headwaters downstream to confluence with Long Run	10.7	17.6
N. Br. Buffalo Creek	Union	Headwaters downstream to Mifflinburg Rs	7.0	3.0
W. Br. Fishing Creek	Sullivan	Headwaters downstream to confluence with Hemlock Run	2.5	2.9
Mill Brook	Pike	Entire watershed	2.5	0.9
Wolf Swamp Run	Monroe	Entire watershed	2.1	3.2
Shaeffer Run	Perry	Headwaters downstream to downstream limit of Tuscarora State Forest	3.7	0.7
Camp Run	Westmoreland	Entire watershed	4.1	

In addition, the Commission is soliciting public comments regarding both options with the inclusion of tackle restrictions, such as artificial lures only.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commis-

sion, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. 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.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-144. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.13. Wild brook trout enhancement.

(a) The Executive Director, with the approval of the Commission, may designate waters as "Wild Brook Trout Enhancement Regulations" waters. The designation shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated "Wild Brook Trout Enhancement Regulations" waters except in compliance with the following requirements:

- (1) Brook trout may not be killed or had in possession.
- (2) There is no closed season for brook trout.
- (3) There are no tackle restrictions.
- (4) Other trout species shall be subject to Statewide regulations (including seasons, sizes and creel limits).

[Pa.B. Doc. No. 03-1119. Filed for public inspection June 13, 2003, 9:00 a.m.]

[58 PA. CODE CHS. 63, 71 AND 73]
Injurious Nonnative Species

The Fish and Boat Commission (Commission) proposes to amend Chapters 63, 71 and 73 (relating to general fishing regulations; propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking relates to injurious, nonnative species.

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed rulemaking is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. Summary of Proposal

Black carp (*Mylopharyngodon piceus*), bighead carp (*Hypophthalmichthys nobilis*) and silver carp (*Hypophthalmichthys molitrix*) are native to Asia. They are not

native to this Commonwealth. These species were originally imported by fish farmers into waters of several states in the lower Mississippi River Valley. Black carp are mollusk eaters imported to control snails in culture ponds. Silver and bighead carp are plankton feeders, which have been cultured for sale as food fish in specialty food markets. Because black carp consume mollusks, there is concern that if released they would prey on native mussel populations. In July 2002, the United States Fish and Wildlife Service issued a notice of proposed rulemaking to list the black carp as an injurious fish species. Silver and bighead carp are capable of attaining weights of 60 and 90 pounds, respectively. Because they forage on phytoplankton and zooplankton, there is concern that food sources for forage fishes will be reduced and aquatic food chains upset. Bighead carp have escaped to the wild and have made their way towards the Great Lakes via the Upper Mississippi River system. Last year, a bighead carp was found in Lake Erie and several were found in other Great Lakes. It has recently been determined that this species can thrive and reproduce in a wider range of water temperatures and habitats than previously believed.

Several years ago, the Commission's Bureaus of Fisheries and Law Enforcement became aware that a fish dealer from Arkansas was transporting Asian carp through this Commonwealth to live fish markets in New York. The investigation revealed that the trucks were stopping at a stream in southcentral Pennsylvania to discharge tank water and add fresh water from the stream. The fish dealer and the hauler were notified that these activities were not lawful. This example emphasizes how easily injurious nonnative species could be released into Commonwealth waters.

The zebra mussel (*Dreissena polymorpha*) and the quagga mussel (*Dreissena bugensis*) are well known nonnative species introduced to the Great Lakes and Lake Erie by means of ballast water discharges in the late 1980s. The zebra mussel also has infiltrated this Commonwealth by means of the Ohio River in southwest Pennsylvania. Recently, it was found in several tributaries to the upper Allegheny River. Transfer of this species to inland waters is usually unintentional and likely the result of attachment to recreational boats. However, there is evidence that some persons may have intentionally transported zebra mussels into flooded quarries where SCUBA diving occurs to aid in clearing up the water. In addition to a quarry in southeastern Pennsylvania, there is a well-documented zebra mussel population in a dive quarry in Virginia. These species out compete and smother native mussels, foul water intakes and dramatically alter the water quality of areas they invade.

The round goby (*Neogobius melanostomus*) is a more recent invader to Lake Erie and the other Great Lakes. Population densities of this species have dramatically increased in Lake Erie, reaching densities in some areas of over 3,000 gobies/acre. Currently, there is no evidence to suggest that round gobies are present in any inland Commonwealth waters. However, they have caused considerable changes to the predator-prey relationships in Lake Erie. This species has demonstrated that it can out compete and displace native darters and sculpins. They can adapt to a variety of habitats and have the ability to spawn up to six times per year. This species represents a serious threat to native fish populations in inland waters. Additionally, another goby species, the tubenose goby (*Proterorhinus marmoratus*), has recently appeared in Lake Erie.

The Mississippi Interstate Cooperative Resource Association, of which the Commonwealth is a member, has publicly stated its opposition to the use or release of Asian carp, particularly the black carp. At its March 2003 meeting, members of the Lake Erie Committee of the Great Lakes Fishery Commission agreed that member states should move forward with regulations that specifically prohibit the possession, transport and introduction of the Asian carp species. On February 7, 2003, member state Michigan enacted new regulations that prohibit the possession and transportation of the aforementioned species plus several additional species.

Although it already is illegal under the Commonwealth's laws and regulations for anyone to release live black carp, silver carp, bighead carp, zebra mussels, quagga mussels or round gobies into Commonwealth waters, it currently is not illegal to possess, transport, offer for sale or purchase these species. Accordingly, the Commission proposes the amendments set forth in Annex A to address this issue and to further emphasize that it is unlawful to possess, introduce, import and transport these species in this Commonwealth.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions regarding the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. 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.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-143. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.46. Sale, purchase or barter of [**live snakehead**] **injurious, nonnative** species.

It is unlawful for a person to sell, purchase, offer for sale or barter **the following** live [**snakehead**] species in this Commonwealth[.]:

- (1) **Snakehead (all species).**

- (2) **Black carp (*Mylopharyngodon piceus*).**
- (3) **Bighead carp (*Hypophthalmichthys nobilis*).**
- (4) **Silver carp (*Hypophthalmichthys molitrix*).**
- (5) **Zebra mussel (*Dreissena polymorpha*).**
- (6) **Quagga mussel (*Dreissena bugensis*).**
- (7) **Round goby (*Neogobius melanostomus*).**
- (8) **Tubenose goby (*Proterorhinus marmoratus*).**

CHAPTER 71. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS

§ 71.6. Prohibited acts.

* * * * *

(d) It is unlawful to possess **the following** live [**snakehead**] species in this Commonwealth. It is unlawful to introduce or import **the following** live [**snakehead**] species into the waters of this Commonwealth[.]:

- (1) **Snakehead (all species).**
- (2) **Black carp (*Mylopharyngodon piceus*).**
- (3) **Bighead carp (*Hypophthalmichthys nobilis*).**
- (4) **Silver carp (*Hypophthalmichthys molitrix*).**
- (5) **Zebra mussel (*Dreissena polymorpha*).**
- (6) **Quagga mussel (*Dreissena bugensis*).**
- (7) **Round goby (*Neogobius melanostomus*).**
- (8) **Tubenose goby (*Proterorhinus marmoratus*).**

CHAPTER 73. TRANSPORTATION OF LIVE FISH INTO THIS COMMONWEALTH

§ 73.1. Transportation.

* * * * *

(d) Transportation of **the following** live [**snakehead**] species in or through this Commonwealth is prohibited[.]:

- (1) **Snakehead (all species).**
- (2) **Black carp (*Mylopharyngodon piceus*).**
- (3) **Bighead carp (*Hypophthalmichthys nobilis*).**
- (4) **Silver carp (*Hypophthalmichthys molitrix*).**
- (5) **Zebra mussel (*Dreissena polymorpha*).**
- (6) **Quagga mussel (*Dreissena bugensis*).**
- (7) **Round goby (*Neogobius melanostomus*).**
- (8) **Tubenose goby (*Proterorhinus marmoratus*).**

[Pa.B. Doc. No. 03-1120. Filed for public inspection June 13, 2003, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 8, 2003, meeting, proposed the following amendments:

Amend §§ 135.81 and 135.121—135.123 to ensure recently promulgated regulations apply to Commission administrative lands.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the April 8, 2003, meeting of the Commission and comments can be sent until June 20, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend §§ 135.81 and 135.121—135.123 to ensure recently promulgated regulations apply to Commission administrative lands.

2. *Purpose and Authority*

Since new State game lands regulations were promulgated, many of the unlawful acts pertaining to State game lands are now listed in § 135.41 (relating to State game lands). To ensure these prohibitions apply to Commission administrative lands, the Commission is proposing to add a reference to § 135.41 in § 135.81 (relating to Commission administrative lands). Additionally, since § 135.41 is intended for State game lands and Commission administrative lands, the reference to § 135.41 in §§ 135.121—135.123 (relating to Federal-owned lands; State-owned lands; and political subdivision-owned lands) should be eliminated since the language in § 135.41 is inapplicable on Federal, State and political subdivision-owned lands under Commission lease or control.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands or waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." The proposed amendments were made under this authority.

3. *Regulatory Requirements*

The proposed rulemaking does not impose any additional restrictions, but rather clarifies the application of regulations already found in § 135.2 (relating to unlawful actions) and § 135.41.

4. *Persons Affected*

Persons wishing to use State game lands or leased areas and other areas under agreement with the Commission will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The proposed rulemaking will be effective on final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-169. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter E. COMMISSION ADMINISTRATIVE LANDS

§ 135.81. Commission administrative lands.

[**Section**] **Sections 135.2 and 135.41** (relating to unlawful actions; **and State game lands**) [**pertains**] **pertain** to lands and waters owned by the Commission, designated as regional offices, central offices, radio tower sites or visitor centers.

Subchapter G. PUBLICLY-OWNED LANDS

§ 135.121. Federal-owned lands.

In addition to [§]§ 135.2 [**and 135.41**] (relating to unlawful actions[; **and State game lands**]), the following exceptions pertain to lands and waters owned by the Federal government under Commission lease or control, or both:

* * * * *

§ 135.122. State-owned lands.

[**Sections**] **Section 135.2 [and 135.41]** (relating to unlawful actions[; **and State game lands**]) [**pertain**] **pertain** to lands and waters owned by the Commonwealth under Commission lease or control, or both.

§ 135.123. Political subdivision-owned lands.

[**Sections**] **Section 135.2 [and 135.41]** (relating to unlawful actions[; **and State game lands**]) [**pertain**] **pertain** to lands and waters owned by a political subdivision under Commission lease or control, or both.

[Pa.B. Doc. No. 03-1121. Filed for public inspection June 13, 2003, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Agricultural Product Promotion Matching Grant Program; 2003-2004 Application Period

An application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (Program) administered by the Department of Agriculture (Department) has started. The Program is described in 7 Pa. Code Chapter 105 (relating to Pennsylvania Agricultural Product Promotion Matching Grant Program—statement of policy).

The Program provides matching funds to nonprofit agricultural product promotion and marketing organizations of this Commonwealth for projects intended to increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products.

Application work plan and budget should reflect January 1, 2004, as the project start date. Grant funds will be disbursed as an advance payment upon receipt of a fully executed grant agreement by the grantee. The project completion date will be December 31, 2004.

Applications for the Program will be accepted by the Department beginning June 14, 2003, and continue through July 30, 2003. Applications must be postmarked by the closing date. Information and a grant application may be obtained from Peter C. Witmer, Director, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 308, Harrisburg, PA 17110-9408 or accessed at www.pda.state.pa.us.

DENNIS C. WOLFF,
Secretary

[Pa.B. Doc. No. 03-1122. Filed for public inspection June 13, 2003, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 3, 2003.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-28-03	Sun Interim Trust Company Lewisburg Union County	Lewisburg	Filed

Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-2-03	Sharon Savings Bank Darby Delaware County	Darby	Filed
Application represents reorganization into a mutual holding company to be known as "Sharon Mutual Holding Company."			

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-30-03	Commercial National Bank of Pennsylvania Latrobe Westmoreland County	Latrobe	Filed
<i>To:</i>			
Commercial Bank of Pennsylvania Latrobe Westmoreland County			
Represents conversion from a National bank to a Pennsylvania State-chartered commercial bank.			

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-30-03	Atlantic Central Bankers Bank, Camp Hill, PA, and ACB Bank, NJ, Carlstadt, NJ Surviving Institution—Atlantic Central Bankers Bank, Camp Hill, PA	Camp Hill	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-28-03	The First Susquehanna Bank & Trust Sunbury Northumberland County	Ridgecrest Court and Commons 1 Maplewood Drive Lewisburg Kelly Township Union County (Limited Service Facility)	Opened
5-28-03	Abington Savings Bank Jenkintown Montgomery County	Ann's Choice Retirement Community 235 East Street Road Warminster Bucks County (Limited Service Facility)	Filed
6-2-03	Keystone Savings Bank Bethlehem Northampton County	2641 MacArthur Rd. Whitehall Township Lehigh County	Approved
6-2-03	S & T Bank Indiana Indiana County	20001 Route 19 Cranberry Cranberry Township Butler County	Approved
6-2-03	Earthstar Bank Southampton Bucks County	48 W. Skippack Pike Broad Axe Whitpain Township Montgomery County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-2-03	S & T Bank Indiana Indiana County	Westmoreland Mall Route 30 Greensburg Westmoreland County	Approved

SAVINGS INSTITUTIONS**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
6-3-02	OSIA Savings and Loan Association Philadelphia Philadelphia County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-1-03	Superior Credit Union, Collegeville, and ARE Federal Credit Union, Royersford Surviving Institution—Superior Credit Union, Collegeville	Collegeville	Effective
6-2-03	Lee Hospital Credit Union, Johnstown, and Cambria-Somerset COG Federal Credit Union, Windber Surviving Institution—Lee Hospital Credit Union, Johnstown	Johnstown	Filed

Branch Relocation

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-30-03	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 308 Main Street Royersford Montgomery County <i>From:</i> 402 First Avenue Royersford Montgomery County	Approved
<i>Note:</i> Relocation is subsequent to the merger of ARE Federal Credit Union with and into Superior Credit Union. The 402 First Avenue address is the former main office of ARE Federal Credit Union.			
6-2-03	Incol Credit Union Old Forge Lackawanna County	<i>To:</i> New Bridge Center 480 Pierce Street Suites 120-121 Kingston Luzerne County <i>From:</i> 320 S. Pennsylvania Blvd. Suite 364 Wilkes-Barre Luzerne County	Approved

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-1123. Filed for public inspection June 13, 2003, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program Public Hearing

The Department of Community and Economic Development (DCED) hereby publishes notice of a public hearing to be held at 10 a.m. on Thursday, June 26, 2003, in Room H-West, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for the program year 2003-2004.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984. A copy may also be obtained at the following DCED regional offices:

DCED
Central Regional Office
4th Floor, Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-1984

DCED
Southeast Regional Office
908 State Office Building
Broad and Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2256

DCED
Northwest Regional Office
Rothrock Building
1200 Lovell Place
Erie, PA 16503
(814) 871-4241

DCED
Southwest Regional Office
1405 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

DCED
Northeast Regional Office
201 Samters Building
101 Penn Avenue
Scranton, PA 18503-2025
(717) 963-4571

Written comments should be submitted to Dennis Darling, Director, Office of Community Services, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on June 26, 2003.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings should contact Dennis Darling, (717) 787-1984 to discuss how the DCED can accommodate their needs. Alternative formats of the document (such as large print or cassette tape) can be made available to the public upon request.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 03-1124. Filed for public inspection June 13, 2003, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, June 25, 2003, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf, (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. 03-1125. Filed for public inspection June 13, 2003, 9:00 a.m.]

Pigeon Creek, Stony Run and Schuylkill River Watersheds Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved a Rivers Conservation Plan for Sustainable Watershed Management in the Pigeon Creek, Stony Run and Schuylkill River Watersheds of Chester County (Plan) and is placing the Pigeon Creek and Stony

Run Watersheds and associated tributaries that directly flow into the Schuylkill River in Chester County on the Pennsylvania Rivers Conservation Registry (Registry).

The Green Valleys Association has submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Pigeon Creek (Chester County) from the headwaters to its confluence with the Schuylkill River—14.39 square miles.

2. The watershed area of Stony Run (Chester County) from its headwaters to its confluence with the Schuylkill River—5.59 square miles.

3. All tributary streams from the headwaters in North Coventry, East Coventry, East Vincent and East Pikeland Townships and the Borough of Spring City in Chester County that flow directly into the Schuylkill River—15.85 square miles.

This action becomes effective June 14, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at the Green Valleys Association, 1368 Prizer Road, Pottstown, PA 19465, (610) 469-4900 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Green Valleys Association.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 03-1126. Filed for public inspection June 13, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

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

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

Persons wishing to comment on a proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding the application. The comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0111937 Sewerage	Patriot Treatment Plant, Inc. 6009 Columbia Blvd. Bloomsburg, PA 17815	South Centre Township Columbia County	Campbells Run 5-D	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.

PA0013285, Industrial Waste, **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This application is for renewal of an NPDES permit to discharge industrial wastewater from Pickering Creek Water Treatment Plant in Schuylkill Township, **Chester County**. This is an existing discharge to Pickering Creek.

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

The proposed effluent limits for Outfall 002, based on an average flow of 2.1 mgd are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	60	75
pH	within limits of 6.0—9.0 standard units at all times		
Iron, Total	2.0	4.0	5.0
Aluminum, Total	4.0	8.0	10.0
Manganese, Total	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.0

The proposed effluent limits for Outfalls 003 and 004 used in emergency situations only and consisting of finished water are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Total Residual Chlorine	1.0	1.0

The proposed effluent limits for Outfall 005, washwater tank discharge occurring when the washwater tank is to be inspected as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Total Residual Chlorine	1.0	1.0

The proposed effluent limits for Outfall 006, high lift station drain occurring on an as-needed basis as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
Total Residual Chlorine	1.0	1.0

Outfalls 007—009 consist solely of groundwater.

The EPA waiver is in effect.

PA0050679, Industrial Waste, **NVF Company**, 400 West Mulberry Street, Kennett Square, PA 19348. This application is for renewal of an NPDES permit to discharge cooling water from the NVF Company in Kennett Square Borough, **Chester County**. This is an existing discharge to West Branch of Red Clay Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.366 mgd are as follows:

<i>Parameters</i>	<i>Period</i>	<i>Daily Average (°F)</i>
Temperature	(1-1 to 1-31)	92
	(2-1 to 2-29)	87
	(3-1 to 3-31)	110
	(4-1 to 4-30)	110
	(5-1 to 5-31)	110
	(6-1 to 6-15)	110
	(6-16 to 6-30)	96
	(7-1 to 7-31)	79
	(8-1 to 8-31)	110
	(9-1 to 9-30)	110
	(10-1 to 10-15)	110
	(10-16 to 10-31)	108
	(11-1 to 11-15)	106
	(11-16 to 11-30)	89
	(12-1 to 12-31)	81

pH within limits of 6.0—9.0 standard units at all times

Other Conditions: thermal requirements.

The EPA waiver is in effect.

PA0058483, Industrial Waste, **Philadelphia Authority for Industrial Development**, 1413 Langley Avenue, Quarters A, Philadelphia Naval Business Center, Philadelphia, PA 19112. This application is for issuance of an NPDES permit to discharge cooling water from Power Plant (Building 23) at the Philadelphia Naval Business Center in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Delaware Estuary Zone 4.

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

The proposed effluent limits for Outfall 008, based on an average flow of 29 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>
Flow	Monitor and Report		One/week
Temperature (intake)	Monitor and Report		One/week
pH	within limits of 6.0—9.0 standard units at all times		One/week
Temperature (discharge)	Monitor and Report	110°F	One/week

The EPA waiver is not in effect.

PA0036447, Industrial Waste, **Naval Surface Warfare Center—Carderock Division**, Philadelphia Naval Business Center. This application is for an amendment of an NPDES permit to discharge cooling water from the Philadelphia Naval Shipyard in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Delaware Estuary Zone 4.

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

The proposed effluent limits for Outfall 001, based on an average flow of 25 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 005, based on an average flow of 0.002 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions: thermal requirements.

The EPA waiver is in effect.

PA0027383 Amendment No. 1, Sewage, **Southwest Delaware County Municipal Authority**, One Gamble Lane, Aston, PA 19104-0466. This application is for amendment of an NPDES permit to discharge stormwater from the area around sewage treatment plant in Aston Township, **Delaware County**. This is an existing discharge to Chester Creek.

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

The proposed effluent limits for Outfalls 003 and 004, based on an average flow of stormwater from area around sewage treatment plant are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>
CBOD ₅	Monitor
Suspended Solids	Monitor
Phosphorus (as P)	Monitor
Chemical Oxygen Demand	Monitor
Oil and Grease	Monitor
Total Kjeldahl Nitrogen	Monitor
Iron Dissolved	Monitor
pH	Monitor

The EPA waiver is not in effect.

PA0026794 A2, Sewage, **Conshohocken Borough Authority**, 601 East Elm Street, Conshohocken, PA 19428. This application is for amendment of an NPDES permit to discharge stormwater from the Conshohocken Borough Authority STP in Conshohocken Borough, **Montgomery County**. This is an existing discharge to Schuylkill River. This amendment is to include the stormwater Outfalls 002 and 003 in the permit.

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

The proposed effluent requirements for Outfalls 002 and 003, based on the stormwater runoff are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (standard unit)	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Fecal Coliform (no. col/100 ml)	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report

The EPA waiver is not in effect.

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

PA0012505, Industrial, SIC 3241, **LaFarge North American**, 5160 Main Street, Whitehall, PA 18052. This proposed facility is in Whitehall Township, **Lehigh County**.

Description of Proposed Activity: Revised draft NPDES permit to discharge noncontact cooling water and stormwater.

The receiving stream, Lehigh River, is in the State Water Plan watershed no. 2B and is classified for TSF.

The proposed effluent limits for Outfalls 001 and 002 are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0	
Total Suspended Solids ⁽¹⁾	2.0	4.0	
pH		6.0 to 9.0 at all times	
Temperature ⁽²⁾		not to exceed 3°C rise above inlet temperature	

Outfall 102—Stormwater through storage area.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0	
Total Suspended Solids	30.0	50.0	
pH		6.0 to 9.0 at all times	

The EPA waiver is in effect.

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

PA0021717, Sewage, **Marietta-Donnegal Joint Authority**, P. O. Box 167, Marietta, PA 17547. This facility is in Marietta Borough, **Lancaster County**.

Description of activity: Amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in watershed 7-G and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is on the Susquehanna River, approximately 2.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus			
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

PA0247120, CAFO, **Theodore Espenshade (Shady Brae Farms)**, 29 Engle Road, Marietta, PA 17547. Theodore Espenshade has submitted an application for an individual NPDES permit for an existing CAFO known as Shady Brae Farms, Inc., 29 Engle Road, Conoy Township, **Lancaster County**.

The CAFO is situated near an unnamed tributary to the Susquehanna River in Watershed 7-G (WWF). The CAFO is designed to maintain an animal population of approximately 1,924 AEU's consisting of 575,000 laying hens. The animals will be housed in six laying barns. Manure is deposited and stored on the ground level beneath the layers. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

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

PA0228729, CAFO, **Hostetter Management Company**, P. O. Box 526, Ephrata, PA 17522. This existing facility is in Cleveland Township, **Columbia County**.

Description of Existing Activity: The farm comprises 725 sows housed in a swine confinement barn with liquid manure temporarily collected in shallow pits beneath the barn's slatted floors and periodically released to an outside, HDPE lined manure storage with approximately 750,000 gallons of storage. All manure is typically land applied on the Jim Mack farm acreage (owner of the property), with some occasionally exported to a neighboring farm. On animals onsite include sows with litter, nursery pigs and boars. Total AEU's is 362.9.

The receiving stream, unnamed tributary to South Branch Roaring Creek, is in the State Water Plan watershed 6B and is classified for HQ-CWF.

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

This notice is being republished due to a typographical error which appeared in the original notice published at 33 Pa.B. 2391 (May 17, 2003).

PA0023531, Sewerage, SIC 4952, **Danville Borough**, 239 Mill Street, Danville, PA 17821. This existing facility is in Danville Borough, **Montour County**.

Description of Proposed Activity: Pending renewal of the NPDES permit for the existing discharge of treated sewage wastewater through Outfall 001 and site stormwater through Outfall S01.

The receiving stream for Outfall 001, Susquehanna River, is in the State Water Plan watershed 5E and is classified for WWF. The nearest public water supply surface water intake, owned by Merck and Company Inc., is on the Susquehanna River, 0.95 mile below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.62 MGD.

Discharge Parameter	Monthly	Weekly	Instantaneous
	Average (mg/l)	Average (mg/l)	Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Chlorine Residual	0.5		1.6
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200 col/100 mL as a geometric mean 2,000 col/100 mL as a geometric mean	
pH		within the range of 6.0 to 9.0	

The receiving stream for Outfall S01, Mahoning Creek, is in the State Water Plan watershed 5E and is classified for TSF. The nearest public water supply surface water intake, owned by Merck and Company Inc., is on the Susquehanna River, 1.6 miles below the point of discharge. Approximately 0.03 MGD of stormwater will be discharged through Outfall S01 from an average storm event. Annual inspection certification will be required.

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

PA0091227, Industrial Waste, SIC 2819, **Calgon Carbon Corporation**, 500 Calgon Drive, Pittsburgh, PA 15230. This application is for renewal of an NPDES permit to discharge untreated cooling water stormwater from Neville Island Plant in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River—Back Channel, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Robinson Township Water Authority, at river mile 8.8 Ohio River, 3.75 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.364 MGD.

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

Outfall 002: existing 0.22 MGD discharge to the Ohio River.

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

Outfall 201: new discharge, design flow of 0.001 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			30		60
Aluminum			4.0		8.0
Iron			2.0		4.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing 0.059 MGD discharge to the Ohio River.

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

Outfall 004: existing 0.117 MGD discharge to the Ohio River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Temperature (°F)					110
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.

PA0239186, Sewage, **Davis International Inc./3 Rivers Ice Cream Service, Inc.**, 1155 Meadowbrook Avenue, Youngstown, OH 44512. This proposed facility is in Forward Township, **Butler County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelienople Municipal Water Works intake on Connoquenessing Creek at Zelienople, approximately 11 miles below point of discharge.

The receiving stream, unnamed tributary to Connoquenessing Creek, is in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00075 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow			
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	6.5		13
(11-1 to 4-30)	19.5		39
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

Persons wishing to comment on an application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the 15-day comment period will be considered in making the final

decision regarding an application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

Copies of the permit applications and proposed plans are on file in the office indicated and are open to public inspection. Appointments to review an application may be made by contacting Records Management at the indicated telephone number.

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

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

WQM Permit No. 3103401, Sewerage, **Alexandria Borough-Porter Township Joint Sewer Authority**, P. O. Box 113, Alexandria, PA 16611-0113. This proposed facility is in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Upgrade/expansion.

WQM Permit No. 6703405, Sewerage, **Stewartstown Borough Authority**, 6 N. Main Street, Stewartstown, PA 17363. This proposed facility is in Hopewell Township, **York County**.

Description of Proposed Action/Activity: Upgrade/expansion.

WQM Permit No. 0503405, Sewerage, **E. Providence Township Municipal Authority**, P. O. Box 83, Breezewood, PA 15533. This proposed facility is in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Modifications and construction of the Graceville Road Sanitary Sewer Extension.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3666.

WQM Permit No. 1703202, Industrial Waste, **SIC 3111, Wickett & Craig of America**, 120 Cooper Road, P. O. Box 333, Curwensville, PA 16833. This existing facility is in Curwensville Borough, **Clearfield County**.

Description of Proposed Action/Activity: Upgrade existing industrial waste process water treatment plant with dissolved air flotation.

WQM Permit No. 4703403, Sewerage, **Moses and Rachel Stoltzfus**, 122 Gardner Road, Turbotville, PA 17772. The proposed facility will be in Limestone Township, **Montour County**.

Description of Proposed Action/Activity: Application for construction and operation of a small flow sewage treatment plant to serve a single residence. The treatment facility will discharge to Beaver Run (WWF).

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

Application No. 3203403, Sewerage, **John A. Sarnosky**, 50 Barnview Circle, Apt. 3, Blairsville, PA 15717. Application for the construction and operation of a

single residence sewerage treatment plant to serve the Sarnosky residence in Black Lick Township, **Indiana County**.

NPDES Stormwater Individual Permit

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

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

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903015	L & L Management Co., LLC 559 Main St., Suite 300 Bethlehem, PA 18018	Lehigh	S. Whitehall Township	Little Lehigh Creek HQ-CWF

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903016	Cedar Crest College 100 College Dr. Allentown, PA 18104	Lehigh	City of Allentown	Little Lehigh Creek HQ-CWF
PAI023903017	Knopf Pontiac, Inc. 3401 Lehigh St. Allentown, PA 18103	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF

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

Lancaster County Conservation District, 1383 Arcadia Road, Room 6, Lancaster, PA 17601-3149, (717) 299-5361.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033603005	Martin Brothers Builders 119 Furlow Road Reinholds, PA 17569	Lancaster	Brecknock Township	Rock Run TSF-HQ

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

Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI041403010	Sandy Hills Water Line SR 0350 Sandy Ridge, PA 16677	Centre County Rush Township	Cold Stream/Trout Run HQ-CWF
PAI041403011	Penn Centre Logistics Warehouse Expansion 250 Runville Rd. Bellefonte, PA 16823	Centre County Boggs Township	Wallace Run HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI045303002	Dominion Transmission 91 Gas Plant Dr. Renovo, PA 17764	Potter County Stewardson Township	Scoval branch to left branch Young Womans Creek HQ-CWF

MUNICIPAL SEPARATE STORM SEWER SYSTEMS

NPDES PHASE II

General Permits

The following NPDES Phase II municipalities have submitted a Notice of Intent to obtain a general permit for municipal separate storm sewer systems under 25 Pa. Code § 92.2 and 40 CFR 122.26(a)(16). This notice initiates a 30 day review and comment period. Submit comments by July 14, 2003, to the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
Berks	Berks County	Y	Berks	Washington Township	Y
Berks	Bern Township	Y	Berks	Womelsdorf Borough	Y
Berks	Birdsboro Borough	Y	Blair	Altoona City	Y
Berks	Boyertown Borough	Y	Blair	Blair County	Y
Berks	Colebrookdale Township	Y	Blair	Duncansville Borough	Y
Berks	Leesport Borough	Y	Blair	Frankstown Township	Y
Berks	Marion Township	Y	Blair	Hollidaysburg Borough	Y
			Blair	Juniata Township	Y
			Blair	Logan Township	Y
			Blair	Penn State Altoona	N
			Blair	Newry Borough	Y
			Cumberland	Camp Hill Borough	Y
			Cumberland	Lemoyne Borough	Y

NOTICES

2777

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>	<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
Cumberland	Hampden Township	Y	Lancaster	Lancaster Township	Y
Cumberland	Mechanicsburg Borough	Y	Lancaster	Leacock Township	Y
Cumberland	New Cumberland Borough	Y	Lancaster	Lititz Borough	Y
Cumberland	Wormleysburg Borough	Y	Lancaster	Manor Township	Y
Dauphin	Dauphin Borough	Y	Lancaster	Manheim Borough	Y
Dauphin	Derry Township	Y	Lancaster	Mount Joy Township	Y
Dauphin	East Hanover Township	Y	Lancaster	Mountville Borough	Y
Dauphin	Dixon University Center	Y	Lancaster	New Holland Borough	Y
Dauphin	Harrisburg City	Y	Lancaster	Paradise Township	Y
Dauphin	Highspire Borough	Y	Lancaster	Pequea Township	Y
Dauphin	Hummelstown Borough	Y	Lancaster	Providence Township	Y
Dauphin	Londonderry Township	Y	Lancaster	Rapho Township	Y
Dauphin	Lower Paxton Township	Y	Lancaster	Terre Hill Borough	Y
Dauphin	Lower Swatara Township	Y	Lancaster	Upper Leacock Township	Y
Dauphin	Middletown Borough	Y	Lancaster	West Cocalico Township	Y
Dauphin	Paxtang Borough	Y	Lancaster	West Earl Township	Y
Dauphin	Penbrook Borough	Y	Lancaster	West Hempfield Township	Y
Dauphin	Penn State Harrisburg	N	Lebanon	Lebanon City	N
Dauphin	Penn State Hershey Medical	N	Lebanon	North Lebanon Township	Y
Dauphin	Royalton Borough	Y	Lebanon	North Londonderry Township	Y
Dauphin	Steelton Borough	Y	Lebanon	Palmyra Borough	Y
Dauphin	Swatara Township	Y	Lebanon	South Annville Township	Y
Dauphin	West Hanover Township	Y	Lebanon	South Londonderry Township	Y
Lancaster	Columbia Borough	Y	Lebanon	Union Township	Y
Lancaster	Conestoga Township	Y	Perry	Rye Township	Y
Lancaster	East Cocalico Township	Y	York	Carroll Township	Y
Lancaster	East Donegal Township	Y	York	Conewago Township	Y
Lancaster	East Hempfield Township	Y	York	Dillsburg Borough	Y
Lancaster	East Lampeter Township	Y	York	Dover Borough	Y
Lancaster	East Petersburg Borough	Y	York	East Prospect Borough	Y
Lancaster	Ephrata Borough	Y	York	Fairview Township	Y
Lancaster	Ephrata Township	Y	York	Jacobus Borough	Y
Lancaster	Lancaster County	N	York	Lewisberry Borough	Y
			York	Lower Windsor Township	Y

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
York	New Salem Borough	Y
York	North York Borough	Y
York	Penn State York	N
York	Warrington Township	Y
York	Windsor Borough	Y
York	York County	N

Waivers

The following NPDES Phase II municipalities have submitted a Notice of Intent to obtain a waiver from the permit requirement under 25 Pa. Code § 92.2 and 40 CFR 122.26(a)(16). This notice initiates a 30 day review and comment period. Submit comments by July 14, 2003, to the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
Berks	Longswamp Township	Y
Blair	Duncansville Borough	Y
Blair	Newry Borough	Y
Dauphin	East Hanover Township	Y
Dauphin	Royalton Borough	Y
Lancaster	East Cocalico Township	Y
Lancaster	East Petersburg Borough	Y
Lancaster	Lancaster County	N
Lancaster	Leacock Township	Y
Lancaster	Mount Joy Township	Y
Lancaster	Providence Township	Y
Lancaster	Rapho Township	Y
Lebanon	North Londonderry Township	Y
Lebanon	South Annville Township	Y
Lebanon	Union Township	Y
Perry	Rye Township	Y
York	Dover Borough	Y
York	East Prospect Borough	Y
York	Jacobus Borough	Y
York	Lewisberry Borough	Y
York	New Salem Borough	Y

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
York	North York Borough	Y
York	Warrington Township	Y

Individual Permits

The following NPDES Phase II municipalities have submitted a Notice of Intent to obtain an individual permit for municipal separate storm sewer systems under 25 Pa. Code § 92.2 and 40 CFR 122.26(a)(16). This notice initiates a 30 day review and comment period. Submit comments by July 14, 2003, to the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Y/N)</i>
Berks	Bechtelsville Borough	Y
Berks	Brecknock Township	Y
Berks	Cumru Township	Y
Berks	Longswamp Township	Y
Berks	Mohnton Township	Y
Berks	Reading City	Y
Berks	Shillington Borough	Y
Berks	Spring Township	Y
Berks	West Lawn Borough	Y
Berks	West Reading Borough	Y
Berks	Wyomissing Borough	Y
Berks	Hampden Township	N
Cumberland	Department of Corrections—Camp Hill	Y
Cumberland	Lower Allen Township	Y
Cumberland	Silver Spring Township	Y
Lancaster	Clay Township	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comment responses 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 available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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

Permit No. 3903503, Public Water Supply.

Applicant	Philip M. Buss Water Company 5432 St. Peters Road Emmaus, PA 18049-5013
Township or Borough	Upper Milford Township, Lehigh County
Responsible Official	Kenneth L. Fulford, Operations Consultant
Type of Facility	PWS
Consulting Engineer	Michael J. Kaszyski, P. E. K. L. Fulford Associates 412 Fairview Street Emmaus, PA 18049
Application Received Date	May 6, 2003
Description of Action	The addition of pH adjustment for general corrosion control at an existing public water system.

Application No. 5403501, Public Water Supply.

Applicant	United Water Pennsylvania, Inc.
Township or Borough	Nuremberg Township
Responsible Official	Nancy Trushell, Engineering Manager 4211 East Park Circle P. O. Box 4151 Harrisburg, PA 17111
Type of Facility	PWS
Consulting Engineer	Steven M. Metzler, P. E. Science Applications International Corp. 1129 Business Parkway, Suite 10 Westminster, MD 21157

Application Received Date	May 14, 2003
Description of Action	This application proposed the construction of Well No. 4 as a backup source of supply, disinfection facility installation and the installation of approximately 530 linear feet of transmission line.

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

Permit No. 0603504, Public Water Supply.

Applicant	Pennsylvania American Water Company
Municipality	Exeter Township
County	Berks
Responsible Official	William C. Kelvington, V. P. Operations 800 W. Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Edward K. Fugikawa, P. E. E. Kuser Inc. 150 Grings Hill Road Sinking Spring, PA 19608

Application Received Date	April 22, 2003
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Description of Action	Installation of treatment facilities to provide aeration, pH adjustment, radon removal, chlorination and corrosion control for Wells Ex. 2 and Ex. 4—6.
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Permit No. 0103506, Public Water Supply.

Applicant	Possum Valley Municipal Authority
Municipality	Menallen Township
County	Adams
Responsible Official	Kenneth E. McKee, Authority Chairperson P. O. Box 420 Bendersville, PA 17306-0420
Type of Facility	PWS
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325

Application Received Date	May 8, 2003
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Description of Action	Construction permit application for a proposed microfiltration facility. Proposal includes installation of a new membrane filtration facility and relocation of existing chlorine disinfection equipment.
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Permit No. 2203502, Public Water Supply.

Applicant	Millersburg Area Authority
Municipality	Upper Paxton Township

County **Dauphin**
 Responsible Official Jere E. Troutman, Authority
 Manager
 Municipal Building
 101 West St.
 Millersburg, PA 17061

Type of Facility PWS
 Consulting Engineer Gene C. Koontz, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100

Application Received May 15, 2003
 Date

Description of Action Construction of an infiltration
 gallery type intake on the
 Wiconisco Creek and a raw water
 pumping station with metering
 facilities.

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

Application No. 4903503—Construction, Public Water Supply.

Applicant **Pennsylvania American Water
 c/o Steven J. Seidl**
 800 W. Hersheypark Drive
 Hershey, PA 17033

Borough Milton Borough,
Northumberland County

Responsible Official Steven J. Seidl
 Vice President, Engineering
 800 W. Hersheypark Drive
 Hershey, PA 17033

Type of Facility PWS
 Consulting Engineer Kerry A. Uhler
 Kerry A. Uhler & Associates
 140 Rear West High Street
 Bellefonte, PA 16823

Application Received June 3, 2003
 Date

Description of Action Upgrade of the Mahoning Street
 Booster Station pumps and
 controls and take the Eastern
 Avenue and Colonial Park Booster
 Stations out of service.

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

Permit No. 6103501, Public Water Supply.

Applicant **Barkeyville Municipal
 Authority**
 1610 Barkeyville Road
 Grove City, PA 16127

Township or Borough Barkeyville, **Venango County**

Responsible Official James Coursen, Chairperson

Type of Facility PWS
 Consulting Engineer Hickory Engineering, Inc.
 3755 East State Street
 Hermitage, PA 16148

Application Received May 27, 2003
 Date

Description of Action Water treatment plant/new raw
 water well.

MINOR AMENDMENT

Applications received under the Pennsylvania Safe Drinking Water Act.

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

Application No. 3486401, Minor Amendment.

Applicant H₂O to Go
 49 Village Square Drive
 Marietta, PA 17547

Township or Borough Clarks Summit Borough,
Lackawanna County

Responsible Official William Brightman, P. E.,
 President

Type of Facility Vended Water System

Application Received April 4, 2003
 Date

Description of Action The addition of a new NAMA
 dispenser with additional storage
 and disinfection equipment at
 Weis Store No. 190.

Application No. 3390109T-1, Minor Amendment.

Applicant **Northampton Borough
 Municipal Authority**

Township or Borough Northampton Township, **Lehigh
 County**

Responsible Official Stephen J. Kerbacher, Operations
 Manager
 P. O. Box 156
 Northampton, PA 18067-0156
 (610) 262-6711

Type of Facility Community Water System

Application Received May 30, 2003
 Date

Description of Action Transfer of PWS Permit No.
 3390109, issued on January 20,
 1993, for Wynnewood Terrace
 Section No. 2, from Wynnewood
 Water Corporation to
 Northampton Borough Municipal
 Authority.

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

Application No. 2592503-MA5, Minor Amendment.

Applicant **Erie City Water Authority**
 340 West Bayfront Parkway
 Erie, PA 16507

Township or Borough Harborcreek Township, **Erie
 County**

Responsible Official Christopher J. Heberd

Type of Facility PWS
 Consulting Engineer KLH Engineers Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Application Received June 2, 2003
Date
Description of Action Construction of a 1.5 million
gallon water storage tank along
SR 0955 (Iroquois Avenue).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional

Office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Brittany Square, New Britain Township, **Bucks County**. Christopher Orzechowski, P. G., RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Brittany Square Limited Partnership, c/o Koller Kelly, LLC490, Norristown Rd., Suite 151, Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on May 13, 2003.

Former Worthington Steel Facility, East Whiteland Township, **Chester County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Guy Wolfington, Malvern Hill Associates, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, fuel oil no. 2, inorganics and unleaded gasoline. The applicant proposes to remediate the site to meet Background, Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on May 11, 2003.

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

Twin Oaks Nursing Center, South Londonderry Township, **Lebanon County**. Alliance Environmental Services, Suite B, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Twin Oaks Nursing Center, 90 West Main Street, P. O. Box 137, Campbelltown, PA 17010, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on April 18, 2003.

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

Chemetron True Temper Facility, Lake City Borough, **Erie County**. Christopher D. Tower, P. E., P. G., CD Tower & Associates, Inc., P. O. Box 307, Export, PA 15632 (on behalf of Progress Rail Services Corp., 1185 Industrial Blvd., Boaz, AL 35957) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Erie Daily Times* on May 21, 2003.

**DETERMINATION FOR APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

Application for determination of applicability 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 residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

General Permit Application No. WMGR057SE001. Rick's Mushroom Services, Inc., 1007-Z1013 Newark Road, Avondale, PA 19311. Application for a determination of applicability under transfer of spent mushroom substrate for beneficial use in New Garden Township, **Chester County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on May 19, 2003.

**DETERMINATION FOR APPLICABILITY FOR
MUNICIPAL WASTE GENERAL PERMITS**

Applications for determination of applicability for general permit 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 municipal waste regulations for a general permit to operate municipal waste processing facilities and/or the beneficial use of municipal waste.

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

General Permit Application No. WMGM020SE001. Recycle Metals Corp., 407 Allan Wood Road, Conshohocken, PA 19428. The application for determination of applicability under the scrap metal for recycling general permit to process ferrous/nonferrous metal coated with ash residue for beneficial use in Plymouth Township, **Montgomery County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on March 6, 2003.

General Permit Application No. WMGM020SE002. Clean Metal, LLC, 2900 W. Front Street, Chester, PA 19013. The application for determination of applicability under the scrap metal for recycling general permit to process ferrous/nonferrous metal coated with ash residue for beneficial use in City of Chester, **Delaware County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on March 6, 2003.

General Permit Application No. WMGM020SE003. Tube City, Inc., 3 South Steel Road, Morrisville, PA 19067. The application for determination of applicability under the scrap metal for recycling general permit to process ferrous/nonferrous metal coated with ash residue for beneficial use in Falls Township, **Bucks County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on May 19, 2003

AIR QUALITY

**PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS**

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

35-322-006: Alliance Sanitary Landfill Inc. (398 South Keyser Avenue, Taylor, PA 18517) to install three

air cleaning devices (landfill gas flares) at their facility in Taylor Borough, **Lackawanna County**.

40-399-051: SVC Manufacturing Inc. (Mountaintop Gatorade Plant, 750 Oakhill Road, Mountaintop, PA 18707) to construct wastewater pretreatment equipment and associated air cleaning devices at their facility in Wright Township, **Luzerne County**.

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

06-05014B: Garden State Tanning, Inc. (16 South Franklin Street, Fleetwood, PA 19522) for the modification of a surface coating operation with the construction of a roll coater in Borough of Fleetwood, **Berks County**. The source is subject to 40 CFR Part 63, Subpart TTTT—National Emission Standards for Hazardous Air Pollutants from Leather Coating Facilities.

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

49-00012A: Eldorado Properties Corp. (owner)—Petroleum Products Corp. (operator) (P. O. Box 2621, Harrisburg, PA 17105) for the construction of two 3,981,040 gallon bulk gasoline/petroleum distillate storage tanks and associated air cleaning devices (internal floating roofs) at their facility in Northumberland Terminal in Point Township, **Northumberland County**. These tanks are subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

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

03-00229B: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) to increase capacity and continue to operate a coal screening and coal loading facility at Logansport Mine in Bethel Township, **Armstrong County**.

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

10-027C: Penreco (138 Petrolia Street, Karns City, PA 16041) to install a new gas/oil fired boiler with LNB and FGR rated at 91 mmBtu/hr and removal of existing coal fired boiler rated at 66 mmBtu/hr in Karns City Borough, **Butler County**. The boiler is subject to Standards of Performance for Small Industrial Commercial-Institutional Steam Generating Units—40 CFR Part 60 Subpart Dc. The facility is a Title V Facility.

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

AMS 03065: Southwest Water Treatment Plant, 8200 Enterprise Avenue, Philadelphia, PA 19153 for replacing four boilers in Philadelphia, **Philadelphia County**.

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

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

46-0198F: Blommer Chocolate Co. (1101 Blommer Drive, P. O. Box 45, East Greenville, PA) for modification of the cocoa alkalization process in Upper Hanover Township, **Montgomery County** without changing permitted emissions. This facility is a major for VOCs. Emissions from this source are 2.15 tons of VOCs per year. The Plan Approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

09-0075A: Dunmore Corporation (145 Wharton Road, Bristol, PA 19007-1620) for installation of two surface coating lines, two dryers and the expansion of a mixing room at an existing facility in Bristol Township, **Bucks County**. This facility is a non-Title V facility. The existing VOC emissions cap for the facility will be increased from 16.4 tons per year to 20 tons per year. The existing catalytic oxidizer will be upgraded to increase the overall efficiency of the control system to 98%. The Plan Approval will contain recordkeeping, operating restrictions and performance testing requirements designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

40-313-046: Fabri-Kal Corp. (150 Lions Drive, Hazleton, PA 18202) for the construction and operation of plastics extrusion and forming lines at their facility in Hazle Township, **Luzerne County**. Each line is capable of processing a maximum of 3,000 pounds per hour of HDPE; PS APET plastic material to manufactures plastic thermoformed packaging products, including plastic cups, lids, food containers and medicine bottles. Particulate emissions from the grinding processes are controlled by a baghouse on each line. Expected particulate emission rate will be less than 0.02 grain/dscf from each baghouse. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

54-322-003B: Commonwealth Environmental Systems—CES (P. O. Box 322, Hegins, PA 17938) for the modification of annual waste acceptance rate in their existing operating permit. Specifically, the landfill is requesting to modify the current air permit to match the limits in the solid waste permit. CES is requesting to have an annual waste acceptance limit of 655,200 tons per calendar year and that the quarterly limit be removed. This proposal will not change maximum daily acceptance rate. The company has proposed no other changes. CES is a major facility subject to Title V permitting requirements and is in Foster Township, **Schuylkill County**. The VOC emissions from the landfill will be controlled by enclosed landfill gas flare and shall not exceed 50 tons per year. The Department will place conditions to limit the emissions from the landfill. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. For further details, contact Mark Wejkszner.

64-303-009: Leeward Construction, Inc. (R. R. 6, Box 6825, Honesdale, PA 18431) for the construction of a batch asphalt plant with baghouse at their site in

Palmyra Township, **Wayne County**. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart I. Particulate emission shall not exceed 0.02 grain/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

22-05007A: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) has submitted an application to the Southcentral Regional Office for construction at the Harrisburg Materials, Energy, Recycling and Recovery Facility (HMERRF), 1670 South 19th Street, City of Harrisburg, **Dauphin County**.

The proposed construction will modernize the facility in accordance with the current air quality requirements. These requirements include 40 CFR Part 60, Subpart Eb—Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996 and the best available technology (BAT) provisions of 25 Pa. Code § 127.1.

The major new equipment consists of:

- (A) Two 400-TPD Barlow municipal waste combustors.
- (B) Fans, piping, boilers and economizers.
- (C) Steam turbine, condenser and cooling tower.
- (D) Flue gas recirculation and selective noncatalytic reduction (SNCR) for NO_x control.
- (E) Dry lime injection for acid gas control.
- (F) Carbon injection for mercury, heavy metals and dioxins/furans control.

The proposed combustors and emissions control systems are designed for independent, parallel operation. They will share a continuous emissions monitoring system (CEMS) and exhaust stack. The existing stack height meets the EPA good engineering practice stack height requirement and will be retained.

The plan approval includes the following limits on annual emissions from the facility:

<i>Pollutant</i>	<i>Annual Limit</i>
NO _x	264 tons per year
PM ₁₀	32 tons per year
SO _x (as SO ₂)	116 tons per year
CO	141 tons per year

These limits were established during the project's netting analysis and include emissions generated during all start-up and shutdown periods as well as those from normal operation.

The plan approval will contain the following conditions to ensure compliance with the noted regulations:

General

1. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

a. The Department must receive written notice from the Authority of the completion of construction and The Authority's intent to commence operation at least 5 working days prior to the completion of construction. The

notice must state when construction will be completed and when the Authority expects to commence operation.

b. Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Authority under subpart a.

d. The Authority may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

e. The notice submitted by the Authority, under subpart a, prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

2. The municipal waste combustors are subject to 40 CFR Part 60, Subpart Eb and shall comply with all applicable provisions of this subpart. In accordance with 40 CFR 60.4, copies of requests, reports, applications, submittals and other communications related to 40 CFR Part 60 compliance shall be forwarded to both the Department and the EPA. The EPA copies shall be forwarded to the Director, Air Protection Division (3AP00), U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

3. The manufacturer's identification and technical specifications for all air pollution control equipment shall be submitted to the Regional Air Quality Manager within 30 days after the execution of the final sales agreements.

Definitions

4. The following definitions apply to the provisions of this plan approval:

Dioxins/furans—Tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

Four-hour block average—The average of all hourly emissions concentrations when the combustors are operating and combusting municipal solid waste measured over 4-hour periods of time from 12 a.m. to 4 a.m., 4 a.m. to 8 a.m., 8 a.m. to 12 p.m., 12 p.m. to 4 p.m., 4 p.m. to 8 p.m. and 8 p.m. to 12 a.m.

Hourly average—Any 60-minute period commencing on the hour.

Twenty-four hour daily average—Either the arithmetic mean or geometric mean (as specified) of all hourly emission concentrations when the combustor is operating and combusting municipal solid waste measured over a 24-hour period between 12 a.m. and the following midnight.

Emission Limitations

5. Emissions of the following pollutants shall not exceed the stated values for each consecutive 12-month period:

<i>Pollutant</i>	<i>Annual Limit</i>
NOx	264 tons per year
PM10	32 tons per year
SOx (as SO ₂)	116 tons per year
CO	141 tons per year

These limits were established during the project's netting analysis and include emissions generated during all start-up and shutdown periods as well as those from normal operation.

6. Under the provisions of 40 CFR Part 60, Subpart Eb, the following individual limits are hereby established for each of the facility's municipal waste combustors:

<i>Pollutant</i>	<i>Emission Limits*</i>
CO	100 ppmv, 4 hour averaging period
SOx (as SO ₂)	30 ppmv, 24 hour geometric average or 80% reduction by weight or volume
Particulate matter	24 mg/DSCM
NOx	180 ppmv, 24 hour daily arithmetic average for 1st year
NOx	150 ppmv, 24 hour daily arithmetic average after 1st year
Cadmium	0.020 mg/DSCM
Lead	0.20 mg/DSCM
Mercury	0.080 mg/DSCM or 85% reduction by weight
Hydrogen chloride	25 ppmv or 95% reduction by weight or volume
Total dioxin/furan	13 ng/DSCM
Opacity	10% 6 minute averaging period
Unit Load**	110% of maximum demonstrated during most recent dioxin testing
Visible ash emissions***	Not in excess of 5% of the observation period

Baghouse inlet temperatures not to exceed of 17°C above maximum temperature demonstrated during most recent dioxin testing.

* All concentrations are corrected to 7% oxygen.

** Not applicable during and 2 weeks preceding the annual dioxin/furan testing.

*** Does not apply to emissions inside buildings or enclosures, or during maintenance and repair activities.

7. Under the BAT provisions of 25 Pa. Code § 127.1, the following individual emission limits are hereby established for each of the facility's municipal waste combustors:

<i>Pollutant</i>	<i>Emission Limits*</i>
CO	100 ppmv, 4 hour arithmetic average

<i>Pollutant</i>	<i>Emission Limits*</i>
Sulfur dioxide	30 ppmv, 24 hour arithmetic mean or 80% reduction by weight, 24 hour geometric mean
PM10	0.010 grain/DSCF
NOx**	135 ppmv, 24 hour daily arithmetic average
Cadmium compounds	15.8 ug/DSCM
Lead and compounds	166.0 ug/DSCM
Mercury and compounds	80 ug/DSCM or 85% reduction by weight, hourly basis
Hydrogen chloride	25 ppmv, 24-hour arithmetic mean or 95% reduction by weight, 24-hour arithmetic mean
Total dioxin/furan	13 ng/DSCM
Arsenic and compounds	7.2 ug/DSCM
Beryllium and compounds	0.2 ug/DSCM
Chromium ⁺⁶ and compounds	2.3 ug/DSCM
Nickel and compounds	25.0 ug/DSCM

* All concentrations are corrected to 7% oxygen.

** Voluntary limit for emission netting purposes.

Visible stack emissions shall not equal or exceed 10% for a period or periods aggregating more than 3 minutes in any 1 hour or equal to or greater than 30% at any time.

8. Under the BAT provision of 25 Pa. Code § 127.1, ammonia slip from each SNCR system exhaust shall not exceed 12 ppm, measured dry volume, at 7% oxygen, under normal operation. Ammonia slip shall be calculated by using NOx monitoring data in conjunction with procedures verified during the required exhaust stack testing.

9. PM emissions from exhausts associated with the handling and storage of lime, carbon and ash shall be controlled to a level not to exceed 0.02 grain per dry standard cubic foot of exhaust.

Operating Requirements

10. The municipal waste combustor units shall be operated and maintained in accordance with good air pollution prevention practices or control practices.

11. The steam load flow rate for each municipal waste combustor shall not exceed a level greater than 110% of the maximum rate demonstrated during each unit's most recent dioxin/furan compliance test. Steam flow shall be measured in pounds per hour and shall be calculated in 4 hour block averages.

12. The facility director, operations supervisor and all shift supervisors shall obtain and keep current an ASME provisional or operator certification onsite.

13. All chief facility operators, shift supervisors and control room operators must complete the EPA or State

operator training course no later than 6 months after the startup date for the combustors.

14. The Authority shall develop and annually update a site-specific Operating Manual that includes the following:

- (A) A summary of the applicable standards.
- (B) A description of basic combustion theory applicable to the municipal waste combustor units.
- (C) Procedures for receiving, handling and feeding municipal solid waste.
- (D) Combustor units startup, shutdown and malfunction procedures.
- (E) Procedures for maintaining proper combustion air supply levels.
- (F) Procedures for operating the combustor units in accordance with applicable standards.
- (G) Procedures for responding to periodic upset, off-specification or emergency conditions.
- (H) Procedures for minimizing particulate matter carryover.
- (I) Procedures for monitoring the degree of municipal waste burnout.
- (J) Procedures for handling ash.
- (K) Procedures for monitoring emissions from the units.
- (L) Recordkeeping and reporting procedures.
- (M) Site-specific training manual for plant operators.

15. The Authority shall establish a training program to review the Operating Manual with each person who has operational responsibilities, including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel and crane/load handlers. Reviews shall be conducted within 6 months after startup of the units and annually thereafter.

16. The Operating Manual and employee training records shall be kept in a location that is readily accessible to all employees required to undergo training, Department representatives and EPA personnel.

17. Large, bulky noncombustibles (for example, water heaters, refrigerators) and difficult to burn, bulky combustible materials (for example, mattresses, sofas) and visible automotive batteries shall be excluded from the waste charged to the combustors.

18. The facility operators shall remove to the greatest extent practical hazardous materials, such as polyvinyl chloride plastics, corrosive materials, batteries, pressurized cans and household hazardous materials from the waste to be incinerated.

19. The permittee shall not accept for processing, other than composting, truckloads composed primarily of leaf waste (leaves, garden residues, shrubbery and tree trimmings and similar material, but not including grass clippings).

20. The tipping area shall be operated under negative pressure to prevent the escape of malodors. The air shall be used as primary combustion air in the combustors. Open storage of waste is prohibited.

21. Open-topped waste trucks must be appropriately covered. Trucks not properly covered shall be denied access to the HMERRF. Notice of this requirement shall

be conspicuously posted. All haulers of material off the site shall be required to tarp or otherwise cover their loads.

22. Ash shall be loaded in an enclosed area or handled wet in enclosed containers. Ash removal equipment shall operate within an enclosed area.

23. The permittee shall maintain the combustion gases at a temperature greater than 1,800°F. for at least 1 second. Temperature shall be calculated on an hourly average (1 hour block arithmetic average). Each unit shall be equipped with automatically controlled auxiliary fuel burners to maintain the combustion gases at the required conditions under all waste firing situations, except during start-up and shutdown periods and to insure that the temperatures reach 1,800°F prior to the introduction of waste.

24. The charging of waste to the units shall automatically cease through the use of an interlock system if any of the following exist:

- (A) The unit temperature drops below 1,600°F for a period of at least 15 minutes, at the point at which the gas residence is at least one second.
- (B) The CO emissions exceed 600 ppmv corrected to 7% O₂ on a dry basis for a period of at least 15 minutes, except during start-up periods.
- (C) The flue gas oxygen level drops below 3% (wet basis or equivalent dry) for a period of at least 15 minutes.
- (D) The opacity of the visible emissions is equal to or greater than 10% for a period of at least 15 minutes.

Should there be a cessation of feed, waste charging shall be resumed only after meeting the required levels.

25. The exhaust gas temperature, measured at each baghouse inlet, shall not exceed more than 30°F above the maximum inlet temperature measured during the most recent dioxin/furan compliance test or 300°F, whichever is more stringent. Compliance will be determined on a 4 hour block average. The Department reserves the right to modify the exhaust gas temperature requirement based upon a satisfactory demonstration that acceptable levels of mercury and dioxin/furan control can be achieved at higher exhaust gas temperatures.

Testing Requirements

26. Within 60 days after achieving the maximum firing rate, but not later than 180 days after start-up, the permittee shall demonstrate compliance with the emission limits established in this Plan Approval. All testing shall be conducted in accordance with 40 CFR Part 60, the Department's Source Testing Manual and 25 Pa. Code Chapter 139.

27. At least 60 days prior to the required testing, the permittee shall submit a test protocol to the Regional Air Quality Manager.

28. At least 2 weeks prior to the required testing, the permittee shall notify the Regional Air Quality Manager of the date and time of the testing.

29. Within 60 days after completion of the required testing, the permittee shall submit two copies of the complete test report, including all operating data, to the Regional Air Quality Manager.

30. Unless approved otherwise by the Department, the following procedures and test methods shall be used to determine compliance with the emission limits contained in this plan approval:

EPA Reference Method 1 shall be used to select sampling sites and traverse points.

EPA Reference Method 3, 3A or 3B, as applicable, shall be used for exhaust gas analysis.

EPA Reference Methods 5/201A and 202 shall be used for particulate matter emissions.

EPA Reference Method 9 shall be used to determine opacity.

EPA Reference Method 19 shall be used for sulfur dioxide and NO_x emissions.

EPA Reference Method 22 shall be used for fugitive ash emissions.

EPA Reference Method 23 shall be used for dioxin/furan emissions.

EPA Reference Method 26 or 26A, as applicable, shall be used for hydrogen chloride emissions.

EPA Reference Method 29 shall be used for lead, cadmium and mercury emissions.

31. Under the provisions of 40 CFR Part 60, Subpart Eb, the permittee shall conduct annual emissions testing to include, but not limited to, the following:

Particulate matter
Cadmium
Opacity
Lead
Hydrogen chloride
Mercury
Fugitive ash emissions
Dioxins/furans

32. Under the BAT provisions of 25 Pa. Code § 127.1, the permittee shall conduct emissions testing at any time or interval of time as may reasonably prescribed by the Department. At a minimum, source tests shall be conducted as follows:

Every 6 months

PM10
Cadmium and compounds
Arsenic and compounds
Nickel and compounds
Hexavalent chromium and compounds
Beryllium and compounds
Lead and compounds
Mercury and compounds

Annually

Dioxins/furans
Polycyclic aromatic hydrocarbon compounds
VOCs

Every 6 months for the Screening Risk Assessment (additional air pollutants)

Trivalent chromium and compounds
Polychlorinated biphenyls
Copper and compounds
Manganese and compounds
Selenium and compounds
Vanadium and compounds
Zinc and compounds
Formaldehyde
Naphthalene
Hydrogen fluoride

The Department reserves the right to modify these testing schedules based upon CEMS data, stack test results or other relevant factors. After 3 years of demon-

strating compliance with the risk screening criteria, the permittee may cease testing for the additional air pollutants listed for the risk assessment.

Monitoring Requirements

33. The permittee shall install, certify, maintain and operate a Department-approved CEMS in accordance with 25 Pa. Code Chapter 139, the Department's *Continuous Source Monitoring Manual* and 40 CFR Part 60. At a minimum, the system shall measure and record the following:

Exhaust gas flow
Hydrogen chloride
NO_x emissions (as NO₂)
% oxygen
Sulfur oxides (as SO₂)
Opacity
CO emissions

The permittee shall provide the Department with access to all CEMS data via telephone modem and/or other means approved by the Department.

34. The permittee shall install, maintain and operate instrumentation to monitor the following parameters for each SNCR and carbon injection systems:

- (A) Ammonia solution injection rate.
- (B) Ammonia solution concentration.
- (C) Ammonia slip.
- (D) Carbon mass feed rate (40 CFR Part 60, Subpart Eb).
- (E) Carbon usage (40 CFR Part 60, Subpart Eb).

35. Each set of stack test data shall be used in conjunction with Department-approved dispersion modeling techniques to demonstrate compliance with the following maximum ambient concentrations:

<i>Pollutant</i>	<i>Ambient Concentration (ug/m³)</i>
Dioxins and furans*	0.30 × 10 ⁻⁷
Arsenic and compounds	0.23 × 10 ⁻³
Beryllium and compounds	0.42 × 10 ⁻³
Cadmium and compounds	0.56 × 10 ⁻³
Nickel and compounds	0.33 × 10 ⁻²
Hexavalent chromium and compounds	0.83 × 10 ⁻⁴
Lead and compounds	0.09
Mercury and compounds	0.024
Hydrogen chloride	7.0
Benzo pyrene	0.59 × 10 ⁻³

* Expressed as 2,3,7,8 TCDD equivalents

The Department reserves the right to waive this modeling requirement based upon the particulars of each stack test.

Recording and Reporting Requirements

36. The permittee shall maintain records and provide reports as specified in 40 CFR Part 60, Subpart Eb to include the following:

- (A) Materials separation plans (draft and final).
- (B) Public notices, public meeting transcripts and any responses or summaries.
- (C) Municipal solid waste and approved residual solid waste processed.

(D) Emissions testing and monitoring records for all pollutants for the specified intervals.

(E) Control device parameters, materials usage or percent emission reduction, as applicable.

(F) Emission exceedances, equipment malfunctions and corrective actions.

(G) Employee certifications and training records.

All records shall be maintained onsite for the most recent 5-year period and shall be made available to Department representatives upon request.

Additional Requirements

37. The Department reserves the right to use the CEMS data, stack test results and the operating parameters established during optimization of the municipal waste combustors and their associated air cleaning devices to verify emission rates, to develop emission factors and to develop compliance assurance measures for the facility.

38. Except as provided by 40 CFR Part 60, the standards contained in this Plan Approval apply at all times except during periods of startup, shutdown or malfunction. Each of these periods are limited to 3 hours per occurrence and are defined as follows:

Startup—Commences with the continuous burning of municipal solid waste and does not include any warm-up period when combusting fossil fuel or other nonmunicipal solid waste fuel and no municipal waste is being fed to the combustor.

Continuous burning—The continuous, semicontinuous or batch feeding of municipal solid waste for purposes of waste disposal, energy production or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

Shutdown—Commences with cessation of charging municipal waste, for the express purpose of shutting down the combustor.

39. Within 30 days of each semiannual stack testing report, the permittee shall compare 3-year rolling average emission rates with the emission rates used in the screening risk assessment. The 3-year rolling average emission rates shall not exceed the emission rates used in the screening risk assessment. Should any of the 3-year rolling average emission rates exceed the emission rates used in the screening risk assessment, the permittee shall conduct a re-evaluation of the risk within 30 days. If the risk results using the 3-year rolling average semiannual stack testing data exceed the levels found in the screening risk assessment, the permittee shall submit a multi-pathway risk assessment protocol to the Department within 90 days. Upon Department approval of the protocol, the permittee shall complete the multi-pathway risk assessment within 120 days.

40. The Department reserves the right to require the permittee to conduct a multi-pathway risk assessment if the Department determines it is not feasible for the HMERRF to meet the screening procedure criteria. This determination will be based upon initial stack test data.

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

AMS 2186: Household Metals Inc. (645 East Erie Avenue, Philadelphia, PA 19134) for installation of six spray booths, one 1.0 mmBtu/hr washer and one 500,000 Btu/hr oven in Philadelphia, **Philadelphia County**. The potential VOC emissions from these sources will be 6.44 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 2188: Spectrum Arena LP (3601 South Broad Street, Philadelphia, PA 19148) for permitting one 1,252 kW and one 125 kW emergency generators using no. 2 fuel oil, two 8.31 mmBtu/hr Kewanee boilers using no. 4 fuel oil and one 346,000 Btu/hr boiler, four 6.25 mmBtu/hr air furnaces and three 1.2 mmBtu/hr, one 645,000 Btu/hr and two 240,000 Btu/hr water heaters using natural gas in Philadelphia, **Philadelphia County**. The facility has requested a 100,000 gal per 12-month limit on no. 4 oil and 100 mmscf per 12-month limit on natural gas. Emergency generators cannot operate for more than 500 hours/12-months. The NOx emissions from these units will be 17.1 tpy. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

PUBLIC HEARINGS

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

23-0002: Stoney Creek Technology, LLC (3300 West 4th Street, Trainer, PA 19061) proposed approval of reasonably available control technology (RACT) for their facility in Trainer Borough, **Delaware County**. The Department gives notification of a proposed revision to the State Implementation Plan (SIP) for NOx.

The Department has made a preliminary determination to approve RACT plans as amendments to the SIP for the facility. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approval for this facility to comply with current regulations.

These preliminary determinations, if finally approved, will be incorporated in to Plan Approvals and/or operating permits for the facilities and will be submitted to the EPA as revisions to the Commonwealth's SIP.

The following is a summary of the RACT determinations for this facility.

<i>Source</i>	<i>RACT</i>	<i>Implementation Schedule</i>
Boilers 1 and 2	Switch to distillate oil	Upon approval

A public hearing will be held, for the purpose of receiving comments on proposed SIP revisions, at 2 p.m. on July 15, 2003, at the Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revision and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Lynda Rebarchak, Community Relations Coordinator, (610) 832-6219 to register prior to the hearing, but may also register at the hearing. Persons who are unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee

Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before July 15, 2003.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate should contact Lynda Rebarchak at (610) 832-6219 or through the Pennsylvania AT&T Relay Service at 1(800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the pertinent documents are available for reviews at the Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

OPERATING PERMITS

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

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

09-00009: Webcraft LLC (4371 County Line Road, Chalfont Borough, Bucks County, PA 18914) for an administrative amendment to the Title V Operating Permit at their facility in New Britain Township, **Bucks County**. The facility is a direct mail printer that operates six heat set lithographic printing presses and one flexographic printing press. The permit is being amended to incorporate changes approved under Plan Approval PA-09-0009B for a web offset press (press no. 51) and a catalytic oxidizer. The revised Title V Operating Permit will contain monitoring, recordkeeping, reporting, testing and work practice standards to keep the facility operating within all applicable air quality requirements.

Conditions that have been addressed in the amended Title V Permit:

Press No. 51 Conditions—Emission restriction conditions establishing VOC limits (2.07 lbs/hr and 9.08 tpy as a 12-month rolling sum) and NO_x limits (0.6 lb/hr and 2.64 tpy as a 12-month rolling sum).

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

67-05045: Glen Gery Corp. (1090 East Boundary Avenue, York, PA 17403) for the renewal of a Title V Operating Permit for a brick manufacturing operation in Spring Garden Township, **York County**. The renewal will include applicable requirements of the compliance assurance monitoring rule of 40 CFR Part 64 and will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

23-00065: General Chemical Corp. (6300 Philadelphia Pike, Marcus Hook, PA 19013) for operation of their industrial organic chemical site in Marcus Hook Borough, **Delaware County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include

a micro mill and a fluoride compound manufacturing facility and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

13-00004: Vic's Time (450 Delaware Avenue, Palmerton, PA 18071) for operation of a spray booth in Palmerton Borough, **Carbon County**. This action is the issuance of a State-only Operating Permit as the renewal in place of the Title V Operating Permit, which was issued in 1997, since the emission level of VOCs has been reduced to below the threshold limit.

48-310-047: Stockertown Construction Materials—Division of Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for the operation of a stone crushing plant controlled by water spray dust suppression systems and a fabric collector at their facility in Stockertown Borough, **Northampton County**. The crushing plant is a non-Title V facility. The fugitive dust emissions from the crushing plant will be controlled by the water spray dust suppression systems to the extent that the crushing plant will comply with the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2 and the requirements of 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources. In addition, the particulate emissions from the crushing plant's particle separation system fabric collector will not exceed the best available technology standard of 0.02 grain/dscf. The operating permit will include monitoring, work practices, reporting and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements.

39-00022: Sunoco Partners Marketing & Terminals, LP (1801 Market Street (10 PC), Philadelphia, PA 19103-1699) for the gasoline storage and distribution facility and associated air pollution control devices in Whitehall Township, **Lehigh County**.

40-00025: Sunoco Partners Marketing & Terminals, LP (1801 Market Street (10 PC), Philadelphia, PA 19103-1699) for the gasoline storage and distribution facility and associated air pollution control devices in Edwardsville Borough, **Luzerne County**.

39-00029: Gulf Oil, LP (90 Everett Avenue, Chelsea, MA 02150) for operation of a petroleum bulk storage and distribution facility in Whitehall Township, **Lehigh County**.

40-00028: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105) for operation of a petroleum bulk storage and distribution facility in Pittston Township, **Luzerne County**.

40-00014: Stroehmann Bakeries, L. C. (Kiwanis Boulevard, Valmont Industrial Park, Hazleton, PA 18201) for operation of a bread products facility in Hazle Township, **Luzerne County**.

40-00027: Pennsylvania Power and Light, LLC (2 North Ninth Street, Allentown, PA 18101) for operation of emergency generators in Salem Township, **Luzerne County**.

45-00021: Pocono Medical Center (206 East Brown Street, East Stroudsburg, PA 18301) for operation of boilers and back-up generators in East Stroudsburg Borough, **Monroe County**.

54-00053: Pine Grove Manufactured Homes, Inc. (P. O. Box 128, Pine Grove, PA 17963) for application of adhesives and sealants in Pine Grove Township, **Schuylkill County**.

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

01-05021: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307) for operation of the Gardners fruit processing facility in Tyrone Township, **Adams County**. The facility emissions shall be less than 147 tons per year of SOx, 102 tons per year of NOx, 14 tons per year of PM and 9 tons per year of CO. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

22-03052: Harman Stove Co. (325 Mountain House Road, Halifax, PA 17032) for a stove coating operation in Jackson Township, **Dauphin County**. The State-only Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-05124: Guyon Industries, Inc. (1344 North Penryn Road, Manheim, PA 17545-8518) for operation of its lumber prefinishing facility in Penn Township, **Lancaster County**. The facility emissions of VOC emissions will be limited to less than 50 tons per year. Facility emissions of individual and aggregate HAPs will be limited to less than 10 tons per year and 25 tons per year, respectively. The State-only Operating Permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05046C: United Defense, LP (1100 Bairs Road, York, PA 17404) for the manufacture and painting of armored vehicles at its Ground Systems Division in West Manchester Township, **York County**. This manufacturing operation is a non-Title V facility. The facility emissions shall be less than: 100 tons per year each of PM10, SOx, NOx and CO; 50 tons per year of VOCs; 10 tons of a single HAP; and 25 tons of multiple HAPs. Standard monitoring, recordkeeping and work practice standards shall be included to keep the facility operating within all applicable requirements.

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

47-00011: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) for their crushed and broken limestone facility in Limestone Township, **Montour County**. The facilities main sources include a primary crusher, secondary crusher, tertiary crusher and associated various material sizing and conveying equipment. These sources have the potential to emit particulate matter—PM10 below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

55-00018: Cherry Hill Hardwoods, Inc. (R. R. 1, P. O. Box, 900 Richfield, PA 17086) for their lumber mill facility in West Perry Township, **Snyder County**. The facilities main source includes a stoker wood-fired boiler for producing steam for two lumber-drying kilns. This

source has the potential to emit particulate matter—PM10, NOx, SOx and CO below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

49-00012: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105) for their facility in Point Township, **Northumberland County**. The facility is a wholesale petroleum bulk terminal dedicated to dispensing and storage of low-sulfur diesel fuel, gasoline, kerosene and no. 2 fuel oil. The facility has the potential to emit major quantities of VOCs. The facility has taken an elective yearly restriction not to exceed the major emission threshold for VOCs. The facility has the potential to emit particulate matter—PM10, NOx, SOx, CO and HAPs below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

49-00011: Butter Krust Baking Company, Inc. (249 North Eleventh Street, Sunbury, PA 17801) for their facility in the City of Sunbury, **Northumberland County**. The facility is a bakery, which produces bread and rolls. The facility has the potential to emit major quantities of VOCs. The facility has taken an elective yearly restriction not to exceed the major emission threshold for VOCs. The facility has the potential to emit particulate matter—PM10, NOx, SOx, CO and HAPs below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

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

20-00130: Meadville Forging Co.—Meadville Plant (15309 Baldwin Street Extension, Meadville, PA 16335) for a Natural Minor operating permit for emissions from steel forging operations in West Mead Township, **Crawford County**.

25-00951: Bay City Forge Inc. (1802 Cranberry Street, Erie, PA 16502) for a Natural Minor Permit to operate a forging shop using carbon, alloy and stainless steels. The major emitting sources are three forge furnaces. The facility is in City of Erie, **Erie County**.

PUBLIC HEARINGS

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

Under 25 Pa. Code §§ 127.521 and 127.541, the Department intends to issue a revised Title V Operating Permit to **Dominion Transmission Inc.** for their Leidy natural gas transmission facility in Leidy Township, **Clinton County**. The Dominion representative to contact regarding this application is J. Darrell Bowen, Consulting Engineer, 625 Liberty Avenue, Pittsburgh, PA 15222-3199.

In accordance with 25 Pa. Code § 127.541, this Title V Operating Permit revision is to modify and clarify various reasonably available control technology (RACT) determinations made by the Department for the Dominion Leidy facility on June 15, 1999.

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve an amendment of a previously-submitted RACT plan and an amendment to the State Implementation

Plan (SIP) for various air contamination sources at the Leidy facility.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility which are intended to comply with current regulations.

The preliminary RACT determination, if finally approved, will result in the revision of Title V Operating Permit 18-00006 and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the preliminary RACT determination which the Department proposes to incorporate into Title V Operating Permit 18-00006, as a revision to that permit, for three 40 million Btu per hour boilers, four 6.5 million Btu per hour salt bath heaters, a 0.07 million Btu per hour boiler, two hot water heaters and two space heaters:

1. All of the respective sources shall only be fired on natural gas.
2. All of the respective sources shall be maintained and operated in accordance with manufacturer's specifications and good air pollution control practices. This requirement shall be considered as RACT for the VOC emissions from the respective sources as well as for the NOx emissions.
3. The VOC emissions from each of the three 40 million Btu per hour boilers shall not exceed 0.946 ton in 12 consecutive month period.
4. An annual tune-up shall be performed on each of the 40 million Btu per hour boilers.
5. Records shall be maintained of the amount of natural gas burned in each of the 40 million Btu per hour boilers each month as well as the dates and results of each tune-up performed on any of the respective three boilers.

A public hearing will be held for the purpose of receiving comments on the proposed Title V operating permit revision, RACT revision and SIP revision. The hearing will be held on July 22, 2003, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni, (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni, (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the revision request, the Department's analysis and other documents used in the evaluation of the request are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Persons unable to attend the hearing who wish to comment or provide the Department with additional information, which they believe should be considered prior to the revision of Title V operating permit 18-00006, may submit the comments or information to the Department at the following address. Written comments must contain the name, address and telephone number of the person submitting the comments or information as well as a concise statement regarding the relevancy of the comments or information provided. Written comments or information should be directed to David W. Aldenderfer, Air Quality Environmental Program Manager, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701. Comments or information must be received by the Department by August 4, 2003, to be considered.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Written comments or objections should contain the name, address and telephone number of the person

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

wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

<i>Parameter</i>	<i>Average 30-Day</i>	<i>Maximum Daily</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.

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

11981701. NPDES Permit PA0215139, Eastern Associated Coal Corp. (P. O. Box 1233, Charleston, WV 25324), to renew the permit for the Colver Treatment Facility in Blacklick Township, **Cambria County** and add a related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 22, 2003.

30841312. Consolidation Coal Company (P. O. Box 100, Osage, WV 26543), to revise the permit for the Blacksville Mine No. 2 in Wayne Township, **Greene County**, ACOE Pittsburgh District (Blacksville, WV-PA Quadrangle N: 20.5 inches; W: 13.65 inches to Oak Forest, PA Quadrangle N: 3.4 inches; W: 14.0 inches).

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and a 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the Roberts Run channel excavation for stream restoration to alleviate ponding conditions over the 1R to 8R longwall panels.

Written comments or objections on the request for 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the previous District Mining Office. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are ad-

ressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment. Application received May 1, 2003.

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

10980105 and NPDES Permit No. PA0227731. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous surface strip in Cherry Valley and Eau Claire Boroughs, **Butler County** affecting 81.0 acres. Receiving streams: two unnamed tributaries of South Fork Little Scrubgrass Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received May 28, 2003.

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

56030105 and NPDES Permit No. PA0249467. Croner, Inc., P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 294.0 acres. Receiving streams: Blue Lick Creek (CWF) and unnamed tributaries and Buffalo Creek and unnamed tributaries (CWF). There are no potable water supply intakes within 10 miles downstream. Application received May 21, 2003.

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

02-03-01 and NPDES Permit No. 0250422. PDG Land Development, Inc. (3468 Brodhead Road, Monaca, PA 15061). Received an application for a Government Financed Construction Contract in the City of Pittsburgh, **Allegheny County**, affecting 48.7 acres. Receiving streams: unnamed tributaries to Glass Run (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Pennsylvania American Water Company. Application received May 27, 2003.

02980101 and NPDES Permit No. 0202142. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only of a bituminous surface mine in Findlay Township, **Allegheny**

County, affecting 16.1 acres. Receiving streams: unnamed tributary to Little Raccoon Run and Potato Garden Run (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 29, 2003.

03970109 and NPDES Permit No. 0202126. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only of a bituminous surface mine in Cowanshannock Township, **Armstrong County**, affecting 97 acres. Receiving streams: Huskins Run and unnamed tributaries to Huskins Run (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Cowanshannock Township Water Authority. Renewal application received May 29, 2003.

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

17030109 and NPDES Permit No. PA0243515. Tamburlin Brothers Coal Company, P. O. Box 1419, Clearfield, PA 16830. Commencement, operation and res-

toration of a bituminous surface mine permit in Huston Township, **Clearfield County** affecting 147.5 acres. Receiving streams: Grapevine Run (CWF) and Heath Run (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received May 16, 2003.

Coal Application Withdrawn

40930201T. Rossi Excavating Company (9 W. 15th St., Hazleton, PA 18201), transfer of a coal refuse reprocessing operation from Lonsetta Trucking & Excavating Company affecting 27.6 acres, receiving stream: none. Application received February 26, 2003. Application withdrawn June 2, 2003.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

43820309. Roger Hoffman (22 McMillan Road, Mercer, PA 16137). Renewal of NPDES Permit No. PA0601101, Findley Township, **Mercer County**. Receiving streams: unnamed tributary to Cool Spring Creek (TSF). There are no potable surface supply intakes within 10 miles downstream. NPDES Renewal application received May 29, 2003.

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

17030801. Ash English Trucking, 90 Fawn Lane, Morrisdale, PA 16858. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Bradford Township, **Clearfield County** affecting 4.6 acres. Receiving streams: Valley Fork Run, tributary to Roaring Run. Application received May 7, 2003.

08030803. Roger Sharts, R. R. 1, Box 1691A, Sugar Run, PA 18846. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Terry Township, **Bradford County** affecting 2 acres. Receiving streams: unnamed tributary to the Susquehanna River. Application received May 7, 2003.

53030801. Roger Long, 242 West Branch Road, Galeton, PA 16922. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in West Branch Township, **Potter County** affecting 3 acres. Receiving streams: Osgood Hollow, tributary to West Branch Pine Creek. Application received May 15, 2003.

17031801. Swisher Contracting, Inc., P. O. Box 1223, Clearfield, PA 16830. Commencement, operation and restoration of a Small Industrials (Shale) permit in Lawrence Township, **Clearfield County** affecting 5 acres. Also requested is a variance to conduct small noncoal mining activities within 100 feet of unnamed tributary 2 to Clearfield Creek, beginning where the tributary crosses SR 1005 and extending approximately 200 feet east (downstream). This variance request is for the haulroad use only. Also requested is a variance to upgrade and use an abandoned stream crossing on unnamed tributary 1 to Clearfield Creek. The proposed stream crossing unnamed tributary 1 is approximately 100 feet east of SR 1005 and approximately 120 feet south of unnamed tributary 1's confluence with unnamed tributary 2. The total area disturbed by the proposed activities will be less than 1 acre. Receiving streams: unnamed tributaries to Clearfield Creek (CWF). Application received May 21, 2003.

08032801. Walter Flagstone, Inc., R. R. 1, Box 40, Sugar Run, PA 18846. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: Sugar Run Creek, tributary to North Branch Susquehanna River. Application received May 27, 2003.

ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 503, Rush Township, Centre County, 7 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-

8476 by 4 p.m. on July 14, 2003, to be considered. Telephone inquiries should be directed to Robert A. Deardorff, Division of Mine Hazards, (717) 787-9893.

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 the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as any questions, to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E13-138. John Degenhart, 119 Seybert Street, Hazleton, PA 18201 in Packer Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a private road crossing of a tributary to Quakake Creek and 0.10 acre of adjacent wetlands. The crossing consists of four 36-inch diameter culverts in the tributary and four 24-inch diameter culverts in the adjacent wetlands. The project is approximately 2,000 feet northwest of the intersection of SR 410 (Quakake Road) and SR 4006 (Spring Mountain Drive)

(Hazleton, PA Quadrangle N: 5.0 inches; W: 6.3 inches).

E48-335. Northampton Borough, P. O. Box 70, 1401 Laubach Avenue, Northampton, PA 18067-1616 in Northampton Borough, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a concrete box beam bridge having a single clear span of 89 feet and a minimum underclearance of approximately 16 feet across Hokendauqua Creek (HQ-CWF). The project is known as Horwith Lane Bridge and is south of SR 0329, between Smith Lane and Clear Springs Drive (Catasauqua, PA Quadrangle N: 10.9 inches; W: 15.3 inches).

E39-422. Mobil Pipeline Company, 675 Brooks Avenue, Rochester, NY 14619 in Whitehall and North Whitehall Townships, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To stabilize and maintain a 40-foot by 50-foot section of Jordan Creek with an articulating concrete mat for the purpose of protecting a 6-inch petroleum pipeline; and to stabilize and maintain a 20-foot by 30-foot section of a tributary to the Lehigh River with an articulating concrete mat for the purpose of protecting an exposed 8-inch petroleum pipeline. The first project is approximately 2,600 feet southwest of the intersection of SR 0145 and Mickley Road in Whitehall Township, Lehigh County. The second project is approximately 2,800 feet southwest of the intersection of Red Hill Road and Riverview Road in North Whitehall Township, Lehigh County (Catasauqua/Cementon, PA Quadrangle N: 0.9/17.0 inches; W: 16.5/10.6 inches).

E45-449. Antoine and Albina Baroudi, 3 Yardley Court, Erial, NJ 08081 in Jackson Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain an existing private bridge having a single span of approximately 16.0 feet and underclearance of approximately 9.75 feet across Appenzell Creek (HQ-CWF). The superstructure of the existing bridge was replaced under Emergency Permit No. EP4503401. The project is along SR 3021 (Neola Road), approximately 0.3 mile downstream of SR 3026 (Saylorburg, PA Quadrangle N: 19.1 inches; W: 14.3 inches).

E45-450. Adams Outdoor Advertising, R. R. 5, Box 5197, East Stroudsburg, PA 18301 in Hamilton Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain a ford in McMichael Creek (HQ-CWF) for the purpose of providing access to commercial billboards. The project is along SR 0033 and SR 0209, approximately 0.6 mile northeast of the intersection with SR 2010 (Saylorburg, PA Quadrangle N: 14.6 inches; W: 4.8 inches).

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

E05-315: Department of Transportation, District 9-0, SR 1020 Sec. 001, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Hopewell and Broad Top Townships, **Bedford County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a new bridge having a clear single span of 31.33 feet on a 50 degree skew with an underclearance of 12.38 feet over Pipers Run (WWF) on SR 1020, Section 001, Segment 50, Offset 880 and to reconstruct and maintain the two span steel truss bridge over the Raystown Branch Juniata River on the same roadway about 2.7 miles from

the intersection with SR 26 (Everett East, PA Quadrangle N: 16.5 inches; W: 6.4 inches). The bridge over Pipers Run is in Hopewell Township and the bridge over Raystown Branch Juniata River is in Hopewell and Broad Top Townships, Bedford County.

E28-311: Cumberland-Franklin Joint Municipal Authority, 715 Municipal Drive, Shippensburg, PA 17257 in Southampton Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain 11-foot by 142-foot of stepped gabion basket walls for streambank protection along the Conodoguinet Creek (WWF) along the north side of Roxbury Road (SR 4016) in the Village of Mongul (Shippensburg, PA Quadrangle N: 15.0 inches; W: 13.5 inches) in Southampton Township, Franklin County.

E07-372: Norfolk Southern Corp., 99 Spring Street, Atlanta, GA 30303 in Logan Township, **Blair County**, ACOE Baltimore District.

To replace and maintain a double tracked railroad bridge with a 30-foot open span over Homers Gap Run, within Logan Township, Blair County (Bellwood, PA Quadrangle N: 10.1 inches, W: 16.3 inches).

E67-738: York County Board of Commissioners, One West Marketway, Fourth Floor, York, PA 17401 in North Codorus and Springfield Townships, **York County**, ACOE Baltimore District.

To construct and maintain rip-rap scour protection along both upstream abutments, perform concrete repairs and improve the guide rail on Bridge No. 89 across the South Branch Codorus Creek (York, PA Quadrangle N: 3.7 inches; W: 16.4 inches) in North Codorus and Springfield Townships, York County.

E67-739: York County Board of Commissioners, One West Marketway, Fourth Floor, York, PA 17401 in Hopewell and Shrewsbury Townships, **York County**, ACOE Baltimore District.

To construct and maintain rip-rap scour protection along the southern abutment, perform concrete repairs and improve the guide rail on Bridge No. 106 at a point

where Five Forks Road crosses Deer Creek (CWF) (Glen Rock, PA Quadrangle N: 0.2 inch; W: 2.2 inches) in Hopewell and Shrewsbury Township, York County.

E05-314: James A. and Kristie M. Schwartz, 3773 Evitts Creek Road, Bedford, PA 15522 in Cumberland Valley Township, **Bedford County**, ACOE Baltimore District.

To install and maintain a 20-foot long, 48-inch diameter culvert pipe crossing an unnamed tributary to Evitts Creek, within Cumberland Valley Township, Bedford County (Beans Cove, PA Quadrangle N: 14.4 inches, W: 16.65 inches).

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

E14-446. Dale T. Bresler, 965 Marengo Road, PA Furnace, PA 16865. Bresler Bridge in Ferguson Township, **Centre County**, ACOE Baltimore District (Franklinville, PA Quadrangle N: 16.98 inches; W: 2.49 inches).

To: (1) remove the deck of and existing bridge; and (2) place and maintain two 42-foot by 8-foot metal and wood plank flat bed trailers side-by-side over existing abutments that have a clear span of 18 feet and an underclearance of 7.5 feet across Halfmoon Creek (HQ-CWF), 100 feet off of Marengo Road and 1.5 miles north of SR 45. This project proposes to permanently impact 18 feet of Halfmoon Creek.

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

E42-298, Richard H. Cannon and Gail A. Cannon. SFSTF in Corydon Township, **McKean County**, ACOE Pittsburgh District (Stickney, PA Quadrangle N: 15.5 inches; W: 6.8 inches).

The applicant proposes to install a SFSTF to abate a sewage malfunction at an existing residence involving the construction and maintenance of an outfall, having a 0.33-foot plastic pipe, to Willow Creek (HQ-CWF), approximately 0.4 mile east of the intersection of SR 346 and T-455 (Forest Highway 173).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763 within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following application has been received for a storage tank site-specific installation permit under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03002	Mark D. Mitchell Fairless Energy, LLC 5000 Dominion Blvd. Glen Allen, VA 23060	Bucks	Falls Township	Ten ASTs storing hazardous substance	89,500 gallons total

ACTIONS

**FINAL ACTIONS TAKEN UNDER
THE CLEAN STREAMS LAW AND THE
FEDERAL CLEAN WATER
ACT—NPDES AND WQM PART II
PERMITS**
**INDUSTRIAL WASTE AND
SEWERAGE WASTEWATER**

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

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

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

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

**I. Municipal and industrial permit actions under
The Clean Streams Law (35 P. S. §§ 691.1—
691.1001).**

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

NPDES Permit No. PA0050059, Sewage, **English Village Service Company, Inc.**, 120 South Main Street, Doylestown, PA 18901. This proposed facility is in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into Park Creek-2F.

NPDES Permit No. PA0058696, Sewage, **Kenneth H. Hutton and Dolores M. Neill**, 719 Cheyney Road. This proposed facility is in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the discharge into Chester Creek-3G Watershed.

NPDES Permit No. PA0054623, Sewage, **Gary W. Volovnik**, 1624 Three Mile Run Road, Perkasie, PA

18944. This proposed facility is in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Three Mile Run-2D-Tohickon Creek Watershed.

NPDES Permit No. PA0013005, Sewage, **FiberMark North America, Inc.**, 45 North 4th Street, Quakertown, PA 18951. This proposed facility is in Quakertown Borough, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Beaver Run-Three Mile Run-2D.

WQM Permit No. 4603404, Sewerage, **Abington Township**, 1176 Old York Road, Abington, PA 19001-3713. This proposed facility is in Abington Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the upgrade to the wastewater treatment facility to consist of the conversion from an existing two stage aeration to a single stage carbon oxidation and nitrification.

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

NPDES Permit No. PA0063681, Industrial Waste, **Penske Truck Leasing Company, L. P.**, Route 10, Green Hills, Reading, PA 19603. This proposed facility is in North Manheim Township, **Schuylkill County**.

Description of Proposed Action/Activity: Renewal of NPDES permit to discharge treated wastewater to the Schuylkill River.

NPDES Permit No. PA0062600, Industrial Waste, **Agway Petroleum Corporation**, P. O. Box 4852, Syracuse, NY 13221. This proposed facility is in North Manheim Township, **Schuylkill County**.

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

NPDES Permit No. PA0062421, Industrial Waste, **Jim Thorpe Water Authority**, 421 North Street, Jim Thorpe, PA 18229-2528. This proposed facility is in Jim Thorpe Borough, **Carbon County**.

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

NPDES Permit No. PA0060542, Sewage, **Wallenpaupack Lake Estates**, 100 Wallenpaupack Lake Estates, Lake Ariel, PA 18436. This proposed facility is in Paupack Township, **Wayne County** and discharge to unnamed tributary to Lake Wallenpaupack.

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

NPDES Permit No. PA0063673, Sewage, **Saleano Properties, LLC**, 50 Route 611, Unit 10, Bartonsville, PA 18321. This proposed facility is in Pocono Township, **Monroe County** and discharge to Pocono Creek.

Description of Proposed Action/Activity: Renewal and transfer of an NPDES permit.

NPDES Permit No. PA0061441, Sewage, **Freeman's Mobile Home Park**, R. R. 1, Box 160-14, Dallas, PA 18612. This proposed facility is in Monroe Township, **Wyoming County** and discharges to an unnamed tributary to Leonard's Creek.

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

WQM Permit No. 5803401, Sewerage, **New Milford Municipal Authority**, 175 Main Street, New Milford, PA 18834. This proposed facility is in New Milford Borough, **Susquehanna County**.

Description of Proposed Action/Activity: Construction of gravity sewer and low pressure sewage collection system to serve New Milford Borough.

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

NPDES Permit No. PA0119121, Industrial Waste, **Robert Stewart, Glen Gery Corporation**, 423 South Pottsville Pike, Shoemakersville, PA 19555. This proposed facility is in Perry Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Schuylkill River in Watershed 3-B.

NPDES Permit No. PA0246808, CAFO, **Clair Hurst, Clair Hurst Farm**, 788 Kingpen Road, Kirkwood, PA 17536. This proposed facility is in Little Britain Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 507 AEU swine and dairy concentrated feeding operation in Watershed 7-K.

NPDES Permit No. PA0247120, CAFO, **Theodore Esbenschade, Shady Brae Farms, Inc.**, 29 Engle Road, Marietta, PA 17547. This proposed facility is in Conoy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Operation of an 2,125 AEU layer CAFO in Watershed 7-G.

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

NPDES Permit No. PA0209597, Sewerage, SIC 4952, **Delmar Township**, R. R. 5, Box 70A, Wellsboro, PA 16901. The existing discharge is in Delmar Township, **Tioga County**.

Description of Proposed Activity: Renewal of the NPDES permit for Outfall 001 for Delmar Township Stony Fork Wastewater Treatment Plant.

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

NPDES Permit No. PA0096326, Sewerage, **Wareham Investment Company, L. P.**, 130 Penn-Adamsburg Road, Jeannette, PA 15644 is authorized to discharge from a facility at Wencliff Eyrie Mobile Home Estates, Hempfield Township, **Westmoreland County** to receiving waters named unnamed tributary of Brush Creek.

NPDES Permit No. PA0096598, Sewerage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344 is authorized to discharge from a facility at Mather Wastewater Treatment Plant, Morgan Township, **Greene County** to receiving waters named South Fork Tenmile Creek.

NPDES Permit No. PA0096601, Sewerage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344 is authorized to discharge from a facility at Williamstown Wastewater Treatment Plant, East Bethlehem Township, **Washington County** to receiving waters named Tenmile Creek.

NPDES Permit No. PA0215929, Sewerage, **Walter L. Houser**, R. R. 9, Box 434, Kittanning, PA 16201 is authorized to discharge from a facility at Mudlick Run Portal STP, Washington Township, **Indiana County** to receiving waters named Mudlick Run.

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

NPDES Permit No. PA0104398, Industrial Waste, **Village Farms, L. P.**, 153 Sabal Palm Drive, Longwood, FL 32779. This proposed facility is in Ringgold Township, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Caylor Run.

NPDES Permit No. PAS808307, Industrial Waste, **Flying J Inc.**, 1104 Country Hill Drive, Ogden, UT 84403. This proposed facility is in Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Clement Run.

NPDES Permit No. PA0091197, Sewerage, **High Meadows Sewer Service, Inc.**, 222 Airport Road, Butler, PA 16001. This proposed facility is in Penn Township, **Butler County**.

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

NPDES Permit No. PA0023566, Sewerage, **Emlenton Area Municipal Authority**, P. O. Box 408, Emlenton, PA 16373-0448. This proposed facility is in Emlenton Borough, **Venango County**.

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

NPDES Permit No. PA0101117, Sewerage, **Shady Acres Mobile Home Park**, P. O. Box 358, Edinboro, PA 16412. This proposed facility is in Cussewago Township, **Crawford County**.

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

NPDES Permit No. PA0101672, Sewerage, **Crestview Mobile Home Park**, 3599 US Highway 322, Williamsfield, OH 44093. This proposed facility is in Vernon Township, **Crawford County**.

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

NPDES Permit No. PA0221473, Sewerage, **Edwards Acres**, 294 Branchton Road, Slippery Rock, PA 16057. This proposed facility is in Slippery Rock Township, **Butler County**.

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

NPDES Permit No. PA0100277, Sewerage, **North and South Shenango Joint Municipal Authority**, 3397 Damn Road, Jamestown, PA 16134. This proposed facility is in South Shenango Township, **Crawford County**.

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

NPDES Permit No. PA0100277, Sewerage, **North and South Shenango Joint Municipal Authority**, 3397 Damn Road, Jamestown, PA 16134. This proposed facility is in South Shenango Township, **Crawford County**. This

facility is authorized to discharge to Shenango River. This reflects changes to the notice published at 33 Pa.B. 1374 (March 15, 2003).

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the

evaluation is the Reynolds Water Company intake on the Shenango River in Pymatuning Township, Mercer miles below point of discharge.

The receiving stream, Shenango River, is in watershed 20-A and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.945 MGD.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅					
(5-1 to 10-31)	118	173	15	22	30
(11-1 to 4-30)	197	315	25	40	50

The EPA waiver is in effect.

WQM Permit No. 3302201, Industrial Waste, **Flying J Inc.**, 1104 Country Hill Drive, Ogden, UT 84403. This proposed facility is in Brookville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the construction of two stormwater detention ponds and an oil-water separator.

WQM Permit No. 6203408, Sewerage, **Pine Grove Township**, P. O. Box 25, Russell, PA 16345. This proposed facility is in Pine Grove Township, **Warren County**.

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

WQM Permit No. 3703404, Sewerage, **Shenango Township**, 1000 Willowbrook Road, New Castle, PA 16101. This proposed facility is in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a lift station and main to serve the proposed Cambridge at Hidden Lake development.

WQM Permit No. 2070404, Sewerage, Amendment No. 1, **Lakeview Manor, LLC**, 9 Corporation Center, Broadview Heights, OH 44167. This proposed facility is in Union Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a modification to a sewage treatment facility to change from liquid chlorination to tablet chlorination and dechlorination.

WQM Permit No. 3302403, Sewerage, **Falls Creek Borough Municipal Authority**, 117 Taylor Avenue, P. O. Box 418, Falls Creek, PA 15840. This proposed facility is in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the construction of a public wastewater collection system to serve the Red Mill and surrounding area of Washington Township.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2011503013	Land Associates, Inc. 100 Colonial Way West Chester, PA 19382	Chester	New London Township	Hodgson Run HQ-TSF-MF
<i>Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i>				
PAI023903010	Allentown Community Development Co. 4905 Tilghman St., Suite 100 Allentown, PA	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023903008	East Penn School District 800 Pine St. Emmaus, PA 18049	Lehigh	Emmaus Borough	Little Lehigh Creek HQ-CWF
PAS10U185	Easton Center, LLC 2216 Willow Park Rd. Bethlehem, PA 18020	Northampton	Palmer Township Wilson Borough	Bushkill Creek Lehigh River HQ-CWF
<i>Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.</i>				
PAI082703002	East Resources, Inc. P. O. Box 279 Allegany, NY 14706	Forest	Howe Township	Iron Run HQ-CWF Bogus Run HQ-CWF South Branch Tionesta Creek HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

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

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

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of 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	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Solebury Township Bucks County	PAR10D717	Zaveta Construction 4030 Skyron Drive, Suite H Doylestown, PA 18901'	Unnamed tributary Pidcock Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAR10D663	C & M Developers, Inc. 2421 Bristol Road Warrington, PA 18976	Unnamed tributary Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bensalem Township Bucks County	PAG2000903028	Premier Storage Solutions Inc. 265 Sunrise Highway Suite 1-305 Rockville Center, NY 11570	Watsons Creek CWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAG2000903006	Upper Bucks Medical Assoc. 817 Lawn Avenue Sellersville, PA 18960	Ridge Valley Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Richland Township Bucks County	PAG2000903054	Greg Peklak 950 Store Road Harleysville, PA 19438	Tohickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAG2000903061	Kevin Diehl P. O. Box 95 Perkasie, PA 18944	Unnamed tributary East Branch Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Perkasie Borough Bucks County	PAG2000903011	Borough of Perkasie 311 South Ninth Street Perkasie, PA 18944-0275	East Branch Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bensalem Township Bucks County	PAG2000903046	Philadelphia Park 3001 Street Road Bensalem, PA 19020-98512	Lower Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Haycock Township Bucks County	PAG2000903055	Guy and Catherine Coby 2650 Old Bethlehem Pike Quakertown, PA 18951	Tohickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

NOTICES

2801

<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>
Middletown Township Bucks County	PAG2000903032	New Rodgers Associates, LP 1001 East Hector Street Suite 100 Conshohocken, PA 19428	Mill Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Bucks County	PAG2000903056	Regal Entertainment Group 9110 East Nichols Avenue Englewood, CO 80112	Mill Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Bradford Township Chester County	PAG2001503043	West Marketing Company 202 North Church Street West Chester, PA 19380	East Branch Brandywine Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pocopson Township Chester County	PAG2001503035	Gary Summers 612 Cricklewood Road West Chester, PA 19380	Pocopson Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Caln Township Chester County	PAG2001502046	Ted Iobst 413 South 5th Street Emmaus, PA 18049	Brandywine Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Coatesville Chester County	PAG2001503023	Second Baptist Church 856 Merchant Street Coatesville, PA 19320	West Branch Brandywine Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Goshen Township Chester County	PAG2001503037	Educational Property Group 47 Marchwood Road, Suite 2A5 Exton, PA 19341	Goose Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Kennett Square Borough Chester County	PAG2001503027	Joseph Capano 300 Bartram Drive Hockessin, DE 19707	Red Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Delaware County	PAG2002303018	Hilldale Partners 1029 Providence Road Secane, PA 19018	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Chester Heights Borough Delaware County	PAG2002303030	Guy Matteo	East Branch Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Marple Township Delaware County	PAG2002303036	Shamona Creek Builders 152 Garrett Road Upper Darby, PA 19032	Trout Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Swarthmore Borough Delaware County	PAR10J216-1	Swarthmore College 500 College Avenue Swarthmore, PA 19081	Crum Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103007	Westrum Development Co. 370 Commerce Drive Ft. Washington, PA 19034	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County Catasauqua Borough	PAG2003903007	Catasauqua Area School District 201 N. 14th St. Catasauqua, PA 18052	Catasauqua Creek CWF	Lehigh County Conservation District (610) 391-9583
Lehigh County Lower Milford Township	PAG2003903004	B. T. B. Church View, LLC 200 Union Ave. Altoona, PA 16602	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Kingston Borough	PAG2004003020	Luzerne County Transportation Authority 315 Northampton St. Kingston, PA 18704	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Schuylkill County Ryan Township	PAG2005403014	Steven Colter Allen Yudacufski Back Road Subdivision P. O. Box 279 St. Clair, PA 17970	Codorus Creek to Locust Creek CWF	Schuylkill County Conservation District (570) 622-3742
Thomas Gardens Cumru Township	PAG2000630006	Walter Greth Greth Development Group, Inc. P. O. Box 305 Temple, PA 19560	UNT to Wyomissing Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Swatara Township	PAG2002203010	Members' First Credit Union 5000 Louise Dr. Mechanicsburg, PA 17055	Beaver Creek WWF	Steven Frey Dauphin County Conservation District (717) 921-8100
Greene Township	PAG2002803012	WASHCO Developers, Inc. c/o Sasson E. Shaoal 12 West Washington Street Hagerstown, MD 21740	Rowe Run CWF Conococheague Creek CWF	Franklin County Conservation District (717) 264-8074
Antrim Township Greencastle Borough	PAG2002803014	Carlisle Street, LLC c/o Jeffrey Fisher 968 Shannon Drive Greencastle, PA	Paddy Run WWF	Franklin County Conservation District (717) 264-8074
Hamilton Township	PAG2002803015	Ft. McCord Estates c/o Mary Coffman	UNT Dennis Creek	Franklin County Conservation District (717) 264-8074
Guilford Township	PAG2002803016	Franklin County Fire Chief's Association c/o Kenneth North 157 Lincoln Way East Chambersburg, PA 17201	UNT Conococheague Creek	Franklin County Conservation District (717) 264-8074

NOTICES

2803

<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>
Metal Township	PAG2002803017	Willow Hill Breeding Farm, Inc. P. O. Box 187 Myerstown, PA 17067	West Branch Conococheague Creek WWF	Franklin County Conservation District (717) 264-8074
Flowing Springs 0.2 mile southwest of intersection of SR 0094 and SR 3001, along the southeast side of SR 3001 Old Harrisburg Road Huntington Township Adams County	PAG2000103012	Bradley Wolf 200 Old U. S. Route 15 York Springs, PA 17372	Gardner Run WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325-3404 (717)-334-0636
West Lampeter Township Lancaster County	PAG2003603005	Grace Bible Church 18 Willow Valley Dr. Lancaster, PA 17602	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Quarryville Borough Lancaster County	PAG2003603020	Greenpoint Farm Inc. 402 Bayard Rd. Kennett Square, PA 19348	UNT Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAG2003603047	Sam Beiler 1096 May Post Office Rd. Quarryville, PA 17566	Bachman Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAG2003603057	Edwin J. Landis 1406 Lampeter Rd. Lancaster, PA 17602	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003603059	Lester Weidman 1094 Mt. Joy Rd. Manheim, PA 17545	Dellinger Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Penn Township Lancaster County	PAG2003603061	GK Partners LP 70 N. Esbenshade Rd. Manheim, PA 17545	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Lancaster County	PAG2003603064	441 Associates LLC P. O. Box 303 Denver, PA 17517	Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Strasburg Borough Lancaster County	PAG2003603066	Smoker Properties P. O. Box 129 Strasburg, PA 17579	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Ephrata Township Lancaster County	PAG2003603068	Lester M. Bowman 1060 Division Hwy. Ephrata, PA 17522	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Manor Township Lancaster County	PAG2003603069	Thomas Frey 2646 River Road Conestoga, PA 17516	Manns Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003603070	Barry Hershey 86 S. Penryn Rd. Manheim, PA 17545	Rife Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Adamstown Borough Lancaster County	PAR100312-R	Spencer S. Stober 5 Market Plaza Reinholds, PA 17569	Little Muddy Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Windsor Township York County	PAG2006703064	Nelson H. Fitz 423 Cottage Place Red Lion, PA 17356	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG2006703030	S. E. I. Properties 3739 Federal Hill Road P. O. Box 230 Jarreertsville, MD 21084	Main Stem Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Lower Chanceford York County	PAG2006703065	James Smith Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	UNT to Muddy Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006703044	Lonnie Graybill Miltex Dental Technology Inc. 589 Davies Drive York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Peach Bottom Township York County	PAG2006703023	William and Barbara Matthews 303 W. McKinley Road Delta, PA 17314	UNT to Scott Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Warrington Township York County	PAG2006703026	Jim Garling Ski Roundtop Operating Co. 925 Roundtop Road Lewisberry, PA 17339	N. Branch Beaver Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Chanceford Township York County	PAG2006703031	William Runkle 12714 Gum Tree Road Brogue, PA	Toms Run West Branch TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Clearfield County City of DuBois	PAG2001703005	Sheetz, Inc. 5700 Sixth Ave. Altoona, PA 16602	Beaver Run CWF Sandy Lick Creek CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 275-2629
Northumberland County Rush Township	PAG2004903013	Michael Shultz Shultz Dairy Facility 63 Reed Rd. Danville, PA 17821	UNT Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114 x4

NOTICES

2805

<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 County Charleston and Duncan Townships	PAG2005903010	Wellsboro Municipal Authority 28 Crafton St. Wellsboro, PA 16901	Charleston Creek WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Butler County Slippery Rock Township	PAG2001003016	Slippery Rock University Facilities and Planning Dept. Slippery Rock, PA 16057	Slippery Rock Creek CWF	Butler County Conservation District
Butler County Cranberry Township	PAG2001003017	P. S. Management, Inc. 425 Mercer Street Volant, PA 16156	Brush Creek WWF	Butler County Conservation District
Clarion County Paint, Know and Farmington Townships	PAG2061603001	Pennsylvania American Water Co. 1909 Oakland Avenue Indiana, PA 15701	Clarion River CWF	Clarion County Conservation District
Crawford County City of Titusville	PAG2002003004	Mike Sahli Warren Super 8 204 Struthers Street Warren, PA 16365	Oil Creek CWF	Crawford County Conservation District
Erie County Summit Township	PAG2002503007	Tecnica Development Corporation 4800 Tramarlac Lane Erie, PA 16505	Walnut Creek CWF, MF	Erie County Conservation District
Erie County North East Township	PAG2002503011	Kerry Corbin 9600 German Rd. North East, PA 16428	Sixteen Mile Creek WWF-MF	Erie County Conservation District
Erie County City of Corry	PAG2002503018	Advanced Surfaces 1524 Enterprise Rd. Corry, PA 16407	Hare Creek CWF	Erie County Conservation District
Erie County City of Erie	PAG2002503017	Westminster Development, LLC 2601 West 26th Street Erie, PA 16506	Lake Erie CWF	Erie County Conservation District
Erie County Millcreek Township	PAG2002503020	The Scottish Rite 2525 West 38th Street Erie, PA 16509	Millcreek WWF-MF	Erie County Conservation District
Mercer County Wilmington and New Wilmington Boroughs Lawrence County	PAG2004303002	Wilmington School District Nancy C. DeWoody 300 Wood Street New Wilmington, PA 16142	UNT to Little Neshannock Creek TSF	Mercer County Conservation District
Mercer County Pine Township	PAG2004303003	Infinity Realty Inc. 910 Sheraton Dr. Mars, PA 16046	UNT to Wolf Creek CWF	Mercer County Conservation District
Butler County Cranberry Township	PAG2001003008	Cranberry Township 2525 Rochester Road Cranberry Township, PA 16066	Wolf Run WWF	Butler County Conservation District (724) 284-5270
Butler County Cranberry Township	PAG2001003009	Monterey Development Associates 215 Executive Drive Cranberry Township, PA 16066	UNT to Kaufman Run WWF	Butler County Conservation District (724) 284-5270
Butler County Connoquenessing Township	PAG2001003013	United Plate Glass 108 Grundman Drive Butler, PA 16001	UNT to Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Erie County Millcreek Township	PAG2002503021	Department of Conservation and Natural Resources 195 Park Road P. O. Box 387 Prospect, PA 16052-0387	Graveyard Pond and Long Pond WWF	Erie County Conservation District (814) 825-6403

<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>
Erie County City of Erie	PAG2002503022	Tom Smith 1102 Liberty Street Erie, PA 16502	Lake Erie	Erie County Conservation District (814) 825-6403
Erie County City of Corry	PAG2002503026	Municipal Authority of the City of Corry 100 Center Street Corry, PA 16407	Hare Creek CWF	Erie County Conservation District (814) 825-6403
Erie County City of Erie	PAG2002503027	City of Erie 626 State Street Erie, PA 16501	Presque Isle Bay WWF	Erie County Conservation District (814) 825-6403
Lawrence County North Beaver Township	PAG2003703004	Ozzie Limited Liability Corporation 267 Halltown Road New Castle, PA 16157	UNT to Hickory Run TSF	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>
South Coatesville Borough Chester County	PAR800076	Brandywine Valley Railroad Co. 139 Modena Rd. Coatesville, PA 19320	Brandywine Creek 3H Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Douglass Township Montgomery County	PAR800022	Waste Management of PA 1987 Swamp Creek Rd. Gilbertsville, PA 19090	Swamp Creek 3E Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Tredyffrin Township Montgomery County	PAR110012	Johnson Matthey Inc. 456 Devon Park Dr. Wayne, PA 19087	UNT to Trout Creek 3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Modena Borough Chester County	PAR140012	Sealed Air Corp. 22 Meredith Rd. Modena, PA 18032	Brandywine Creek 3H Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Rockhill Township Bucks County	PAR600001	Biello Auto Parts 1528 Ridge Rd. Perkasie, PA 18944	Three Mile Run 2E Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Tioga County Wellsboro Borough	PAR414847	Department of Transportation Engineering District 3-0 P. O. Box 218 Montoursville, PA 17754-2415	Kelsey Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
White Deer Township Union County	PAR224832	Pennsylvania House Inc. 137 North Tenth Street Lewisburg, PA 17837	UNT of West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

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>
Gregg Township Centre County	PAG044909	John A. and Colleen G. Dunkelberger, III 523 Synagogue Gap Road Spring Mills, PA 16875	Laurel Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delmar Township Tioga County	PAG045035	A. Patricia Schramm R. R. 7, Box 135 Wellsboro, PA 16901	UNT Wilson Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Greenwood Township Columbia County	PAG045036 Sewerage	Richard and Mary Sanders P. O. Box 496 Millville, PA 17846	Unnamed tributary to Little Fishing Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bingham Township Potter County	PAG045038 Sewerage	Charles J. Peidl 2901 Hickox-Ulysses Road Genesee, PA 16923	Genesee River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delmar Township Tioga County	PAG045009 Sewerage	David Shultz R. R. 5 Box 270A Wellsboro, PA 16901	Unnamed tributary to Wilson Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

General Permit Type—PAG-5

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Pilot Travel Center 336 Sandy Township Clearfield County	PAG054827	Jason A. McCain Operations Manager Pilot Travel Centers, LLC 5508 Lonas Road Knoxville, TN 37939-0146	Slab Run (Stream Code 48778)	Northcentral Regional Office 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 321-6550

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Bethel Township Lebanon County	PAG083503	City of Lebanon Authority 250 Dairy Road Lebanon, PA 17042	Linford and Leon Snyder Bethel Township Lebanon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
South Londonderry Township Lebanon County	PAG083520	South Londonderry Township Municipal Authority Campbelltown West Wastewater Treatment Facility Center and Market Streets P. O. Box 3 Campbelltown, PA 17010		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Cumberland Township Adams County	PAG083524	Cumberland Township Authority South Wastewater Treatment Facility 1270B Fairfield Road Gettysburg, PA 17325		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Snowshoe Township Centre County	PAG084832	Mountaintop Area Municipal Authority 108 Railroad Street P. O. Box 275 Snowshoe, PA 16874	Snowshoe/Clarence WWTP Snowshoe Township Centre County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

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

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

Operations Permit issued to **Philadelphia Water Department**, 1101 Market Street, Philadelphia, PA 19107, PWS ID 1510001, City of Philadelphia, **Philadelphia County** on May 20, 2003, for the operation of facilities approved under Construction Permit No. 5100501.

Operations Permit issued to **Philadelphia Water Department**, 1101 Market Street, Philadelphia, PA 19107, PWS ID 1510001, City of Philadelphia, **Philadelphia County** on May 20, 2003, for the operation of facilities approved under Construction Permit No. 5100502.

Operations Permit issued to **Philadelphia Water Department**, 1101 Market Street, Philadelphia, PA 19107, PWS ID 1510001, City of Philadelphia, **Philadelphia County** on May 20, 2003, for the operation of facilities approved under Construction Permit No. 5102502.

Operations Permit issued to **New Hope Solebury School District**, 180 W. Bridge Street, New Hope, PA 18938, PWS ID 1090885, Solebury Township, **Bucks County** on May 20, 2003, for the operation of facilities approved under Construction Permit No. 0997517.

Operations Permit issued to **Horsham Water and Sewer Authority**, PWS ID 1460033, Horsham Township, **Montgomery County** on May 30, 2003, for the operation of facilities approved under Construction Permit No. 4601505.

Operations Permit issued to **Pottstown Borough Authority**, 241 King Street, Pottstown, PA 19464, PWS ID 1460037, Upper Pottsgrove Township, **Montgomery County** on May 30, 2003, for the operation of facilities approved under Construction Permit No. 4697515.

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

Operations Permit issued to **Cobb's Lake Preserve Property Owners Association**, 9 Cobb's Lake, Lake Ariel, PA 18436, PWS ID 2640850, Lake Township, **Wayne County** on May 22, 2003, for the operation of facilities approved under Construction Permit No. 6401503.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA 67-62C, Water Allocations, York Water Company, York County. Expansion of service area to include additional areas of Conewago Township, York County. Consulting Engineer: Jeffrey R. Hines, P. E., York Water Company. Permit issued May 20, 2003.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Allegheny Township	3131 Old Sixth Avenue North Duncansville, PA 16635	Blair County

Plan Description: The approved plan provides for the construction of an 8-inch PVC gravity sanitary sewer line along with force main and a small pump station to serve 16 existing residential homes situated along Burns Avenue, Allegheny Township, Blair County. The project involves extension of 1,800 feet in length to include the placement of ten concrete manholes. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the Authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Warriors Mark Township	P. O. Box 114 Warriors Mark, PA 16877	Huntingdon

Plan Description: The plan provides for an approval granted May 27, 2003, as a revision to the Official Plan of Warriors Mark Township, Huntingdon County for the Blue Spruce Subdivision by John Gilliland. The project involves the subdivision of 16 single-family residential lots using individual onlot sewage systems and wells along Dry Hollow Road (T-534), approximately 3,000 feet west of SR 4008. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the owner as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Warriors Mark Township	P. O. Box 114 Warriors Mark, PA 16877	Huntingdon

Plan Description: The plan provides for an approval granted May 27, 2003, as a revision to the Official Plan of Warriors Mark Township, Huntingdon County for the Lower 77 Subdivision by John Gilliland. The project involves the subdivision of 24 single-family residential lots using individual onlot sewage systems and wells along T-534, approximately 2,900 feet west of SR 4008. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the owner as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Warriors Mark Township	P. O. Box 114 Warriors Mark, PA 16877	Huntingdon

Plan Description: The plan provides for an approval granted May 27, 2003, as a revision to the Official Plan of Warriors Mark Township, Huntingdon County for the Tumble Hill Subdivision by Bruce Cox. The project involves the subdivision of 15 single-family residential lots using individual onlot sewage systems and connecting to the Warriors Mark General Authority public water supply. The subdivision is along T-541, approximately 4,500 feet south of SR 550. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the owner as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	3904 Finleyville-Elrama Road Finleyville, PA 15332	Washington

Plan Description: The approved plan provides for construction of a 400 gallon per day single residence sewage treatment plant to serve the Leitenberger single family home with has a malfunctioning onlot system. The property is at 174 Gilmore Road, Finleyville, PA. The proposed discharge point is Lobbs Run (WWF). The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the applicant.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cowanshannock Township	P. O. Box 137 NuMine, PA 16244	Armstrong
South Mahoning Township	244 Rossmoyne Road Home, PA 15747	Indiana

Plan Description: The approved plan provides for a sanitary sewer collection and with a pump station and force main conveyance from the Village of Sagamore in Cowanshannock Township, Armstrong County to the ex-

isting Plumville Sewage Treatment Plant in South Mahoning Township, Indiana County, discharging to the North Branch of Plum Creek. Also, the approved plan provides for gravity sanitary sewer collection and sewage treatment facility for the Village of Margaret in Cowanshannock Township, Armstrong County. Discharge from the new treatment plant for Margaret will be at coordinates of 40° 46' 19" latitude and 79° 22' 27" longitude to an unnamed tributary to Huskins Run. Both systems will be owned, managed and operated by the Indiana County Municipal Services Authority, 827 Water Street, Indiana, PA 15701, (724) 349-6640, Michael W. Duffalo, Executive Director. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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>
Vernon Township	16678 McMath Avenue Meadville, PA 16335	Crawford

Plan Description: The approved plan provides for the extension of sanitary sewers along the Harmonsburg Road and Brooks Road areas. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Proposed Consent Order and Agreement

Nicolet Site, Borough of Norristown, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C.A. §§ 9601—9675), has entered into a Prospective Purchaser Agreement with 700 Washington Street Associates, L. P. (Washington) for reimbursement of certain response costs incurred to remediate hazardous substances from the Nicolet Site (Site), 600 and 700 E. Washington Street, Borough of Norristown, Montgomery County.

In April 1997, the Department conducted an investigation in response to the release or threat of release of hazardous substances at the Site. As a result of its investigation, the Department proposed and implemented an interim response action under the provisions of the HSCA. The interim response action consisted of removal of all contained hazardous waste at the site and further investigation to confirm that no uncontained hazardous wastes, hazardous substances or contaminated soil remained.

Washington has entered into an agreement to purchase the 700 E. Washington portion of the Site and plans to develop the property as a parking lot to support the proposed commercial/light industrial redevelopment on the adjacent parcel of the Site.

The Department has determined that it is in the public interest to resolve its claim against Washington. Therefore, Washington shall reimburse the Department for certain response costs in the amount of \$15,000 and shall receive contribution protection for claims related to its purchase and ownership of the Site.

This notice is provided under section 1113 of the HSCA (35 P.S. § 6020.1113), which states the "settlement shall become final upon the Department's filing of responses to significant written comments." The Consent Order and Agreement (CO&A) that contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 by contacting either David Ewald, (610) 832-6200, dewald@state.pa.us or William H. Blasberg, (610) 832-6010, wblasberg@state.pa.us. A public comment period on the CO&A will extend 60 days from June 14, 2003. Interested parties may submit written comments regarding the agreement within 60 days from June 14, 2003, by submitting them to David Ewald at the previous address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Palmer Town Center (former Bethlehem Corporation and Young Volkswagen Mazda), Palmer Township, Northampton County. Jim LaRegina, P. G., HRP Associates, Inc., 4807 Jonestown Road, Harrisburg, PA 17109 submitted an amended Cleanup Plan (on behalf of

Easton Center LLC, 18202 Minnetonka Boulevard, Suite 1, Wayzata, MN 55391) concerning the remediation of onsite shredded asphalt shingle waste materials. The amended report was submitted in partial fulfillment of a combination of the Nonresidential Statewide Health and Site-Specific Standards.

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

Former Raymark Industries Upper Mill, Manheim Borough, Lancaster County. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Phoenix Group II, LLC, 2600 Virginia Avenue NW, The Watergate, Suite 606, Washington, DC 20037, has submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, inorganics, lead, MTBE and other organics. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

Twin Oaks Nursing Center, South Londonderry Township, Lebanon County. Alliance Environmental Services, Suite B, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Twin Oaks Nursing Center, 90 West Main Street, P. O. Box 137, Campbeltown, PA 17010, submitted Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

Former Sterling Packaging Corporation, North Lebanon Township, Lebanon County. American Geosciences, Inc., 3925 Reed Boulevard, Murrysville, PA, on behalf of S & T Bank, 800 Philadelphia Street, Box 190, Indiana, PA 15701, submitted a Remedial Investigation and Risk Assessment concerning remediation of site groundwater and soils contaminated with chlorinated solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

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

Snyder Fuels, Inc. Release, Upper Mahanoy Township, Northumberland County. Chambers Environmental Group, Inc., on behalf of Snyder Fuels, Inc., 155 S. Tenth Street, Sunbury, PA 17801, has submitted a Final Report concerning soil and groundwater contaminated with BTEX. This Final Report is intended to demonstrate remediation of this site to meet the Statewide Health Standard.

Costy's Used Truck & Auto Parts, Inc., Richmond Township, Tioga County. Mountain Research, Inc., on behalf of David and Daniel Kurzejewski, 2395 S. Main Street, Mansfield, PA 16933, has submitted a Final Report concerning groundwater contaminated with BTEX, naphthalene, cumene and MTBE. This Final Report is intended to demonstrate a combination of the Site-Specific and Statewide Health Standards.

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

Chemetron True Temper Facility, Lake City Borough, Erie County. Christopher D. Tower, P. E., P. G., CD Tower & Associates, Inc., P. O. Box 307, Export, PA 15632 (on behalf of Progress Rail Services, Corp., 1185 Industrial Blvd., Boaz, AL 35957) has submitted a Final Report concerning remediation of soil and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide

Health Standards. Public notice in the *Erie Daily Times* will be complete on or about May 21, 2003.

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 and the administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

1008 Upper Gulph Road Site, Tredyffrin Township, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of 1008 Upper Gulph Assoc., LP, 1008 Upper Gulph Rd., Wayne, PA 19087, has submitted a Final Report concerning the remediation of site soil contaminated with lead, BTEX, PHCs and PAHs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 2, 2003.

Hoppes Facility, Sadsbury Township, **Chester County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Michaels of Oregon Co., 1710 Red Soils Court, Oregon City, OR 08807, has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with chlorinated solvents and other organics and site groundwater contaminated with chlorinated solvents and MTBE. The report and cleanup plan were approved by the Department on April 4, 2003.

Former McCandless Fuels, Inc., Facility, Narberth Borough, **Montgomery County**. Rodd W. Bender, Esq., Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Borough of Narberth, Municipal Bldg., 100 Conway Ave., P. O. Box 385, Narberth, PA 19072-0385, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with lead, BTEX, PAH, solvents, cumene and MTBE; and site groundwater contaminated with lead, BTEX, PAH, cumene and MTBE. The reports were approved by the Department on May 20, 2003.

Vacant Parcel (1126—1130 Spring Garden Street), City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, Inc., 1120 Welsh Rd., Suite 100, North Wales, PA 19454, on behalf of Ross Goldberg, Posel Management Co., 212 Walnut St., Philadelphia, PA 19106, has submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with inorganics and PAH. The report demonstrated attainment of Site-Specific Standards and was approved by the Department on May 15, 2003.

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

Bittel Property (60 West Spruce Street), City of Bethlehem, **Northampton County**. Jason L. Laub, Project Environmental Scientist, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of William Bittel, Blossom Hill Road, Nazareth, PA) concerning the remediation of soils found to have been accidentally contaminated with home heating oil. The report was submitted within 90 days of the release. It documented attainment of the Residential Statewide Health Standard and was approved on May 28, 2003.

Harry Gensemer Property, Borough of Pine Grove, **Schuylkill County**. Robert W. Hoeveler, Jr., Project Manager, Storb Environmental, 410 North Easton Road, Willow Grove, PA 19090-2511 submitted a Final Report (on behalf of Harry Gensemer, P. O. Box 166, Pine Grove, PA) concerning the remediation of soils found to have been accidentally contaminated with home heating oil. The report documented attainment of the residential Statewide Health Standard and was approved on May 27, 2003.

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

York Haven Hydroelectric Station Recreation Area, York Haven Borough, **York County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Metropolitan Edison, P. O. Box 16001, Reading, PA 19612, submitted a Final Report submitted a Final Report concerning the remediation of site soils and groundwater contaminated with PCBs, BTEX and PHCs. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 28, 2003.

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

Lock Haven—Former Athletic Fields, City of Lock Haven, **Clinton County**. Converse Consultants, on behalf of Lock Haven University Foundation, 126 Akeley Hall, Lock Haven, PA 17745, has submitted a Final Report concerning site soil contaminated with inorganics. The Final Report demonstrated attainment of the Background Standard and was approved by the Department on May 27, 2003.

Graymont (PA), Inc.—Pleasant Gap, Spring Township, **Centre County**. Graymont (PA), Inc., P. O. Box 448, North Thomas Street, Bellefonte, PA 16823, has submitted a Final Report concerning site soil contaminated with fuel oil no. 2. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 29, 2003.

International Paper—Lock Haven Mill, Castanea Township, **Clinton County**. International Paper Company, 555 South Highland Street, Lock Haven, PA 17745 has submitted a Final Report concerning site soil in the CL courtyard contaminated with lead. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 29, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit No. 101308. Waste Management of Pennsylvania, Inc.—Allentown Transfer Station, 2710 Golden Key Road, Kutztown, PA 19530. A permit renewing the Solid Waste Management Permit for the operation of this municipal waste transfer facility and material recovery facility (MRF) for commingled recycling. This permit allows Waste Management of Pennsylvania to continue to operate this facility in Weisenberg Township, **Lehigh County**, per the approved application and the terms and conditions of this permit. This facility receives wastes and commingled recyclables (mixed with waste) at the transfer building tipping floor, where the materials are separated for disposal or salvaged for further recycling within the MRF sections of the building. The MRF can directly receive source-separated recyclables that are not contaminated or otherwise managed as waste. The permit was issued in the Regional Office on April 9, 2003. This permit does not authorize any change to the facility's construction or operations.

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

Permit ID No. 100620. BFI Waste Systems of North America, Inc., 11 Boggs Road, P. O. Box 47, Imperial, PA 15126. An application for a major permit modification for operation plan revisions and a temporary daily tonnage increase at the Imperial Landfill in Findlay Township, **Allegheny County**. Permit issued in the Regional Office on May 29, 2003, approving revisions to the Operation Plan and temporarily increasing the maximum and daily tonnage rates until July 31, 2003, to accommodate a remediation project on Allegheny County Airport property in Findlay Township, Allegheny County.

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

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. PAD086673407. Safety Kleen Systems, Inc., 1606 Pittsburgh Avenue, Erie, PA 16505, Millcreek Township, **Erie County**. Permit renewal application for commercial hazardous waste storage facility. The draft permit was issued by the Northwest Regional Office on May 30, 2003.

Persons interested in reviewing the general permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

48-310-047: Stockertown Construction Materials—Division of Haines & Kibblehouse Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on May 28, 2003, for modification of a stone crushing plant and associated air cleaning devices at their facility in Stockertown Borough, **Northampton County**.

45-399-014: Aventis Pasteur, Inc. (Discovery Drive, Swiftwater, PA 18370) on May 27, 2003, for installation of an air cleaning device (replacement) to control the atmospheric emissions of the existing egg drying operation at their facility in Pocono Township, **Monroe County**.

13-00004: Vic's Time (450 Delaware Avenue, Palmerton, PA 18071) for operation of a spray booth in Palmerton Borough, **Carbon County**. This action is the issuance of a State-only Operating Permit as the renewal in place of the Title V Operating Permit, which was issued in 1997, since the emission level of VOCs has been reduced to below the threshold limit.

48-310-047: Stockertown Construction Materials—Division of Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for the operation of a stone crushing plant controlled by water

spray dust suppression systems and a fabric collector at their facility in Stockertown Borough, **Northampton County**. The crushing plant is a non-Title V facility. The fugitive dust emissions from the crushing plant will be controlled by the water spray dust suppression systems to the extent that the crushing plant will comply with the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2 and 40 CFR Part 60, Subpart 000—Standards of Performance for New Stationary Sources. In addition, the particulate emissions from the crushing plant's particle separation system fabric collector will not exceed the best available technology standard of 0.02 grain/dscf. The operating permit will include monitoring, work practices, reporting and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements.

39-00022: Sunoco Partners Marketing & Terminals, LP (1801 Market Street (10 PC), Philadelphia, PA 19103-1699) for the gasoline storage and distribution facility and associated air pollution control devices in Whitehall Township, **Lehigh County**.

40-00025: Sunoco Partners Marketing & Terminals, LP (1801 Market Street (10 PC), Philadelphia, PA 19103-1699) for the gasoline storage and distribution facility and associated air pollution control devices in Edwardsville Borough, **Luzerne County**.

39-00029: Gulf Oil, LP (90 Everett Avenue, Chelsea, MA 02150) for operation of a petroleum bulk storage and distribution facility in Whitehall Township, **Lehigh County**.

40-00028: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105) for operation of a petroleum bulk storage and distribution facility in Pittston Township, **Luzerne County**.

40-00014: Stroehmann Bakeries, L. C. (Kiwaniis Boulevard, Valmont Industrial Park, Hazleton, PA 18201) for operation of a bread products facility in Hazle Township, **Luzerne County**.

40-00027: Pennsylvania Power and Light, LLC (2 North Ninth Street, Allentown, PA 18101) for operation of emergency generators in Salem Township, **Luzerne County**.

45-00021: Pocono Medical Center (206 East Brown Street, East Stroudsburg, PA 18301) for operation of boilers and back-up generators in East Stroudsburg Borough, **Monroe County**.

54-00053: Pine Grove Manufactured Homes, Inc. (P. O. Box 128, Pine Grove, PA 17963) for application of adhesives and sealants in Pine Grove Township, **Schuylkill County**.

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

06-05069B: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) on May 24, 2003, for modification of a lead/acid battery assembly facility controlled by various scrubbers and fabric collectors in Richmond Township, **Berks County**. The modification is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.

28-03039A: Warriar Roofing Manufacturing of Pennsylvania, LLC (323 Development Avenue, Chambersburg, PA 17201) for the installation of a second asphalt roofing felt production line at the existing plant in Greene and Letterkenny Townships, **Franklin**

County. The project is subject to 40 CFR Part 60, Subpart UU—Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

ER-67-05059: American Color Graphics, Inc. (215 North Zarfoss Drive, York, PA 17404-5800) on May 28, 2003, for emission reduction credits for 9.6 tons of VOC resulting from the shut down of the lithographic printing facility in Penn Township, **York County**.

67-05100A: Cummins Power Systems, Inc. (2727 Ford Road, Bristol, PA 19007-6895) on May 27, 2003, for construction of ten no. 2 oil-fired 1,500 kW electrical generating units at its Zions View Substation in East Manchester Township, **York County**.

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

18-313-018D: Avery Dennison—Chemical Division (US) (171 Draketown Road, Mill Hall, PA 17751) on May 6, 2003, install of air cleaning device (a thermal oxidizer) on various pieces of chemical process equipment in Bald Eagle Township, **Clinton County**.

17-305-046: P & N Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767) on May 9, 2003, to modify a coal crushing, stockpiling and loading facility by increasing its process rate to a level in excess of the 200-ton per day plan approval exemption criteria in Goshen Township, **Clearfield County**. This facility is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

49-302-028A: Catawissa Lumber and Specialty Company, Inc. (Cemetery Street, Catawissa, PA 17820) on May 13, 2003, to install an air cleaning device (a fabric collector) on a 12.56 million Btu per hour woodwaste and no. 2 fuel oil-fired boiler in Ralpho Township, **Northumberland County**.

14-318-001B: Spectra Wood (2651 Carolean Industrial Drive, State College, PA 16801) on May 27, 2003, to modify a wood furniture finishing operation by increasing the allowable VOC emission rate from 12 tons in any 12 consecutive month period to 24 tons in any 12 consecutive month period in College Township, **Centre County**.

14-313-041A: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on May 27, 2003, to modify a chemical process facility and associated air cleaning devices (various condensers, a packed bed scrubber and a regenerative thermal oxidizer) to produce a new product identified as ROC7-2000 in College Township, **Centre County**.

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

43-037A: SQP Industries (2 North Sixth Street, Sharpsville, PA 16150) on May 22, 2003, to install a portable screener in Sharpsville, **Mercer 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, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

46-0014B: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041) on May 27, 2003, to operate a

tornado dust collector to exhaust in Upper Hanover Township, **Montgomery County**.

09-0105A: Naceville Materials (Route 309 and Springfield Street, Coopersburg, PA 19474) on May 29, 2003, to operate an asphalt batch plant in Springfield Township, **Bucks County**.

09-0125A: Naceville Materials (5031 Point Pleasant Pike, Doylestown, PA 18901) on May 29, 2003, to operate a crushing plant in Plumstead Township, **Bucks County**.

46-313-146: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) issued June 3, 2003, for the operation of a Base Pigment Dispersion Facility in Hatfield Township.

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

39-313-042: Filmtech Corp. (2121 31st Street Southwest, Allentown, PA 18103) to modify five polyethylene extrusion lines and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval was extended.

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

22-301-058: Department of Agriculture (2301 North Cameron Street, Harrisburg, PA 17110) on May 10, 2003, to construct an animal health laboratory multichambered incinerator, controlled by a Venturi wet scrubber and a mist eliminator in Susquehanna Township, **Dauphin County**. This plan approval was extended.

28-05015A: ISEI PA Blue Ridge Landfill Corp. (P. O. Box 399, Scotland, PA 17254) on May 24, 2003, to modify a municipal solid waste landfill controlled by an enclosed ground flare at their Blue Ridge Landfill in Greene Township, **Franklin County**. The landfill and its gas collection system are subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. This plan approval was extended.

31-05003A: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on May 24, 2003, to modify the General Electric frame five natural gas fired turbine, controlled by dry low NOx combustion system and oxidation catalyst at their Entriken Compressor Station in Todd Township, **Huntingdon County**. This modification is subject to 40 CFR Part 60, Subpart 60—Standards of Performance for Stationary Gas Turbines. This plan approval was extended.

67-03058A: Coates Electrographics, Inc. (1160-A Fahs Street, York, PA 17404) on May 9, 2003, to install a new toner manufacturing system controlled by four fabric filter dust collectors at their facility in West Manchester Township, **York County**. This plan approval was extended.

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

55-399-005: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842) on May 22, 2003, to operate a modular home manufacturing facility on a temporary basis until September 19, 2003, in Middleburg Borough, **Snyder County**. The Plan Approval and authorization were extended.

53-00004B: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222) on May 23, 2003, to operate three 2,000 horsepower natural gas-fired reciprocating

cating internal combustion compressor engines (engines 2, 4 and 5) on a temporary basis, until September 20, 2003, at the Harrison Compressor Station in Harrison Township, **Potter County**. The Plan Approval and authorization were extended.

55-399-005: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842) on May 27, 2003, to approve the construction of a spray booth, require the use of lower VOC and HAP content adhesives and establish usage restrictions on additional surface coating materials in a modular home manufacturing facility in Middleburg Borough, **Snyder County**.

14-313-042: Rutgers Organics Corp. (201 Struble Road, State College, PA 16801) on May 27, 2003, to allow the use of water as a coolant instead of glycol in condensers used to control VOCs from a chemical process facility in College Township, **Centre County**.

49-331-001: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on May 21, 2003, to operate the hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quench, Venturi scrubber, tray tower scrubber and wet electrostatic precipitator) identified in the respective plan approval on a temporary basis until September 18, 2003, at the Cherokee Plant in Riverside Borough, **Northumberland County**. The authorization and Plan Approval were extended.

41-303-009: HRI, Inc. (1750 West College Avenue, State College, PA 16801) on May 30, 2003, to extend the plan approval, as well as the authorization to operate a batch asphalt plant and associated air cleaning device (a fabric collector) on a temporary basis, until September 27, 2003, in the City of Williamsport, **Lycoming County**.

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

11-00356A: Dominion Peoples Natural Gas Co. (Dominion Tower, 20th Floor, 625 Liberty Avenue, Pittsburgh, PA 15222) to install a glycol dehydration system and a gas fired heater at the Rager Mount, Laurel Ridge Station in Jackson Township, **Cambria County**. This plan approval was extended.

32-00364A: Rosebud Mining (301 Market Street, Kittanning, PA 16201) to construct a stockpile and screen plant at Josephine No. 3 Deep Mine in Center Township, **Indiana County**. This plan approval was extended.

65-657A: Tresco Paving Corp. (P. O. Box 14004, Pittsburgh, PA 15239) to construct a drum mix asphalt plant in Salem Township, **Westmoreland County**. This plan approval was extended.

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

AMS 02109, AT&T, 23 John Reading Road, Flemington, NJ 08822. The Plan Approval issued was amended to change operation of six 750 kW turbine generators at 500 South 27th Street, Philadelphia, PA 19146, from peak shaving to emergency operation only in Philadelphia, **Philadelphia County**.

Plan Approvals denied, terminated, modified, suspended or revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.13b and 127.13c.

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

53-0003A: National Fuel Gas Supply Corporation (P. O. Box 2081, Erie, PA 16512) on May 13, 2003, for an 8,070 horsepower natural gas-fired reciprocating internal combustion compressor engine and associated air cleaning device (an oxidation catalyst) due to the applicant's failure to demonstrate that the NOx emissions from the engine would be the lowest achievable emission rate, that best available control technology would be applied to control the NOx emissions and that the NOx emissions would be controlled to the maximum extent, consistent with the best available technology at the Ellensburg Compressor Station in Allegany Township, **Potter County**.

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

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

54-00011: PPL—Martin Creeks, LLC (2 North Ninth Street, Allentown, PA 18101) on May 22, 2003, to operate a Facility Title V Operating Permit in Norwegian Township, **Schuylkill County**.

35-00007: Department of Public Welfare—Clarks Summit State Hospital (1451 Hillside Drive, Clarks Summit, PA 18411) on May 22, 2003, to operate a Facility Title V Operating Permit in Newton Township, **Lackawanna County**.

40-00020: Department of Public Welfare—White Haven Center (R. R. 2, Box 2195 White Haven, PA 18651) on May 22, 2003, to operate a Facility Title V Operating Permit in Foster Township, **Luzerne County**.

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

21-05027: Gulf Oil, LP (P. O. Box 9151, Chelsea, MA 02150-2337) to operate a petroleum product storage and loading facility at their Mechanicsburg Terminal in Hampden Township, **Cumberland County**. This is renewal no. 1 of the Operating Permit.

28-05028: Allegheny Energy Supply Co., LLC (4350 Northern Pike, Monroeville, PA 15146-2841) on May 22, 2003, to operate a power plant in Guilford Township, **Franklin County**.

29-05001: JLG Industries, Inc. (1 JLG Drive, McConnellsburg, PA 17233) on May 29, 2003, to operate an aerial work platform and telescoping material handler manufacturing facility in Ayr Township, **Fulton County**.

36-05066: U. S. Lock & Hardware Co. (P. O. Box 60, Columbia, PA 17512) on May 30, 2003, to operate a gray and ductile iron foundry in Columbia Borough, **Lancaster County**. This is renewal no. 1 of the Operating Permit.

67-05007: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327) on May 27, 2003, to operate an adhesive coating facility in Springfield Township, **York County**. This is renewal no. 1 of the Operating Permit.

Operating Permits for non-Title V facilities issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

39-318-110: Prior Coated Metals Inc. (2233 26th Street, Southwest, Allentown, PA 18103) to operate a coil coating line and associated air cleaning device at their facility in Allentown, **Lehigh County**.

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

21-05021: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105) on May 22, 2003, to operate a petroleum product storage and loading facility at their Mechanicsburg North Terminal in Silver Spring Township, **Cumberland County**.

28-03009: Casting Technologies, Inc. (P. O. Box 398, Waynesboro, PA 17268) on May 28, 2003, to operate their iron foundry in Waynesboro Borough, **Franklin County**.

36-03142: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on May 29, 2003, to operate a crushing plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**.

36-05003: Armstrong World Industries, Inc. (P. O. Box 3001, Lancaster, PA 17603-3001) on May 23, 2003, to operate their Innovation Center for research and development in Manor Township, **Lancaster County**.

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

17-00002: Dominion Transmission Inc. (625 Liberty Avenue Pittsburgh, PA 15222), on November 7, 2002, was issued a State-only Operating Permit for their natural gas storage and transmission facility (Helvetia Station) in Brady Township, **Clearfield County**. This State-only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00004: The Colonial Furniture Co. (P. O. Box 17, Freeburg, PA 17827-0117) on April 14, 2003, was issued a State-only (Synthetic Minor) Operating Permit for their wood furniture manufacturing facility in Freeburg Borough, **Snyder County**. The facility's main sources include: four no. 2 fuel oil fired boilers, six paint spray booths and woodworking operations. The State-only (Synthetic Minor) Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

55-00003: Susquehanna University (514 University Avenue, Selinsgrove, PA 17870-1075) on April 14, 2003, was issued a State-only (Synthetic Minor) Operating Permit for their university campus in Selinsgrove Borough, **Snyder County**. The facility's main sources include: 2 bituminous coal fired boilers, a natural gas/no. 2 fuel oil fired boiler, 11 small natural gas fired combustion units, 19 small no. 2 fuel oil fired combustion units, 6 natural gas fired emergency generators, 3 propane fired emergency generators and 2 parts cleaning stations. The State-only (Synthetic Minor) Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

14-00029: Con-Stone, Inc. (P. O. Box 28, Bellefonte, PA 16823) on April 7, 2003, was issued a State-only (Synthetic Minor) Operating Permit for their limestone crushing facility in Haines Township, **Centre County**. The facility's main sources include a diesel generator, primary crusher, secondary crusher, portable crusher and associated various material sizing and conveying equipment. The State-only (Synthetic Minor) Operating Permit includes all applicable regulatory requirements including

the Federal Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR Part 60, Subpart 000). The State-only (Synthetic Minor) Operating Permit contains all applicable monitoring, recordkeeping and reporting conditions.

14-00016: Penns Valley Area School District (4528 Penns Valley Road, Spring Mills, PA 16875) on June 2, 2003, was issued a State-only (Synthetic Minor) Operating Permit for their junior-senior high school facility in Penn Township, **Centre County**. The facility's main sources include one coal fired boiler, two no. 2 fuel oil fired boilers, one no. 2 fuel oil fired water heater, one propane fired emergency generator and one no. 2 fuel oil fired emergency generator. The State-only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00023: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044), on April 14, 2003, was issued a State-only Operating Permit for their crushed and broken limestone facility in Lamar Township, **Clinton County**. The facility's main sources include a primary crusher, secondary crusher and tertiary crusher and associated various material sizing and conveying equipment. The State-only Operating Permit includes all applicable regulatory requirements including the Federal Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR Part 60, Subpart 000). The State-only Operating Permit contains all applicable monitoring, recordkeeping and reporting conditions.

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

43-00010: Jamestown Paint Co. (108 Main Street, Jamestown, PA 16134) in the Borough of Jamestown, **Mercer County**. The facility's primary emissions are from the storage and processing of VOCs used in the paint making process.

43-00289: Spang and Company—Power Electronics Division (5241 Lake Street, Sandy Lake, PA 16145) in Sandy Lake Township, **Mercer County**. The facility's primary source of emissions is from surface coating operations.

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.

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

01-05002: Masterbrand Cabinets, Inc. (P. O. Box 5, Littlestown, PA 17340) on May 28, 2003, to operate their Littlestown facility in Littlestown Borough, **Adams County**. The Title V Operating Permit was administratively amended to incorporate Plan Approval No. 01-05002A into the permit. This is Revision No. 1 of the operating permit.

28-05028: Allegheny Energy Supply Co., LLC (4350 Northern Pike, Monroeville, PA 15146-2841) on May 22, 2003, to operate a power plant in Guilford Township, **Franklin County**. The Phase II Acid Rain Permit was issued.

36-05062A: Manheim Auto Auction (1190 Lancaster Road, Manheim, PA 17545) on May 30, 2003, to operate

an automobile reconditioning facility in Penn Township, **Lancaster County**. The State-only Operating Permit was modified to update current limitations in the permit. This is Revision No. 1 of the operating permit.

67-05042: Hanover Foods Corp. (P. O. Box 334, Hanover, PA 17331) on May 28, 2003, to operate the boiler plant at their Hanover Cannery plant in Penn Township, **York County**. The Title V Operating Permit was administratively amended to update the reporting periods for the permit. This is Revision No. 1 of the operating permit.

67-05094: Dairy Farmers of America (P. O. Box 4810, Syracuse, NY 13221-4810) on May 28, 2003, to operate a 40 mmBtu/hr Keeler boiler fired by No. 4 fuel oil or natural gas in the City of York, **York County**. The State-only operating permit was administratively amended to reflect a change in ownership from Kemp Foods, LLC to Dairy Farmers of America. This is Revision No. 1 of the operating permit.

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

8-399-003D: OSRAM SYLVANIA Products Inc. (Hawes Street, Towanda, PA 18848) on May 29, 2003, to incorporate conditions established in Plan Approval 8-399-003E for a molybdenum pentachloride reactor prescrubber in North Towanda Township, **Bradford County**.

4900007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on April 9, 2003, was issued a revised Operating Permit, Revision No. 4 for their pharmaceutical, pesticide and chemical manufacturing facility in Riverside Borough, **Northumberland County**. The revision of this permit is to incorporate terms and conditions from Plan Approval 49-313-032J for the operation of a new 30,000 gallon waste solvent storage tank (TA-814) and a new combination Venturi jet/packed bed caustic scrubber (CL-1053) and for the control of additional process sources by either the T-Thermal model Sub-X (IN-226) fume incinerator or the T-Thermal LPV-14 M (IN-5000) thermal oxidizer. In addition, this revision includes other administrative changes to the Title V Operating Permit as specified in Merck's letter to the Department dated July 11, 2002. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-00003: CraftMaster Manufacturing Inc. (P. O. Box 311 Towanda, PA 18848). Under 25 Pa. Code §§ 127.521 and 127.541, the Department issued a revised Title V Operating Permit Revision No. 1 on March 27, 2003, to CraftMaster for their reconstituted wood products production facility in the Wysox Township, **Bradford County**. The revised Operating Permit addressed CraftMaster's concerns with the existing Operating Permit conditions including monitoring, recordkeeping and reporting requirements. The revision also corrected misidentified sources and included air emission sources that were not included in the original issuance of the Title V Operating Permit. The Title V Operating Permit contains all applicable regulator requirements including monitoring, recordkeeping and reporting conditions.

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

24-00120: Dominion Transmission Inc.—Ardell Station (R. D. Box 101-C, Quahanna Highway, State Road Number 2004, Luthersburg, PA 15848) on May

6, 2003, for an administrative amendment of the facility's Title V Operating Permit to incorporate the conditions from Plan Approval number 24-0120B. The facility operates a natural gas compression station in Benezette Township, **Elk County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permit Actions

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

54020201. Stoudt's Ferry Preparation Co., Inc. (P. O. Box 279, St. Clair, PA 17970), commencement, operation and restoration of a coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 66.0 acres, receiving stream: none. Application received January 29, 2002. Permit issued May 29, 2003.

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

03841601. NPDES Permit PA0213501, Rosebud Mining Co. (R. D. 9, Box 379A, Kittanning, PA 16201-9642), to renew the permit for the Bostonia Coal Prep Plant in Perry Township, **Armstrong County**, for reclamation only, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 28, 2003.

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

56920109 and NPDES Permit No. PA0212199. Heritage Mining Company, P. O. Box 126, Cresson, PA 16630, permit renewal for reclamation only and continued restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 46.1 acres. Receiving streams: unnamed tributary to Stonycreek (CWF) and Oven Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek surface water withdrawal. Application received January 6, 2003. Permit issued May 23, 2003.

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

30980101 and NPDES Permit No. PA0202304. Coresco, Inc. (P. O. Box 1209, Morgantown, WV 26507). Renewal issued for continued operation and reclamation of a bituminous surface mine in Dunkard Township, **Greene County**, affecting 148.4 acres. Receiving streams: unnamed tributary to Dunkard Creek to Monongahela River. Application received February 6, 2003. Renewal issued May 28, 2003.

Noncoal Permit Actions

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

58030802. Panzitta Stone Company, LLC (215 North Main Street, Wilkes-Barre, PA 18702), commencement, operation and restoration of a small bluestone quarry in Oakland Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: tributary to Susquehanna River. Application received February 27, 2003. Permit issued May 28, 2003.

8274SM4A2C4. Rohrer's Quarry, Inc. (70 Lititz Road, P. O. Box 365, Lititz, PA 17543), correction to an existing quarry operation in Penn and Warwick Townships, **Lancaster County** affecting 168.2 acres, receiving stream: unnamed tributary of Little Conestoga Creek. Application received December 9, 2002. Correction issued May 29, 2003.

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

40A76SM1 and NPDES Permit No. PA0212521, Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of an NPDES permit, Elk Lick Township, **Somerset County**. Receiving streams: unnamed tributary to Laurel Run (WWF). There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2003. Permit Issued May 29, 2003.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

35034009. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Scott Township, **Lackawanna County** with an expiration date of December 31, 2003. Permit issued May 29, 2003.

15034006. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in Easttown Township, **Chester County** with an expiration date of June 14, 2004. Permit issued May 29, 2003.

36034050. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Lititz Borough and Warwick Township, **Lancaster County** with an expiration date of June 12, 2008. Permit issued May 29, 2003.

48034015. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Lower Macungie Township, **Northampton County** with an expiration date of June 20, 2004. Permit issued May 29, 2003.

28034018. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting in Peters Township, **Franklin County** with an expiration date of August 7, 2003. Permit issued May 29, 2003.

21034022. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting in Shippenburg Borough, **Cumberland County** with an expiration date of December 12, 2003. Permit issued May 29, 2003.

36034049. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Paradise Township, **Lancaster County** with an expiration date of August 12, 2003. Permit issued May 29, 2003.

36034048. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Denver Borough, **Lancaster County** with an expiration date of June 12, 2008. Permit issued May 29, 2003.

48034014. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Lower Nazareth Township, **Northampton County** with an expiration date of June 19, 2004. Permit issued May 29, 2003.

67034026. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of July 8, 2003. Permit issued May 29, 2003.

22034010. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of June 14, 2004. Permit issued May 29, 2003.

15034007. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting in East Goshen Township, **Chester County** with an expiration date of June 14, 2004. Permit issued May 29, 2003.

36034051. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Manheim Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued May 29, 2003.

67034027. J. A. Myers Building (160 Ram Drive, Hanover, PA 17331) and **D. C. Guelich Explosive** (P. O. Box 245, Thomasville, PA 17364), construction blasting in East Manchester and Manchester Townships, **York County** with an expiration date of December 15, 2003. Permit issued May 29, 2003.

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

26034003. Penn Transportation Services, Inc. (P. O. Box 110, Uniontown, PA 15401). Blasting activity permit issued for construction in South Union Township, **Fayette County**, with an expected duration of 120 days. Permit issued May 28, 2003.

65034001. Mascaro Contracting (4455 William Penn Highway, Murrysville, PA 15668). Blasting activity permit issued for construction in Murrysville Township, **Westmoreland County**, with an expected duration of 120 days. Permit issued May 28, 2003.

02034006. Allegheny Excavating, Inc. (2591 Wexford Bayne Road, Sewickley, PA 15143). Blasting activity permit issued for construction in Ohio Township, **Allegheny County**, with an expected duration of 30 days. Permit issued June 2, 2003.

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

17034003. HRI, Inc., 1750 West College Avenue, P. O. Box 155, State College, PA 16804, for construction blasting, in Lawrence Township, **Clearfield County**, with an expected duration of 28 days. Permit issued May 28, 2003.

14034006. Stone Valley Construction, Inc., P. O. Box 369, Pine Grove Mills, PA 16868, for construction blasting, in State College Borough, **Centre County**, with an expected duration of 7 months. Permit issued May 27, 2003.

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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-644. Chester Valley Golf Club, 430 Swedesboro Road, Malvern, PA 19355, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain facilities associated with the stream bank rehabilitation plan for the Chester Valley Golf Club. The work will take place along two unnamed tributaries to Valley Creek (EV) which traverse the golf club along Swedesford Road between the SR 202 overpass and Church Road (Malvern, PA Quadrangle N: 7.8 inches; W: 8.8 inches).

Activities List

1. To regrade the stream banks and to place and maintain approximately 100 linear feet of riprap at two locations.
2. To relocate a stream through a stone pond (nonjurisdictional dam) near the pump house.
3. To replace and maintain an existing culvert with a 12-foot by 4.5-foot corrugated metal arch bridge.
4. To install and maintain a bulkhead along the main pond to stabilize its banks.
5. To stabilize and maintain approximately 560 linear feet of stream bank at various locations with biologs and vegetation.
6. To modify and maintain an existing pedestrian stream crossing by installing macadam curb along its length.
7. To install and maintain 200 linear feet of gabion stream bank stabilization at three locations.
8. To install a sluice gate at a pond inflow pipe and to construct a diversion berm to redirect stream flow beneath an existing golf cart bridge along the 1st fairway.
9. To include the Trout Unlimited Growing Greener sponsored project that involves the stabilization and maintenance of approximately 300 linear feet of stream banks, construction of gabion walls and removal of debris from the westerly tributary south of the golf course.

E15-703. Pennsylvania Suburban Water Company, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489, Schuylkill Township, **Chester County**, ACOE Philadelphia District.

To modify and maintain the existing Pickering West Water Treatment Plant which includes the following activities in the 100-year floodplain of Pickering Creek (WWF).

1. The installation of two new 30-ton, 14-foot diameter hydrated lime storage silos which will be erected on a 20-foot by 30-foot concrete pad.
2. The installation of chemical feed lines, meters and chlorine residual analyzers.
3. The operation and maintenance of an existing pipe bridge and to install and maintain a new 16-inch water utility line on this bridge.

The Pickering West Water Treatment Plant is at the intersection of Valley Forge Road (SR 23) and McAvoy

Lane (Valley Forge, PA Quadrangle N: 22.00 inches; W: 16.5 inches).

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

E36-752: Borough of Marietta, 111 East Market Street, Marietta, PA 17547 in Marietta Borough, **Lancaster County**, ACOE Baltimore District.

To remove 100 linear feet of the existing cut stone retaining wall and: (1) to construct and maintain 100 linear feet of cast-in-place concrete retaining wall 6 feet 9 inches high; and (2) to install a 15-inch diameter CMP stormwater outlet at a point north of Market Street within Evans Run (WWF) (Columbia West, PA Quadrangle N: 10.5 inches; W: 7.1 inches) in Marietta Borough, Lancaster County.

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

To remove the existing culverts and then to construct and maintain a 91-inch by 58-inch elliptical reinforced concrete pipe culvert, a 48-inch by 76-inch elliptical reinforced concrete pipe culvert and a 11-foot by 6-foot concrete box culvert at the channel of an unnamed tributary to Doubling Gap Creek (CWF) and its overflow channel on SR 0997, Segment 0250, Offset 2232, about 0.7 mile southwest of the Village of McCrea (Newville, PA Quadrangle N: 19.83 inches; W: 10.68 inches) in Lower Mifflin Township, Cumberland County.

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

E14-417A4. Penns Valley Conservation Association, 249 Madisonburg Pike, Madisonburg, PA 16852. Cattle Crossings in Miles Township, **Centre County**, ACOE Baltimore District (Woodward, PA Quadrangle N: 16.25 inches; W: 13.0 inches).

To construct and maintain: (1) a 12-foot by 40-foot stone cattle crossing 200 feet upstream of the Wolfe's Gap Road bridge over Elk Creek; and (2) a 12-foot by 40-foot stone cattle crossing 500 feet upstream of the Wolfe's Gap Road bridge over Elk Creek as part of a stream bank fencing project on the Mahlon King farm. This project proposes to directly impact 24 feet of Elk Creek (EV-CWF basin). This amendment also includes 401 Water Quality Certification.

E14-442. John Pascavage and Connie Jones, 80 Shultz Lane, Warriors Mark, PA 16877. Water Obstruction and Encroachment Permit Application in Halfmoon Township, **Centre County**, ACOE Susquehanna River Basin District (Port Matilda, PA Quadrangle N: 1.2 inches; W: 5.2 inches).

To remove an existing timber frame bridge and construct and maintain a single span steel frame bridge having a minimum span of 10 feet, a minimum underclearance of 5 feet and 14 feet wide over Halfmoon Creek. The site is 1.5 miles south of SR 0550 along T-966 in Halfmoon Township, Centre County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-353. Ronald L. and Yvonne M. Peters, 20 Acorn Drive, Lock Haven, PA 17745. Pavilion in Floodway in Woodward Township, **Clinton County**, ACOE Baltimore

District (Lock Haven, PA Quadrangle N: 4.13 inches; W: 5.5 inches).

To construct and maintain: (1) an open sided pavilion 31 feet by 24 feet; (2) at grade sidewalk 72 feet by 3 feet; and (3) 40 cubic yards of 12 inch to 18 inch riprap for protection along 75 linear feet of stream bank and reinforcement of exposed root structures in the floodway of the West Bank Susquehanna River (WWF). The project is off the north bank of the West Branch Susquehanna River off Havenview Drive approximately 2,300 feet southwest of the intersection of SR 1001 with Havenview Drive in Woodward Township, Clinton County. The project will not impact wetlands while impacting 75 feet of waterway. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E19-235. Berwick Area Joint Sewer Authority, 7474D Columbia Boulevard, Berwick, PA 18603. 36 inch Interceptor Sewer in Berwick Borough, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 7.6 inches; W: 1.35 inches).

To construct and maintain approximately 8,500 linear feet of interceptor sewer line and solids removal equipment for combined sewer overflows in the floodplain of the Susquehanna River (WWF) beginning approximately 200 feet east of the southern intersection of South Eaton Street with the railroad tracks and proceeding in an easterly direction adjacent to the south side of the railroad tract. The project will not impact wetlands or waterways. This permit was issued under section 105.139e "Small Projects."

E41-522. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0414 Section 017 Pine Creek Bridge Replacement in McHenry Township, **Lycoming County**, ACOE Susquehanna River Basin District (Jersey Mills, PA Quadrangle N: 19.1 inches; W: 4.2 inches).

To remove an existing two span steel bridge and construct and maintain a three span reinforced concrete girder bridge having a clear span of 392.2 feet, with an average underclearance of 14.28 feet on a skew of 60° over Pine Creek along SR 0414 Section 017 and to construct, maintain and remove a temporary causeway as well as construct a sand bag, concrete barrier all of which is in McHenry Township, Lycoming County. This permit also authorizes the construction, operation, maintenance and removal of temporary construction causeways, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts, or other nonerrodible material. Upon completion of the bridge construction, all temporary structures shall be completely removed from the channel and floodplain.

E41-523. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0015 Section 077 Market Street Bridge Replacement in South Williamsport Borough, Loyalsock Township and City of Williamsport **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 20.5 inches; W: 17.0 inches).

To remove an existing six-span steel I-beam bridge and construct and maintain an eight-span prestressed concrete girder bridge having a clear span of 1,109 feet, with an minimum underclearance of 13.5 feet on a skew of 90° over West Branch Susquehanna River (WWF) along SR 0015 Section 077 and to construct, maintain and remove

a temporary causeway in South Williamsport Borough, Loyalsock Township and City of Williamsport, Lycoming County. This project proposes to have a minimal impact on West Branch Susquehanna River. This permit also authorizes the construction, operation, maintenance and removal of temporary construction causeways, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts or other nonerodible material. Upon completion of the bridge construction, all temporary structures shall be completely removed from the channel and floodplain.

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

E10-371, Grandview Development Corporation, P. O. Box 163, Curwensville, PA 16833. Grandview Development Group Student Housing in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 10.5 inches; W: 5.25 inches).

The applicant proposes to construct two 12-unit apartment buildings for student housing at 347 Kiester Road involving: (1) permanent fill of 0.048 acre of de minimis PSS wetlands; (2) construction and maintenance of a stormwater outfall discharging approximately 10 feet upgradient of a PSS wetlands and having an 1.5-foot diameter plastic pipe; and (3) construction and maintenance of three 90-foot long reinforced concrete elliptical culverts placed side by side and each having a 5-foot wide by 3.16-foot high waterway opening in an unnamed tributary to Slippery Rock Creek (CWF, perennial). The project proposes to directly affect 0.048 acre of PSS wetlands and 90 linear feet of stream channel.

E16-119, Pennsylvania American Water Company, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033. Pennsylvania American Waterline in Clarion, Paint and Elk Townships, **Clarion County**, ACOE Pittsburgh District.

To install and maintain drinking water distribution lines across the following streams in Clarion, Paint and Elk Townships, Clarion County:

1. A 16-inch diameter ductile iron pipe across the Clarion River approximately 800 feet downstream of SR 322 (immediately upstream of the old SR 322 bridge location) (Clarion, PA Quadrangle Latitude: 41°, 13', 24' north; Longitude 79°, 24', 11' west) in Clarion and Paint Townships.

2. A 12-inch diameter ductile iron pipe across Paint Creek within the existing SR 322 roadway embankment approximately 0.8 mile east of SR 208 (Clarion, PA Quadrangle Latitude: 41° 14', 47' north; Longitude 79°, 26', 49' west) in Shippensburg Borough.

3. A 12-inch diameter ductile iron pipe across Deer Creek along SR 208 approximately 0.6 mile south of SR 322 (Clarion, PA Quadrangle Latitude: 41°, 14', 45' north; Longitude 79°, 28', 16' west) in Elk Township.

4. A 12-inch diameter ductile iron pipe across a tributary to Deer Creek along SR 208 approximately 1 mile south of SR 322 (Clarion, PA Quadrangle Latitude 41°, 14', 37' north; Longitude 79°, 28', 51' west) in Elk Township.

E25-660, North East Borough Water Authority, 31 West Main Street, North East, PA 16428. North East Borough Water Authority Lake Erie Water Intake in North East Township, **Erie County**, ACOE Pittsburgh

District (North East, PA Quadrangle N: 21.2 inches; W: 11.2 inches).

To construct and maintain a 36-inch diameter water intake pipeline extending approximately 2,700 feet into Lake Erie west of the mouth of Sixteenmile Creek and a pump station along the west side of Sixteenmile Creek approximately 500 feet upstream of its mouth. Overall project includes activities previously authorized by other Department permits including GP052599618 for an 18-inch diameter raw water line across Sixteenmile Creek extending east from the proposed pump station.

E25-661, Behrend College, 5091 Station Road, Erie, PA 16563-0001. Behrend Research and Economic Development Center in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Hammett, PA Quadrangle N: 21.5 inches; W: 14.2 inches).

To fill 0.1 acre of wetland (PFO) for construction of the Behrend Research and Economic Development Center building along Jordan Road approximately 0.3 mile west of Station Road at Pennsylvania State University—Behrend College. Project proposes the creation of 0.15 acre of replacement wetland through modification of an existing pond.

E25-663, Wal-Mart Stores, Inc., 2001 South East 10th Street, Bentonville, AR 72716. Wal-Mart Supercenter in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Harborcreek, PA Quadrangle N: 6.0 inches; W: 12.5 inches).

The applicant proposes to develop a Wal-Mart Supercenter retail facility involving: (1) to fill a de minimis area of PEM wetlands (0.0402 acre); and (2) to impact a total of approximately 3,150 feet of unnamed tributaries to Sixmile Creek (CWF-MF) having a total drainage area of less than 100 acres approximately 0.7 mile west of the intersection of SR 20 and SR 531 (Depot Road). The project includes the creation of 0.1 acre of onsite replacement wetlands. The project proposes to directly affect 0.0402 acre of PEM wetlands and 3,150 linear feet of stream channel.

E5914-001, Borough of Elkland, 105 Parkhurst Avenue, Elkland, PA 16920 in the Borough of Elkland, **Tioga County**, ACOE Baltimore District, Small Projects Permit Application.

To remove concrete bridge abutments from the former Penn Central Railroad bridge along Camp Brook (WWF) at the end of Proctor Avenue and approximately 400 feet downstream of the Industrial Road bridge. This existing encroachment restricts the channel width of Camp Brook resulting in higher backwater depths during high flows. The project would include removing and disposing, off-site, a stonewall, concrete abutments, wingwalls and retaining walls, including all reinforcement, then shaping the streambanks on a 1:2 slope. Remove and dispose, offsite, a concrete slab plus all reinforcement in the streambed within the project limits. The approximate size of the slab is 20 feet wide by 25 feet long. Finish grade disturbed areas then install erosion control matting on sloped areas of the streambanks and place topsoil and seed these areas. All other disturbed areas will be graded, seeded and mulched. The project would impact approximately 200 feet of the channel. All work under this project will be confined within the stream banks of Camp Brook (Elkland, PA Quadrangle N: 21.25 inches; W: 8.05 inches).

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

E24-230, John T. Rogers, 214 West Fourth Street, Emporium, PA 15834. Whitman Hollow Pond in the City of Saint Marys, **Elk County**, ACOE Pittsburgh District (Wildwood Fire Tower, PA Quadrangle N: 0.5 inch; W: 13.1 inches).

To construct and maintain water intake sump structure with a 4-inch diameter intake pipe excavated into the channel of Whitman Hollow, a tributary to North Fork West Creek (HQ-CWF) approximately 500 feet upstream of the mouth and a 12-inch diameter outfall pipe with rock outlet protection along the left bank approximately 325 feet upstream of the mouth to draw water into and discharge from an excavated pond measuring approximately 130 feet long by 50 feet wide adjacent to the left (south) assumed 50-foot floodway of the stream.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In May 2003, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Chad Albright	3810 Broad Avenue Altoona, PA 16601	Testing
Arick Amspacker	77 West Broad Street, Suite 15C Bethlehem, PA 18018	Testing
Brian Bacchus	251 Fox Meadow Drive Wexford, PA 15090	Testing
Jay Bauder	3 Yoder Lane Newmanstown, PA 17073	Mitigation
Benchmark Home Professional Home Inspection, Inc.	219 West Grove Street Clarks Summit, PA 18411	Testing
Deborah Buck Pennsylvania Radon Testing Service	1009 Primrose Avenue Stroudsburg, PA 18360	Testing
H. Edward Carr, Jr. EIC, Inc.	780 Eden Road Lancaster, PA 17601	Mitigation
Jeffrey DelGuercio	609 Sanderson Street Throop, PA 18512	Testing
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing Laboratory
Mark Dolph	R. R. 8 Box 8320 Moscow, PA 18444	Testing
Todd Giddings & Associates	3049 Enterprise Drive State College, PA 16801	Testing
Robert Meyer, Jr.	2843 North Front Street Harrisburg, PA 17110	Mitigation
Patrick Moran	4601 Locust Lane, Suite 303 Harrisburg, PA 17109	Testing
James Nase Moyer and Son, Inc.	113 E. Reliance Road P. O. Box 64198 Souderton, PA 18964	Testing
John Platz	2006 West 51st Street Erie, PA 16509	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Brian Reuss	9125 Marshall Road, Suite B-12 Cranberry Township, PA 16066	Testing
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory
ValueGuard USA, Inc.	44 West Lancaster Avenue, Suite 220 Ardmore, PA 19003	Testing
Edward Verna, Sr.	1703 South 5th Avenue Lebanon, PA 17042	Mitigation

[Pa.B. Doc. No. 03-1127. Filed for public inspection June 13, 2003, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance

DEP ID: 013-0830-008. Title: Geospatial Digital Data Submission Guideline. Description: This policy establishes the processes, standards, requirements and acceptable formats for submitting external and internal GeoSpatial electronic digital data. The intent of this policy is to ensure the uniformity, reliability, quality and compatibility of electronic digital data created and received by the Department. Effective Date: June 14, 2003. Contact: Rick Bennett, (717) 705-3870, ribennett@state.pa.us.

Notice of Intent to Rescind

DEP ID: 363-0200-001. Title: Wetlands Protection Action Plan. Description: This guidance is outdated as a source of public information. Whereas some of the items in the Action Plan have been completed, the remainder will not be addressed as described in the plan due to changes in Federal and State regulations and policies.

Contact: Ken Reisinger, (717) 787-6827, kreisinge@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1128. Filed for public inspection June 13, 2003, 9:00 a.m.]

Mining and Reclamation Advisory Board; Orphan Mine Task Force Meeting Cancellation

The Mining and Reclamation Advisory Board (MRAB), Orphan Mine Task Force (Task Force) meeting scheduled for Monday, June 16, 2003, has been canceled. The status report of the Task Force will be provided at the next MRAB meeting on July 9 and 10, 2003. This meeting will include a field trip to various mined sites in western Pennsylvania, with the meeting site to be determined. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>. For more information, contact Joseph Schueck, (717) 783-5633, jschueck@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 787-7382 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. 03-1129. Filed for public inspection June 13, 2003, 9:00 a.m.]

Pennsylvania Bituminous Mine Safety Advisory Committee Meeting Cancellation

The July 9, 2003, meeting of the Pennsylvania Bituminous Mine Safety Advisory Committee has been cancelled. Future meetings are postponed and will be held at the discretion of the chairperson. For information, contact Allison Gaida, (724) 439-7289, agaida@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1130. Filed for public inspection June 13, 2003, 9:00 a.m.]

Small Water Systems Technical Assistance Center Special Meeting

The Small Water Systems Technical Assistance Center will hold a special meeting on June 16, 2003, from 9:30 a.m. to 3 p.m. in the 2nd Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to discuss, review and develop comments on the proposed rules and regulations governing water and wastewater system operator certification.

The schedule, agenda and handouts for the meeting will be available on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>; choose "Participate." Questions concerning the schedule or agenda should be directed to Ray Braun, (717) 787-0122, rbraun@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ray Braun at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1131. Filed for public inspection June 13, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee), established under section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on July 11, 2003, from 1 p.m. to 4 p.m. in Room 812, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

The Committee will finalize the research priorities for the nonformula funds. This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony and comments are not part of the meeting agenda.

For additional information or persons with a disability who plan to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Patricia W. Potrzebowski, Director, Bureau of Health Statistics and Research or Robin C. Cohick, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA, (717) 783-2548 or 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.,
Acting Secretary

[Pa.B. Doc. No. 03-1132. Filed for public inspection June 13, 2003, 9:00 a.m.]

Pennsylvania Cancer Control Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P.S. § 5633), will hold a meeting on Thursday, June 19, 2003, from 8 a.m. to 10:30 a.m. at the Department of Health, Room 505, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120.

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 Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251 or 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.,
Acting Secretary

[Pa.B. Doc. No. 03-1133. Filed for public inspection June 13, 2003, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities):

Beverly Manor of Lancaster
425 North Duke Street
Lancaster, PA 17602

This request is 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, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address 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 address or phone numbers previously listed or for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Acting Secretary

[Pa.B. Doc. No. 03-1134. Filed for public inspection June 13, 2003, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, July 23, 2003, from 10 a.m. to 3 p.m. at the Department of Health, Conference Room 812, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine Terrell, (717) 772-4959 or 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.,
Acting Secretary

[Pa.B. Doc. No. 03-1135. Filed for public inspection June 13, 2003, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Lamar West L. P. seeking to lease highway right-of-way located on the northwesterly side of S.R. 0088 Section 042, a/k/a Library Road, the City of Pittsburgh, Allegheny County, containing 5,000± square feet or 0.114± acre, for the purpose of an outdoor advertising device.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P.E.,
Secretary

[Pa.B. Doc. No. 03-1136. Filed for public inspection June 13, 2003, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department located in Lower Allen Township, Cumberland County.

The parcel is estimated at 1.25 acres of unimproved land situated along S.R. 2014-019 (Old Gettysburg Road)

at a mailing addresses formerly known as 2207, 2207A, 2209 and 2211 Old Gettysburg Road, Camp Hill, PA. Estimated fair market value is \$150,000. The successful bidder will bear the cost of accurate land survey and right-of-way plan revision. These costs, once determined to be fair and reasonable, will be reimbursed to the successful bidder at final settlement.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Barry Hoffman, P. E., District Engineer, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103.

ALLEN D. BIEHLER, P.E.,
Secretary

[Pa.B. Doc. No. 03-1137. Filed for public inspection June 13, 2003, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department located in Lower Allen Township, Cumberland County.

The parcel is estimated at 11,368 square feet of unimproved land subject to a 2,411 sq. ft. slope easement situated along S.R. 2014-019 (Old Gettysburg Road) at a mailing address formerly known as 995 S. 28th Street, Camp Hill, PA. Estimated fair market value is \$28,500. The successful bidder will bear the cost of accurate land survey and right-of-way plan revision. These costs, once determined to be fair and reasonable, will be reimbursed to the successful bidder at final settlement.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Barry Hoffman, P. E., District Engineer, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103.

ALLEN D. BIEHLER, P.E.,
Secretary

[Pa.B. Doc. No. 03-1138. Filed for public inspection June 13, 2003, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Aviation Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements of 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally-assisted contracts.

Pending receipt of public comments, the Department's revised goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Aviation Administration, the Department must comply with the goal setting provisions of the US DOT DBE regulation, set forth in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a goal and methodology for Federally-assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The goal and methodology must be submitted to the Federal Highway Administration by August 1, 2003. An important part of this process is providing notice to the public concerning the goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under Step 1, the Department baseline goal using the goals of subrecipient airports meeting the \$250,000 threshold. US DOT regulations allow recipients to "use the goal of another DOT recipient" [49 CFR 26.45c(4)] to establish a Step 1 baseline goal. The first step in identifying qualifying recipients was to determine which recipients had received block grants of \$250,000 or more for Airport Improvement Grants (AIG). The Department created "working goals" for the airports without goals for the purpose of computing a Department-wide baseline goal.

The working goals were created by averaging the approved goals of airports within a 100-mile radius of the subrecipient. When these goals are weighted according to the amount of Federal moneys they receive, they yield the Step 1 baseline goal.

Under Step 2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step 2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth. As part of the adjustment phase, the Department gave due consideration to the specific types of work being contracted under the various AIG block grants.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, P. E.

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Charles M. Mattei, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Walter E. Bortree, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: Raymond S. Hack, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Michael H. Dufalla, P. E.

The document may also be reviewed online at the following website address: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, (717) 787-5891, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, Attn: Jocelyn I. Harper, Director, fax (717) 772-4026

Comments should be postmarked no later than July 28, 2003, for consideration.

ALLEN D. BIEHLER, P.E.,
Secretary

[Pa.B. Doc. No. 03-1139. Filed for public inspection June 13, 2003, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with the requirements 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally-assisted contracts.

Pending receipt of public comments, the Department's revised goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Highway Administration (FHWA), the Department must comply with the goal setting provisions of the US DOT DBE regulation, in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a revised goal and methodology for Federally-assisted contracts in accordance with 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The revised goal and methodology must be submitted to the FHWA by August 1, 2003. An important part of this process is providing notice to the public concerning the revised goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the regulation, the Department employed a two-step process, as outlined in 49 CFR 26.45. Under Step 1, the Department created a baseline figure for the relative availability of "ready, willing and able DBEs" in a relevant market, derived from demonstrative evidence of local market conditions. To this end, the Department developed a definition of "ready, willing and able DBEs" relative to any business "ready, willing and able" to perform on Federally-assisted Department contracts. The Department considered historical activity within specified market areas including research, service consulting, technical consulting and contractors (prime-contractors, subcontractors and suppliers). Additionally, the Department developed a ratio within market areas of "ready, willing and able DBEs" relative to the universe of all "ready willing and able" enterprises.

Under Step 2, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, are needed to arrive at the overall goal, taking into consideration other conditions or variables impacting DBEs in this Commonwealth. As part of this adjustment phase, the Department considered market potential based upon employment security data and other public data. The Department also considered certain changes relative to counting and certification that occurred as the result of the new regulation.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the revised overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, P. E.

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Charles M. Mattei, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Walter E. Bortree, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: Raymond S. Hack, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Michael H. Dufalla, P. E.

The document may also be reviewed online at the following website address: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, (717) 787-5891, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, Attn: Jocelyn I. Harper, Director, fax (717) 772-4026.

Comments should be postmarked no later than July 28, 2003, for consideration.

ALLEN D. BIELHER, P. E.,
Secretary

[Pa.B. Doc. No. 03-1140. Filed for public inspection June 13, 2003, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Contracts

Under the authority contained in the Transportation Act for the 21st Century, Act of June 9, 1998, Pub. L. No. 105-178, 112 Stat. 113 (23 U.S.C.A. § 101), and in keeping with 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by Disadvantaged Business Enterprises (DBEs) in its Federally-assisted contracts.

Pending receipt of public comments, the Department's revised goal is a work in progress.

As a recipient of Federal funds from the United States Department of Transportation (US DOT) through its agencies, including the Federal Transit Administration, the Department must comply with the goal setting provisions of the US DOT DBE regulation, set forth in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a goal and methodology for Federally-assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what do recipients use to meet overall goals). The goal and methodology must be submitted to the Federal Highway Administration by August 1, 2003. An important part of this process is providing notice to the public concerning the goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under Step 1, Department first identified transit authorities likely to have more than \$250,000 in contracting opportunity during Fiscal Year 2004. Transit authorities meeting this criterion were polled to see if they had submitted goals for Fiscal Year 2004. The US DOT regulations allow recipients to "use the goal of another DOT recipient" [49 CFR 26.45c(4)] to establish a Step 1 baseline goal. Transit authorities with no goals had "working goals" calculated for them, using goals of nearby transit authorities. Additionally, a goal for the Department administered funds was developed by taking a count of DBEs in pertinent work types and dividing it by the universe of prequalified contractors in those work types. These goals were weighted according to the projected Fiscal Year 2004 contracting opportunity to create the Step 1 goal.

Under Step 2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step 2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth. As part of the adjustment phase, the Department gave due consideration to the geographical location of the predominantly rural PENNDOT FTA subrecipients. The Department also considered market potential based upon employment security data and other public data.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, P. E.

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, P. E.

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, P. E.

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Charles M. Mattei, P. E.

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Walter E. Bortree, P. E.

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, P. E.

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Ronald L. Samuel, P. E.

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, P. E.

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: Raymond S. Hack, P. E.

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Michael H. Dufalla, P. E.

The document may also be reviewed online at the following website address: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, (717) 787-5891, Department of Transportation, Bureau of Equal Opportunity, P. O. Box 3251, Harrisburg, PA 17105-3251, Attn: Jocelyn I. Harper, Director, fax (717) 772-4026

Comments should be postmarked no later than July 28, 2003, for consideration.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-1141. Filed for public inspection June 13, 2003, 9:00 a.m.]

Finding Allegheny 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) are planning the replacement of the bridge that carries S.R. 0008 (Butler Street) over Heth's Run in the City of Pittsburgh, Allegheny County. The project will require the acquisition of approximately 0.3 ha (0.75 acre) of right-of-way or 0.2% of the total property from Highland Park, which is owned by the City of Pittsburgh and is a Section 2002/Section 4(f) resource.

The subject project is considered a Level 2 Categorical Exclusion Evaluation (CEE) in accordance with 23 CFR 771.117(d)(1) and (3) (relating to categorical exclusions), as published in the August 28, 1987, *Federal Register*.

It has been determined that there is no feasible and prudent alternative to the use of the resource and that necessary planning has been incorporated into the project to minimize harm to the resource.

Mitigation measures will be taken to minimize harm, as stipulated in the CEE/Programmatic Section 4(f) Evaluation, including revegetation of all disturbed areas upon completion of the project.

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.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 03-1142. Filed for public inspection June 13, 2003, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Roaring Spring Area Citizens Coalition v. DEP and New Enterprise Stone & Lime Company, Inc., Permittee; EHB Doc. No. 2003-121-C

The Roaring Spring Area Citizens Coalition has appealed the issuance by the Department of Environmental Protection of an NPDES permit to New Enterprise Stone & Lime Company, Inc. for a facility in Taylor Township, Blair 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. 03-1143. Filed for public inspection June 13, 2003, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Special Regulation; Designations and Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be

published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 18 and 19, 2003, the Commission will consider designating or redesignating the following stream sections and lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2004:

58 Pa. Code § 65.1 (relating to Selective Harvest Program)

The Commission will consider removing the following stream section from the list of waters regulated and managed under the Selective Harvest Program under 58 Pa. Code § 65.1:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Clinton	Young Womans Creek, Right Branch	From State forest property line upstream to Beechwood Trail, a distance of 5.5 miles

58 Pa. Code § 65.3 (relating to Heritage Trout Angling Program)

The Commission will consider removing the following stream section from the list of waters regulated and managed under the Heritage Trout Angling Program under 58 Pa. Code § 65.3: Pa. Code § 65.1:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Potter	Cross Fork Creek (also known as Cross Fork)	From Bear Trap Lodge downstream to the Weed property 440 yards downstream of the bridge on T-416, a distance of 5.4 miles

58 Pa. Code § 65.5 (relating to catch-and-release areas)

The Commission will consider designating the following stream section as a Catch-and-Release Area to be regulated and managed under 58 Pa. Code § 65.5: Pa. Code § 65.1:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Potter	Cross Fork	From Bear Trap Lodge downstream to the Weed property 440 yards downstream of the bridge on T-416, a distance of 5.4 miles

58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas)

The Commission will consider designating the following waters as delayed harvest artificial lures only areas to be regulated and managed under 58 Pa. Code § 65.6: Pa. Code § 65.1:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Blair	Little Juniata River	From the bridge on Route 220 just northeast of Bellwood downstream to the confluence of the unnamed tributary south of Fostoria, a distance of .75 mile

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Clinton	Young Womans Creek	From Beechwood Trail downstream to a point 0.7 mile upstream of the confluence of Young Womans Creek, Left Branch, a distance of 5.7 miles
Lycoming	Lycoming Creek	From the bridge on S.R. 15 (Old Route 15) near Haleeka upstream to the riffle upstream of Powys Curve, a distance of 1.3 miles

58 Pa. Code § 65.10 (relating to Select Trout Stocked Lake Program)

The Commission will consider adding the following lake to the list of waters regulated and managed under the Select Trout Stocked Lake Program under 58 Pa. Code § 65.10:

<i>County</i>	<i>Water</i>
Luzerne	Irena Lake

58 Pa. Code § 65.13 (relating to wild brook trout enhancement)

The Commission will consider final adoption of a new special regulations program to enhance wild brook trout populations. If the Commission adopts the new regulation as proposed, the Commission will also consider adding the following waters to the list of waters to be regulated and managed under the wild brook trout enhancement regulations under 58 Pa. Code § 65.13:

<i>County</i>	<i>Water on Which Located</i>	<i>Description</i>
Potter and Tioga	Kettle Creek	Upper Kettle Creek Basin (main stem and all tributaries from Long Run upstream, including Long Run). Total length is 28.3 miles.

At this time, the Commission is soliciting public input concerning the designations and redesignations listed in this notice. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. 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.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 03-1144. Filed for public inspection June 13, 2003, 9:00 a.m.]

Reopening of Upper Hereford Manor Lake, Beaver County

The Executive Director of the Fish and Boat Commission (Commission), under the authority of 58 Pa. Code § 53.4 (relating to limiting access to Commission property and other restrictions), will reopen Upper Hereford Manor Lake, Beaver County to all public use effective 12:01 a.m. on June 14, 2003, except where otherwise posted. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use without the express written consent of the Executive Director or a designee.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 03-1145. Filed for public inspection June 13, 2003, 9:00 a.m.]

Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may

issue permits to stock triploid grass carp in waters of this Commonwealth. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined, consistent with 58 Pa. Code § 71.7(e)(3), to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically to rapfbcregs@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.

The following application to stock triploid grass carp in waters having a surface area of more than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
John Ralston	Timber Lake	Springfield Township Erie County	12 acre lake that discharges to unnamed tributary to Raccoon Creek	Coontail Watermilfoil Naiad

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 03-1146. Filed for public inspection June 13, 2003, 9:00 a.m.]

**INDEPENDENT
REGULATORY REVIEW
COMMISSION**

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 29, 2003, and announced the following:

Regulations Approved

State Board of Certified Real Estate Appraisers #16A-7012: Continuing Education for Appraisers and Brokers/Appraisers (amends 49 Pa. Code Chapter 36)

Pennsylvania Health Care Cost Containment Council #100-16: Uniform Claims and Billing Forms Manual, Severity Methodology (amends 28 Pa. Code Chapter 912, Appendix A)

Milk Marketing Board #47-10: Milk Marketing Fees (amends 7 Pa. Code Chapter 150)

Approval Order

Public Meeting held
May 29, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Certified Real Estate Appraisers—Continuing Education for Appraisers and Broker/Appraisers; Regulation No. 16A-7012

On April 21, 2003, the Independent Regulatory Review Commission received this regulation from the State Board of Certified Real Estate Appraisers (Board). This rule-making amends 49 Pa. Code Chapter 36. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation conforms the continuing education requirements of broker/appraisers to those of general and residential appraisers, as required by Act 103 of 2000. It replaces the 4-hour Uniform Standards of Professional Appraisal Practice (USPAP) Update Course requirement with a 7-hour USPAP Update Course for the 2005-2007 biennial renewal cycle.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 457.10(b) and (b.1)) and the intention of the General Assembly.

Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
May 29, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Pennsylvania Health Care Cost Containment Council—Uniform Claims and Billing Form Manual, Severity Methodology; Regulation No. 100-16

On April 22, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Health Care Cost Containment Council (Council). This rulemaking amends 28 Pa. Code Chapter 912, Appendix A. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation deletes all references to the MedisGroups methodology from Appendix A to Chapter 912. In 1999, the Council eliminated all references to the MedisGroups methodology from Chapter 912. The deletions in this regulation will conform Appendix A to the remainder of the Chapter.

We have determined this regulation is consistent with the statutory authority of the Council (35 P. S. §§ 449.5(d)(4) and 449.6(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
May 29, 2003

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Milk Marketing Board—Milk Marketing Fees; Regulation No. 47-10

On July 29, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Milk Marketing Board (Board). This rulemaking amends 7 Pa. Code Chapter 150. The proposed regulation was published in the August 10, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 8, 2003. On May 5, 2003, the Board simultaneously withdrew and resubmitted the regulation to correct a wording error.

This rulemaking increases license and certification fees, including the hundredweight of milk fees imposed on milk dealers, to cover the administrative costs of the Board. In addition, this rulemaking adds clarity to the existing regulations by using consistent terminology throughout the chapter.

We have determined this regulation is consistent with the statutory authority of the Board (31 P. S. § 700k-3) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-1147. Filed for public inspection June 13, 2003, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-659	State Board of Physical Therapy General Provisions (33 Pa.B. 1715 (April 5, 2003))	5/5/03	6/4/03

**State Board of Physical Therapy
Regulation No. 16A-659**

General Provisions

June 4, 2003

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Physical Therapy (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 5, 2003. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 40.11. License by examination; requirements for examination.—Need; Clarity.

Paragraph (1)

There is an inconsistency in this paragraph. The first sentence requires applicants for licensure by examination to complete “an accredited physical therapy course approved by the American Physical Therapy Association” The second sentence requires an applicant to graduate from a Commission on Accreditation in Physical Therapy Education (CAPTE) accredited program. It is our

understanding that the sole accrediting body for physical therapy programs is CAPTE. In the final-form regulation, the first sentence should be revised to reflect the CAPTE accreditation requirement.

Paragraph (2)

This paragraph requires a physical therapist (PT) to have a baccalaureate degree with at least 120 semester hours from an accredited institution. We question whether paragraph (2) is necessary, given that paragraph (1) addresses the requirement to complete an accredited program. The Board should consider deleting this paragraph and including the semester hour requirement within paragraph (1).

2. Section 40.16. Licensure by endorsement.—Clarity.

Subsection (b)(1) requires the applicant to submit “evidence” of authorization to practice without limitation in the country where the professional education occurred. The final-form regulation should specify what constitutes acceptable “evidence.”

3. Section 40.17. Foreign-educated physical therapists applying to take the licensure examination and pursue a clinical experience.—Clarity.

Paragraphs (1)—(4) require the applicant to submit “evidence” or “written proof” of meeting certain conditions to the Board. The final-form regulation should specify what constitutes “evidence” and “written proof.”

4. Section 40.51. Scope of practice; physical therapists.—Clarity.

Subsection (b) requires a PT to properly dispose of medication or return it to the patient. This subsection also requires drugs to be stored properly. The House Professional Licensure Committee (House Committee) questioned why the storage requirement is included in the regulation if the drugs are to be disposed of or returned to the patient. It is our understanding that this provision is intended to allow the PT to store the medication between treatment sessions, but to also require the PT to return the medication or dispose of it after the patient is discharged from treatment. The handling of medication should clearly be set forth in the final-form regulation.

5. Section 40.53. Nondelegable activities; accountability.—Consistency with Statute; Need; Reasonableness; Clarity.

Subsection (b)

Subsection (b)(7) defines “mobilization.” This definition, however, is not consistent with the corresponding definition in 63 P. S. § 1302 (Act 27 of 2002). The final-form regulation should replace this definition with the statutory definition from Act 27 of 2002.

Also, as published in the *Pennsylvania Bulletin*, subsection (b)(7) states “Mobilization is defined as” To maintain parallel construction within subsection (b)(7) should be formatted as follows: “Mobilization. Mobilization is defined as”

Subsection (e)

This subsection enumerates functions that a PT cannot delegate to a physical therapist assistant (PTA). We have three concerns.

First, subsection (e) precludes a PT from delegating the performance of discharge summaries to a PTA. Some commentators have asserted that discharge summaries include objective data that PTAs are qualified to collect,

while the interpretation of the data remains the responsibility of the PT. The Board's existing regulations at § 40.171(a)(4) authorize PTAs to perform “selected tests and measurements” To the extent that certain tests and measurements are part of the discharge summary, it is reasonable to allow PTAs to collect this data for the PT's evaluation. Therefore, this subsection should be revised to specify that the PT cannot delegate portions of a discharge summary that require a PT's evaluation, interpretation or judgment, but may delegate “selected tests and measurements” consistent with § 40.171(a)(4).

Second, the House Committee questioned if the services included in subsection (e) are duplicative of some of the services in new subsection (b). We agree that the services listed in subsection (e) appear to overlap those in new subsection (b). The Board should consider deleting subsection (e) and including a comprehensive list of services in subsection (b).

Finally, the preamble states that the Board considered precluding delegation of wound care to PTAs, but decided this is a properly delegable service. The House Committee requested an explanation of the education and training of PTAs regarding wound care. What type of wound care activities are PTAs qualified to perform? Are there aspects of wound care that only PTs are authorized to perform? If there are elements of wound care that a PT cannot delegate to a PTA, those elements should be included in the list of nondelegable activities.

6. Miscellaneous clarity issues.

- The second sentence in § 40.11(1) requires an applicant to have graduated from a CAPTE-accredited program “by” 6 months from the effective date of this proposed regulation. The Board has indicated that this provision was intended to provide a 6-month lead-time for this requirement to take effect. The language in this subsection could more clearly reflect the Board's intent by replacing the word “by” with “after.”

- In § 40.16(a)(1), the House Committee questions why the word “district” is being deleted when the same section previously refers to the “District of Columbia.” Should “district” be reinserted in the final-form regulation?

- Section 40.16(a)(2) references “section 6(d)(2) of the act.” However, subsection (d) has been deleted. Is the reference to the Physical Therapy Practice Act (act) still necessary? If so, the citation should be updated to identify the appropriate section of the act. If not, the sentence containing the citation should be deleted.

- In § 40.22(b), it appears that the word “in” which appears after “or” and before “6 months” is unnecessary and should be deleted.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-1148. Filed for public inspection June 13, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Dalai, Incorporated; Prehearing

Appeal of Dalai, Incorporated under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 03-001 TIIP (F); Doc. No. UT03-05-033

A prehearing telephone conference initiated by this office is scheduled for July 23, 2003, at 10:30 a.m. Each

party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before June 13, 2003. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

At the prehearing telephone conference the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 9, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 16, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1149. Filed for public inspection June 13, 2003, 9:00 a.m.]

HealthAmerica; Northwestern Service Area; Rate Filing

On May 22, 2003, HealthAmerica submitted rate filing A70569001 for the northwestern service area requesting approval of a medical rate increase of 18.7%. HealthAmerica requested an effective date of July 1, 2003. Approximately 17,000 members will be affected by this increase. The proposed increase will produce additional revenue of \$6.6 million.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1150. Filed for public inspection June 13, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile 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 hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of William J. Jones, Jr.; file no. 03-124-03656; National Grange Mutual Insurance Company; doc. no. P03-05-027; July 8, 2003, 10:30 a.m.

Appeal of Deborah M. Gemmel; file no. 03-181-04216; Farmers New Century Insurance Company; doc. no. P03-05-031; July 10, 2003, 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 Melody Abdelrahman; file no. 03-280-01757; Rutgers Casualty Insurance Company; doc. no. PH03-05-029; July 24, 2003, 1 p.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 Edward H. and Anna Marie Breaux, Jr.; file no. 03-303-70875; Harleysville Mutual Insurance Company; doc. no. PI03-05-026; August 14, 2003, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1151. Filed for public inspection June 13, 2003, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing 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 Charles and Laura Costello; file no. 03-181-04314; Everett Cash Mutual Insurance Company; doc. no. P03-05-034; July 1, 2003, 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 Fred and Mary Buffaloe; file no. 03-265-01944; Farmers New Century Insurance Company; doc. no. PH03-05-010; July 24, 2003, 11:30 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 Terrence J. Carson; file no. 03-308-70869; Federal Insurance Company; doc. no. PI03-05-028; August 14, 2003, 2 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1152. Filed for public inspection June 13, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-121850F2031. National Fuel Gas Distribution Corporation. Application for approval of abandonment

of service by National Fuel Gas Distribution Corporation for two natural gas service customers located in Warsaw Township, Jefferson County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 30, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: National Fuel Gas Distribution Corporation

Through and by Counsel: Christopher M. Trejchel, 1100 State Street, Erie, PA 16512.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1153. Filed for public inspection June 13, 2003, 9:00 a.m.]

Railroad With Hearing

C-00003930. West Brownsville Borough v. Norfolk Southern Corporation, Washington County, Department of Transportation. Complaint is the failure to properly maintain the track area along Main Street as per the track maintenance agreement, thereby creating a hazardous condition for the motoring public.

An initial hearing on this matter will be held on Wednesday, July 30, 2003, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1154. Filed for public inspection June 13, 2003, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest should indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant on or before July 7, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00119810. Harold L. Eby (P. O. Box 101, Atglen, Chester County, PA 19310)—persons in paratransit service whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster and Chester, and from points in said counties, to points in Pennsylvania, and return.

A-00119834. Borinquen Cab Service, LLC (P. O. Box 45881, Philadelphia, PA 19149)—persons in limousine service, between points in the City and County of Philadelphia, and from points in said city and county, to points in Pennsylvania, and return.

A-00119833. J. Lester Stauffer (56 Doe Run Road, Manheim, Lancaster County, PA 17545)—persons in paratransit service whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.*

A-00119825. Magic Carpet Limousine Service, Inc. (27 West Pine Street, Mahanoy City, Schuylkill County, PA 17948), corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all of the rights authorized under the certificate issued at A-00112373, to Edward W. and Dawn S. Blazis t/d/b/a Magic Carpet Limousine, subject to the same limitations and conditions.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-00112166, F.5. Classic Limousine Transportation, LLC (345 Rouser Road, Coraopolis, Allegheny County, PA 15108)—additional right—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the Counties of Beaver, Butler, Washington and Westmoreland, and from points in said counties and the County of Allegheny, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.*

A-00119828. Raymond J. Coll (5340 Tomfran Drive, Pittsburgh, Allegheny County, PA 15236)—household goods in use, between points in the Counties of Allegheny, Beaver, Butler, Fayette, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1155. Filed for public inspection June 13, 2003, 9:00 a.m.]

Telecommunications

A-310863F7001. Verizon North Inc. and Comm South Companies, Inc. Joint petition of Verizon North Inc. and Comm South Companies, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Comm South Companies, Inc., by its counsel, filed on May 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of 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 Comm South Companies, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1156. Filed for public inspection June 13, 2003, 9:00 a.m.]

Telecommunications

A-310933F7001. Verizon North Inc. and Metropolitan Telecommunications Corporation of PA. Joint petition of Verizon North Inc. and Metropolitan Telecommunications Corporation of PA for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Metropolitan Telecommunications Corporation of PA, by its counsel, filed on May 27, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of 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 Metropolitan Telecommunications Corporation of PA joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1157. Filed for public inspection June 13, 2003, 9:00 a.m.]

Telecommunications

A-311156F7001. Verizon North Inc. and Remi Retail Communications LLC d/b/a Remi Communications. Joint petition of Verizon North Inc. and Remi Retail Communications LLC d/b/a Remi Communications for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Remi Retail Communications LLC d/b/a Remi Communications, by its counsel, filed on May 28, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of 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 Remi Retail Communications LLC d/b/a Remi Communications joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1158. Filed for public inspection June 13, 2003, 9:00 a.m.]

Telecommunications

A-311188F7000. Verizon Pennsylvania Inc. and Broadview NP Acquisition Corp. d/b/a Broadview Net Plus. Joint petition of Verizon Pennsylvania Inc. and Broadview NP Acquisition Corp. d/b/a Broadview Net Plus for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Broadview NP Acquisition Corp. d/b/a Broadview Net Plus, by its counsel, filed on May 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of 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 Broadview NP Acquisition Corp. d/b/a Broadview Net Plus joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1159. Filed for public inspection June 13, 2003, 9:00 a.m.]

Telecommunications

A-311204F7000. Verizon Pennsylvania Inc. and Granite Telecommunications, LLC. Joint petition of Verizon Pennsylvania Inc. and Granite Telecommunications, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Granite Telecommunications, LLC, by its counsel, filed on May 27, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of 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 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. 03-1160. Filed for public inspection June 13, 2003, 9:00 a.m.]

Telecommunications

A-311160F7000. Verizon Pennsylvania Inc. and McGraw Communications Inc. Joint petition of Verizon Pennsylvania Inc. and McGraw Communications Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and McGraw Communications Inc., by its counsel, filed on May 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of 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 McGraw 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. 03-1161. Filed for public inspection June 13, 2003, 9:00 a.m.]

Water Service

A-210104F0031. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval to begin to offer, render, furnish or

supply water service to the public in an additional portion of Charlestown Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 30, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1162. Filed for public inspection June 13, 2003, 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:

July 23, 2003	Lillyan E. Koszowski (Purchase of Service)	1 p.m.
August 27, 2003	Ricky A. Wanamaker (Class T-D)	1 p.m.
	Jennifer Mosholder (Class T-D)	2:30 p.m.
September 24, 2003	Heather N. Scullin (Class T-D)	1 p.m.
	Diana M. Wilson (Class T-D)	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 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.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 03-1163. Filed for public inspection June 13, 2003, 9:00 a.m.]

STATE BOARD OF EDUCATION

Approval of Standards of the Department of Education Necessary to Comply with the No Child Left Behind Act of 2001

Section 2603-B(d)(10)(i) of the Public School Code of 1949, added by section 31 of the act of June 29, 2002 (P. L. 524, No. 88) (Act 88), empowers the State Board of Education (State Board) to: Approval of Standards of the Department of Education Necessary to

Approve or disapprove standards proposed by the [D]epartment [of Education] in order to comply with the provisions of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) to maintain the eligibility of this Commonwealth to receive Federal funding for education programs. The [State B]oard shall approve or disapprove the standards within 30 days of submission to the [State B]oard's office or at its next scheduled meeting, whichever is sooner. Failure of the board to approve or disapprove the standards within the time established under this section shall be deemed an approval of the standards.

24 P. S. § 26-2603-B(d)(10)(i). The standards proposed by the Department of Education (Department) and approved or deemed approved by the State Board under § 2603-B(d)(10)(i) must be deposited with the *Pennsylvania Bulletin* for publication. See 24 P. S. § 26-2603-B(d)(10)(ii). However, as provided by Act 88, standards promulgated by the Department under § 2603-B(d)(10) are exempt from the following laws:

(A) Sections 201 through 205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P. L. 950, No. 164), known as the Commonwealth Attorneys Act.

(C) The act of June 25, 1982 (P. L. 633, No. 181), known as the Regulatory Review Act.

See 24 P. S. § 26-2603-B(d)(10)(iii).

On March 19, 2003, the Department presented to the State Board proposed definitions necessary to comply with section 9532 of the No Child Left Behind Act of 2001, (NCLB) 20 U.S.C. § 7912. At its meeting held March 20, 2003, the State Board approved the definitions to be included in the standards for Victims of Violent Crimes and standards for Persistently Dangerous Schools. The resolution adopted by the State Board reflecting its approval of the Department definitions appears as follows:

RESOLUTION

Whereas, The United States Congress passed the No Child Left Behind Act of 2001 (NCLB) (P. L.

107-110, 115 Stat. 1425), which was signed into law by President George W. Bush on January 8, 2002; and

Whereas, NCLB, inter alia, amends Subchapter IX of the Elementary and Secondary Education Act of 1965 (P. L. 89-10, 79 Stat. 27), 20 U.S.C. § 6301 et seq., by adding section 9532, 20 U.S.C. § 7912, entitled Unsafe School Choice Option ("USCO"); and

Whereas, The purpose of section 9532 is to ensure that all children who attend a persistently dangerous school or become the victim of a violent criminal offense while at school have the opportunity to transfer to another school, which is not a persistently dangerous school; and

Whereas, The United States Department of Education published Non-Regulatory Guidelines in July 2002, which explain that agency's position concerning states' USCO policies; and

Whereas, The Pennsylvania Department of Education created an Unsafe School Choice Option Advisory Group that was composed of individuals from a representative sample of LEAs and individuals from numerous other groups involved in public education in Pennsylvania; and

Whereas, The USCO Advisory Group met in November 2002 and February 2003 in order to discuss and develop USCO policy options for consideration by the Secretary of Education; and

Whereas, The Committee of Practitioners established under section 1903(b) of Title I, added by NCLB (20 U.S.C. § 6573(b) (relating to committee of practitioners)), met in March 2003 to consider the options developed by the USCO Advisory Group; and

Whereas, The Committee of Practitioners recommends that in establishing USCO standards the Department use objective measures that will fairly and accurately identify as persistently dangerous schools those schools that have substantial numbers of violent incidents or weapons incidents over a multi-year period; and

Whereas, Section 2603-B(d)(10) of the Public School Code (24 P. S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education shall have the authority and duty, within thirty days of submission to the State Board or at the next scheduled meeting (whichever is sooner), to approve or disapprove standards proposed by the Department in order to comply with the provisions of NCLB and to maintain eligibility for funding; and

Whereas, The Department submitted its proposed USCO standards to the State Board on March 11, 2003; and

Whereas, On March 19, 2003, the special committee of the State Board established to work with the Department in the development and review of standards necessary to comply with NCLB (the "NCLB Committee") conducted a public meeting to review and discuss the standards presented by the Department for approval by the State Board and to receive public comment on the proposals; and

Whereas, The NCLB Committee on March 19, 2003, approved a motion to recommend to the State Board that it approve the standards proposed by the Department; and

Whereas, At the regular business meeting of the State Board held March 20, 2003, the Secretary made a detailed presentation explaining the standards presented by the Department for approval by the State Board; and

Whereas, The State Board, at its March 20, 2003 meeting, publicly voted to approve the proposed standards presented by the Department.

Now, Therefore, Be It

Resolved: That, under these standards, the term "local education agency" shall include a school district, an area vocational-technical school, an intermediate unit, or a charter school; and be it further

Resolved: That, under these standards, the term "Department" shall mean the Pennsylvania Department of Education; and be it further

Resolved: That, under these standards, the term "violent criminal offense" shall include the following offenses set forth in Title 18 of the Pennsylvania Consolidated Statutes: kidnapping, robbery, aggravated assault (upon the student), rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault; and be it further

Resolved: That, under these standards, the term "victim" shall be defined as the student against whom a violent criminal offense has been perpetrated; and be it further

Resolved: That, under these standards, the term "safe public school" shall be defined as a public school that has not been designated as a persistently dangerous school under these standards; and be it further

Resolved: That, under these standards, the term "dangerous incidents" shall be defined to include both weapons possession incidents resulting in arrest (guns, knives, or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses, and assaults) as reported on the PDE-360 report.

On May 21, 2003, the Department presented to the State Board proposed standards necessary to comply with section 9532 of the No Child Left Behind Act of 2001, 20 U.S.C. § 7912. At its meeting held May 22, 2003, the State Board approved amendments to the March 20, 2003 Resolution with respect to clarified definitions and a Resolution setting forth the standards for Victims of Violent Crimes and standards for Persistently Dangerous Schools. The resolution adopted by the State Board reflecting its approval of the Department standards appears as follows.

The State Board expects the Department to deposit the approved standards for publication in the *Pennsylvania Bulletin*.

PATRICIA WHITE,
Executive Director

RESOLUTION

Whereas, The United States Congress passed the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), which was signed into law by President George W. Bush on January 8, 2002; and

Whereas, NCLB, inter alia, amends Subchapter IX of the Elementary and Secondary Education Act of 1965 (P. L. 89-10, 79 Stat. 27), 20 U.S.C. § 6301 et seq., by

adding section 9532, 20 U.S.C. § 7912, entitled Unsafe School Choice Option ("USCO"); and

Whereas, The purpose of section 9532 is to ensure that all children who attend a persistently dangerous school or become the victim of a violent criminal offense while at school have the opportunity to transfer to another school, which is not a persistently dangerous school; and

Whereas, The United States Department of Education published Non-Regulatory Guidelines in July 2002, which explain that agency's position concerning states' USCO policies; and

Whereas, The Pennsylvania Department of Education created an Unsafe School Choice Option Advisory Group that was composed of individuals from a representative sample of LEAs and individuals from numerous other groups involved in public education in Pennsylvania; and

Whereas, The USCO Advisory Group met in November 2002 and February 2003 in order to discuss and develop USCO policy options for consideration by the Secretary of Education; and

Whereas, The Committee of Practitioners established under section 1903(b) of Title I, added by NCLB (20 U.S.C. § 6573(b) (relating to committee of practitioners)), met in March 2003 to consider the options developed by the USCO Advisory Group; and

Whereas, The Committee of Practitioners recommends that in establishing USCO standards the Department use objective measures that will fairly and accurately identify as persistently dangerous schools those schools that have substantial numbers of violent incidents or weapons incidents over a multi-year period; and

Whereas, Section 2603-B(d)(10) of the Public School Code (24 P. S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education shall have the authority and duty, within thirty days of submission to the State Board or at the next scheduled meeting (whichever is sooner), to approve or disapprove standards proposed by the Department in order to comply with the provisions of NCLB and to maintain eligibility for funding; and

Whereas, The Department originally submitted its draft USCO standards to the State Board on March 10, 2003, and those draft standards were discussed and considered at a public meeting conducted by the special committee of the State Board established to work with the Department in the development and review of standards necessary to comply with NCLB (the "NCLB Committee"); and

Whereas, On March 20, 2003, the Secretary made a detailed presentation explaining the draft standards for consideration and comment by the State Board, and comments were received from members of the State Board and the public; and

Whereas, In April 2003, in order to solicit public comment on the draft standards, staff of the Department presented the draft standards at the 2003 Pennsylvania Safe Schools Conference and distributed copies to all Pennsylvania school districts; and

Whereas, The Department submitted its final USCO standards to the State Board on May 9, 2003; and

Whereas, The NCLB Committee on May 21, 2003, approved a motion to recommend to the State Board that it approve the standards proposed by the Department; and

Whereas, At the regular business meeting of the State Board held May 22, 2003, the Secretary made a detailed

presentation explaining the standards presented by the Department for approval by the State Board; and

Whereas, The State Board, at its May 22, 2003 meeting, publicly voted to approve the proposed standards presented by the Department.

Now, Therefore, Be It

Resolved: That, except as otherwise provided, the Department of Education shall require all local educational agencies (LEAs) to offer all students who become a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends or who attend a persistently dangerous school an opportunity to attend a safe public school within the LEA; and be it further

Resolved: That, under these standards, the term "local education agency" shall include a school district, an area vocational-technical school, an intermediate unit, or a charter school; and be it further

Resolved: That, under these standards, the term "violent criminal offense" shall include the following offenses set forth in Title 18 of the Pennsylvania Consolidated Statutes: kidnapping; robbery; aggravated assault (upon the student); rape; involuntary deviate sexual intercourse; sexual assault; aggravated indecent assault; indecent assault; attempt to commit homicide, murder, or voluntary manslaughter; and be it further

Resolved: That, under these standards, the term "victim" shall be defined as the student against whom a violent criminal offense has been perpetrated; and be it further

Resolved: That, under these standards, the term "safe public school" shall be defined as a public school that has not been designated as a persistently dangerous school under these standards or that has had such designation removed by the Department; and be it further

Resolved: That, under these standards, the term "dangerous incidents" shall be defined to include both weapons possession incidents resulting in arrest (guns, knives, or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses, and assaults) as reported on the PDE-360 report; and be it further

Resolved: That, under these standards, "persistently dangerous school" shall mean any public school that meets the following criteria in the most recent school year and in one additional year of the two years prior to the most recent school year:

- (1) for a school whose enrollment is 250 or less, at least 5 dangerous incidents;
- (2) for a school whose enrollment is 251 to 1000, a number of dangerous incidents that represents at least 2% of the school's enrollment; and
- (3) for a school whose enrollment is over 1000, 20 or more dangerous incidents; and be it further

Resolved: That, all LEAs that have a school designated as persistently dangerous under these standards shall submit a corrective action plan to the Department, and the Department will provide technical assistance to those LEAs and monitor the LEAs' progress in implementing the corrective action plans; and be it further

Resolved: That, the Department will reassess each school's designation as persistently dangerous at the end of the school year during which the corrective action plan

is completed, by applying the criteria for defining a persistently dangerous school; and be it further

Resolved: That, these standards shall supersede any standards previously approved by the State Board on the subject of the Unsafe School Choice Option.

[Pa.B. Doc. No. 03-1164. Filed for public inspection June 13, 2003, 9:00 a.m.]

Approval of Standards of the Department of Education Necessary to Comply with the No Child Left Behind Act of 2001

Section 2603-B(d)(10)(i) of the Public School Code of 1949, added by section 31 of the act of June 29, 2002 (P. L. 524, No. 88) (Act 88), empowers the State Board of Education (State Board) to:

Approve or disapprove standards proposed by the [D]epartment [of Education] in order to comply with the provisions of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) to maintain the eligibility of this Commonwealth to receive Federal funding for education programs. The [State B]oard shall approve or disapprove the standards within 30 days of submission to the [State B]oard's office or at its next scheduled meeting, whichever is sooner. Failure of the board to approve or disapprove the standards within the time established under this section shall be deemed an approval of the standards.

24 P. S. § 26-2603-B(d)(10)(i). The standards proposed by the Department of Education (Department) and approved or deemed approved by the State Board under § 2603-B(d)(10)(i) must be deposited with the *Pennsylvania Bulletin* for publication. See 24 P. S. § 26-2603-B(d)(10)(ii). However, as provided by Act 88, standards promulgated by the Department under § 2603-B(d)(10) are exempt from the following laws:

(A) Sections 201 through 205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P. L. 950, No. 164), known as the Commonwealth Attorneys Act.

(C) The act of June 25, 1982 (P. L. 633, No. 181), known as the Regulatory Review Act.

See 24 P. S. § 26-2603-B(d)(10)(iii).

On May 21, 2003, the Department presented to the State Board proposed amendments to the *Consolidated State Application Accountability Workbook (Workbook)* which sets forth the elements of the State Plan required for compliance with NCLB. Previously, the State Board had approved standards including *Workbook* elements necessary to comply with the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq. [22 Pa. Code Chapter 403] Approval of Standards of the Department of Education necessary to Comply with the No Child Left Behind Act of 2001 [32 Pa.B. 5151] and, Compliance With the No Child Left Behind Act of 2001 [32 Pa.B. 6096].

At its meeting held May 22, 2003, the State Board approved the Resolution that delineated the changes to the *Workbook*. The resolution adopted by the State Board reflecting its approval of the Department standards appears as follows.

The State Board expects the Department to deposit the approved standards for publication in the *Pennsylvania Bulletin*.

PATRICIA WHITE,
Executive Director

RESOLUTION

Whereas, The United States Congress passed the No Child Left Behind Act of 2001 (NCLB) (P. L. 107-110, 115 Stat. 1425), which was signed into law by President George W. Bush on January 8, 2002; and

Whereas, NCLB, inter alia, amends Title I of the Elementary and Secondary Education Act of 1965 (P. L. 89-10, 79 Stat. 27) (Improving the Academic Achievement of the Disadvantaged), (20 U.S.C. § 6301 et seq.); and

Whereas, The purpose of Title I is to ensure that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State achievement standards and academic assessments; and

Whereas, In furtherance of this purpose, Title I provides grants to State education agencies and sub-grants to local educational agencies (LEAs); and

Whereas, Progress toward the fulfillment of Title I's purpose can be made by closing the achievement gap between high and low-performing children, especially the achievement gap between disadvantaged children and their more advantaged peers; and holding schools, LEAs and States accountable for improving the academic achievement of all students; and

Whereas, State and local educational agencies must comply with the requirements of NCLB in order to maintain eligibility for continued funding under Title I; and

Whereas, Section 1111 of Title I, added by NCLB (20 U.S.C. § 6311), provides that any State desiring a grant is required to submit to the U.S. Secretary of Education a plan which, inter alia, shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all LEAs, public elementary schools and public secondary schools make adequate yearly progress (AYP) as defined under Section 1111(b)(2)(C) of Title I (20 U.S.C. § 6311(b)(2)(C)); and

Whereas, Section 1111(b)(2)(E) of Title I, added by NCLB (20 U.S.C. § 6311(b)(2)(E)), requires each State to establish a starting point for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement on the State assessments; and

Whereas, Section 1111(b)(2)(C) of Title I (20 U.S.C. § 6311(b)(2)(C)) provides that the State shall define AYP in a manner that applies the same standards of achievement to all public elementary school and secondary school students in the State; is statistically valid and reliable; results in continuous and substantial academic improvement for all students; and measures the progress of public elementary schools, secondary schools, LEAs and the State based primarily on the academic assessments described in Section 1111(b)(3) of Title I (20 U.S.C. § 6311(b)(3)); and

Whereas, Section 1111(b)(2)(C) of Title I further provides that the State must define AYP in a manner that includes separate measurable annual objectives for the achievement of all public elementary and secondary school students and the achievement of economically disadvantaged students; students from major racial and

ethnic groups; students with disabilities; and students with limited English proficiency; and

Whereas, Section 1111(b)(2)(C) of Title I additionally provides that for economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, the disaggregation of data shall not be required in a case in which the number of students in the category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student; and section 1111(h)(2)(D) of Title I (relating to reporting requirements) (20 U.S.C. § 6311(h)(2)(D)) specifies that the number shall be determined by the State; and

Whereas, Section 1111(b)(3)(C) of Title I (20 U.S.C. § 6311(b)(3)(C)) specifically requires that, beginning no later than the 2005-06 school year, States assess all students in grades three through eight against the challenging State academic content standards in, at a minimum, math and reading and/or language arts and, beginning in the 2007-08 school year, in science for students in a minimum of one grade per elementary, middle and high school levels; and

Whereas, Section 1111(b)(3)(C) of Title I (20 U.S.C. § 6311(b)(3)(C)) requires that State assessments must: be aligned with the State's challenging academic content and student achievement standards; provide coherent information about student achievement of those standards; be valid and reliable for the purposes for which the assessment is used; and objectively measure student achievement, knowledge and skills without evaluating or assessing personal or family beliefs and attitudes; and

Whereas, To the extent that a State adopts assessments yielding national norms at particular grade levels, those norms must be augmented with additional items to measure accurately the depth and breadth of the State content standards (34 CFR 200.3(a)(2)(ii)(A)); and

Whereas, Pennsylvania currently uses the PSSA to assess students in grades three, five, eight and eleven in reading and mathematics and to assess students in grades six, nine and eleven in writing; and

Whereas, The PSSA, which has been found to be extremely reliable in yearly contractor-conducted reliability studies, has evidenced alignment with Pennsylvania's academic content standards in both external and Teacher Advisory Committee alignment studies, has been found in independent analyses to have both technical trustworthiness and coverage of the academic content standards and has been found to lead to the increased alignment of school district curricula with academic content standards, thus meeting the requirements of NCLB; and

Whereas, Section 2603-B(d)(10) of the Public School Code of 1949 (24 P. S. § 26-2603-B(d)(10)), added by section 31 of Act 88 of 2002, provides that the State Board of Education shall have the authority and duty to approve or disapprove standards proposed by the Pennsylvania Department of Education (the Department) in order to comply with the provisions of NCLB to maintain eligibility for federal funding, within thirty (30) days of submission to the State Board's office or at the State Board's next scheduled meeting, whichever is sooner; and

Whereas, On September 18, 2002, the Department presented to the State Board two sets of proposed standards necessary for compliance with the provisions of NCLB (20 U.S.C. § 6301 et seq.) and at its regular meeting, on September 19, 2002, the State Board approved both sets of proposed standards; and

Whereas, The standards approved at the September 19, 2002 meeting included the adoption of 75 as the required number of students tested (per building) for purposes of measuring the AYP of students who are members of economically disadvantaged, major racial and ethnic groups, students with disabilities, and limited English proficient students (disaggregation number); and

Whereas, The standards approved at the September 19, 2002 meeting included supplementing the administration of the PSSA with a limited number of commercially available assessments currently used as local assessments in grades four, six and seven for reading and mathematics; and

Whereas, The standards approved at the September 19, 2002 meeting were subsequently published in the *Pennsylvania Bulletin* (32 Pa. B. 5151) and added to the body of standards and regulations codified in Title 22 of the Pennsylvania Code. (See 22 Pa. Code § 304.1 et seq.); and

Whereas, Each State receiving funds under Title I was required to submit to the United States Department of Education (USDE) a document entitled *Consolidated State Application Accountability Workbook (Workbook)* by January 31, 2003 setting forth elements of the State's plan for compliance with NCLB including the standards as passed on September 19, 2002; and

Whereas, The *Workbook* was submitted to USDE early in January of 2003 by the administration of then-Governor Mark Schweiker and then-Secretary of Education, Charles Zogby; and

Whereas, On January 21, 2003, Edward G. Rendell was sworn in as Governor of Pennsylvania and Vicki L. Phillips was nominated for, and later appointed to, the position of Secretary of Education; and

Whereas, Since January, the Department has been engaged in conversations with USDE relative to the plan elements delineated in the *Workbook*; and

Whereas, On April 10, 2003, the chair of the State Board was present at an on-site review of the *Workbook* and was subsequently given updates regarding progress made on the *Workbook*; and

Whereas, Based on a comprehensive review of the plan, research and discussions with USDE, the Department has revisited some of the decisions made prior to January 2003 relative to elements of the plan; and

Whereas, The Department's research has revealed that when numbers larger than 40 are adopted as the disaggregation number, the number of Pennsylvania schools, and even LEAs, that do not have subgroups is excessive; and

Whereas, Having an excessive number of schools without subgroups will impede efforts to accurately measure the progress of students, schools and LEAs and will, therefore, contravene the purposes of NCLB; and

Whereas, The Department has carefully studied issues relevant to the design of an assessment model that meets NCLB's content, comparability and technical requirements; and

Whereas, The Department's research has revealed that supplementing the administration of the PSSA with other commercially available assessments that are currently used for local assessments in grades four, six and seven would require extensive augmentation to ensure that all tests are providing valid and reliable data for purposes of NCLB; and

Whereas, The costs associated with the augmentation necessary to ensure that the supplemental assessments comply with NCLB are exorbitant and would require each school district to assume a portion of the cost; and

Whereas, On May 13, 2003, the Department met with the Committee of Practitioners to provide information regarding a proposed new disaggregation number and the proposed use of a single supplemental assessment as well as to seek input from the Committee on these proposed changes; and

Whereas, The Department has determined that 40 should be adopted as the standard for the required number of students tested (per building) to form a group for purposes of measuring AYP of students who are members of economically disadvantaged, major racial and ethnic groups, students with disabilities, and limited English proficient students; and

Whereas, The Department has therefore determined that the standard establishing the required number of students tested (per building) to form a subgroup (22 Pa. Code § 403.3(c)(5)) should be amended to reflect a required number of 40, rather than 75; and

Whereas, The Department has decided to amend the standard establishing supplemental testing for grades four, six and seven (22 Pa. Code § 403.3(d)(1)(ii)) to reflect that a single assessment, chosen by the Department, will be used for each of the grades four, six and seven, rather than the Department identifying a number of commercially available assessments for use as supplemental testing; and

Whereas, The Department on May 15, 2003 submitted its proposed standards to the State Board for approval under section 2603-b(d)(10) of the Public School Code; and

Whereas, On May 21, 2003, the special committee of the State Board established to work with the Department in

the development and review of standards necessary to comply with NCLB conducted a public meeting to review and discuss the amendments to the standards proposed by the Department; and

Whereas, On May 21, 2003, the NCLB Committee approved a motion to recommend to the State Board that it approve the amendments to the standards proposed by the Department; and

Whereas, At the regular business meeting of the State Board held May 22, 2003, the Secretary of Education made a presentation explaining the proposed amendments to the members of the State Board; and

Whereas, The State Board at its May 22, 2003, meeting publicly voted to approve the proposed amendments to the standards presented to it by the Department.

Now, Therefore, Be It

Resolved: That forty (40) shall be adopted as the required number of students tested (per building) to form a group for purposes of measuring AYP of students who are economically disadvantaged, members of major racial and ethnic groups, students with disabilities, and limited English proficient students.

Resolved: That in addition to the continued administration of the PSSA, those tests shall be supplemented with a single assessment for each of the grades four, six and seven for reading and mathematics that will be determined by the Department through the Request for Proposal process.

[Pa.B. Doc. No. 03-1165. Filed for public inspection June 13, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

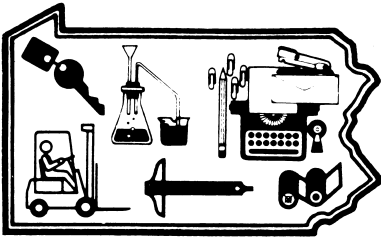
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

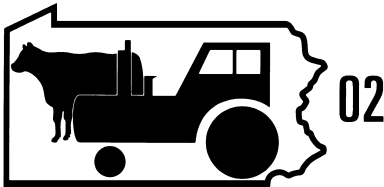


Commodities

ADV-182 Indiana University of Pennsylvania (IUP) is seeking qualified vendors for printing of their undergraduate catalog. Quantity: 7,000 copies. Request for copies of the bid package should be made in writing referencing Advertisement No. ADV-182 and directed to the attention of Shirley Dill, Purchasing Services, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax 724-357-2670; email sdill@iup.edu. Interested vendors should submit their requests to be placed on the bidders list by June 20, 2003. The University encourages responses from small and disadvantaged, minority and woman-owned firms. IUP is a member of the Pennsylvania State System of Higher Education.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705
Contact: Shirley Dill, (724) 357-4954

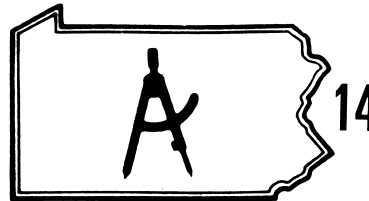
SERVICES



Agricultural Services

1/3 Provide fish food used in a statewide fish culture program during the period July 01, 2003, through September 30, 2003. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

Department: Fish and Boat Commission
Location: Statewide to various fish culture stations as requested.
Duration: July 01, 2003—September 30, 2003.
Contact: Debbie Rose, (814) 359-5141



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.

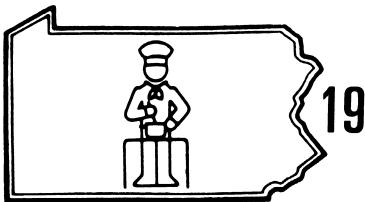
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Financial and Insurance Consulting

OA-HR-C-2003 The Office of Administration, Employee Benefits Division is requesting proposals to provide employee benefits consulting services. The selected consultant will assist the Employee Benefits Division in the administration of the following benefit programs for Commonwealth employees: the Retired Employees Health Program, the State Police Health Program, the State Police Supplemental Benefits Program, the Group Life Insurance Program, the Workers' Compensation Program, and other programs which are managed in whole or in part by the Employee Benefits Division. In addition, the selected consultant may be asked to review actuarial or consulting work performed on behalf of the Pennsylvania Employees Benefit Trust Fund (PEBTF) by another consulting firm. The PEBTF is a jointly trusted health and welfare fund that provides health benefits for most active State employees and administers the benefits provided for most retired State employees. The Office of Administration, Employee Benefits Division reserves the right to reject any and all proposals or to negotiate separately with any organization that submits a proposal. The Office of Administration will not be liable for any cost incurred by an organization prior to issuance of a contract. Proposals must arrive at the Office of Administration, Employee Benefits Division, Room 513, Finance Building, Harrisburg, PA 17120 before 3:00 P.M. on July 18, 2003. Requests for proposals may be obtained by writing to the above address or by calling Mr. James Burriss at (717) 787-9872.

Department: Office of Administration/Executive Offices
Location: Most of the consultant's work will be performed at the consultant's headquarters but some may be performed at the contractor's site(s).
Contact: James Burriss, (717) 787-9872



Food

CN00003457 EGGS—Shell, White, Grade A, Medium, 30 dz/cs.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003458 BREAD and ROLLS—White and Wheat Bread Loaves—Steak Sandwich, Hamburger, Hot Dog and Dinner Rolls.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003460 EGGS—(Liquid) Frozen.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003452 POULTRY—Chicken Patties—Turkey Burgers—Turkey Ends and Pieces - Ground Turkey—Pulled Chicken—Fresh Turkey Breast, No pork or pork by-products.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003454 MILK—1/2 Pints, 2% and Skimmed.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003451 BEEF Meatballs, 2 oz, 80/20—Beef Frankfurters—Wafer Steaks, Beef—Roast Beef Ends and Pieces. No pork or pork by-products
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003455 FROZEN FOODS—Vegetables, Bakery Products, Entrees, Pizza, etc.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

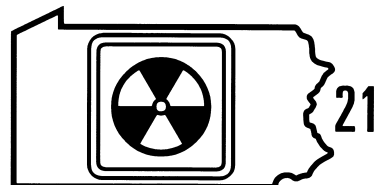
CN00003456 ICE CREAM—Sandwiches, 3 Gal. Tubs.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

CN00003459 PRODUCE—Fresh fruits and vegetables, ready-to-use vegetables and fruit. Items to be bid monthly or as needed.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

20193 SEAFOOD—Surimi (Imitation Crabmeat), Chunked.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

20194 SOY/VEGGIE PRODUCTS—Burgers, Mixes, etc.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

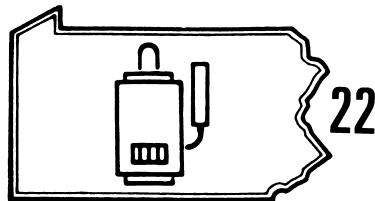
CN00003453 DAIRY PRODUCTS—Yogurt—Cottage Cheese—Margarine, Pts and 1 lb Blocks—American Cheese.
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2003—June 30, 2004
Contact: Ben Jarrett, P. A., (610) 490-5412, Ext. 2030



Hazardous Material Services

ENV102 Removal and disposal of hazardous and non-hazardous waste material, analytical services, and emergency response cleanup work. There is a six hour response time for the emergency response cleanup work.

Department: Transportation
Location: District 3-0: Columbia, Lycoming, Montour, Northumberland, Sullivan, Snyder, Tioga, Union and Bradford Counties.
Duration: This will be a one year contract with up to four renewals (each renewal for a one year period).
Contact: Sean C. Alexander, (570) 368-4309



HVAC Services

2500—Boiler Tube Repair Replacement of twelve (12) tubes; removal of casing, insulation and tile brick to expose tubes. Installation of new tile brick, insulation, 12 tubes and reinstallation of existing casing panels. Hydrostatic testing.

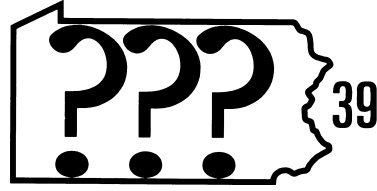
Department: Corrections
Location: SCI-Dallas, 1000 Follies Road, Dallas, PA. 18612
Duration: July 1, 2003 to June 30, 2004
Contact: Christopher Chollack, (570) 675-1101, ext 359



Janitorial Services

10909 Carpet Cleaning. To include post-treatment for stains and waterproofing the carpet in various buildings using a dry-chemical method according to a pre-determined schedule.

Department: Military Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900
Duration: July 1, 2003 through June 30, 2004
Contact: Marion E. Jones, (717) 264-7187, x661



Miscellaneous

RFP 2R-07 This Request for Proposal (RFP) consists of analytical studies for the Continental 1 Transportation Corridor Analysis. The required work in this project will involve three primary tasks—Economic Opportunity Analysis, Definition/Feasibility Analysis, and ITS Needs Analysis, plus numerous sub-tasks. The first primary task is the Economic Opportunity Analysis among three sectors: trade, tourism and a profile of military operations support facilities. The principle goal is to investigate existing and future trade and travel opportunities within the impacted states and between the United States and other nations relative to the Continental 1 Corridor namely Canada, Latin America and the Caribbean. Second, a Corridor Definition/Feasibility Analysis (creating a multi-lane, controlled-access highway, Canada to Florida) is to be developed to define the latest alignments and alternatives of a bi-national, multi-state Continental 1 transportation corridor. The corridor runs between Ontario, Canada through New York, Pennsylvania, Maryland West Virginia, Virginia, North Carolina, South Carolina, Georgia and Florida through numerous state highway systems. Third, provide a comprehensive Intelligent Transportation Systems (ITS) analysis of the current ITS applications deployed or planned to be deployed along the Continental 1 Corridor. The Pennsylvania Department of Transportation (PENNDOT) will lead the multi-state effort with joint cooperation of New York, West Virginia, North Carolina, South Carolina, Federal Highway Administration and the Continental 1 Organization business alliance (community and government) representatives. Interested contractors may request a copy of the RFP by faxing their name, company name, address, telephone number, E-Mail address, and fax number to Vikki Mahoney at fax # 717-783-7971. Please reference RFP 2R-07 on your fax.

Department: Transportation
Location: Pennsylvania Department of Transportation, 400 North Street, 5th Floor, Harrisburg, PA 17105-3451
Duration: Eighteen (18) months, with possible incremental extensions up to sixty (60) months.
Contact: Jim McBride, (717) 783-5585

[Pa.B. Doc. No. 03-1166. Filed for public inspection June 13, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 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