

# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

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Department of Environmental Protection  
Department of General Services  
Department of Health  
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State Board of Private Licensed Schools  
State Tax Equalization Board

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**No. 343, June 2003**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendment to the Rules of Disciplinary Enforcement Relating to Confidentiality of Information Obtained by the Lawyers Fund for Client Security

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to make clear that the Pennsylvania Lawyers Fund for Client Security may use information obtained during an investigation to pursue subrogated claims.

The Lawyers Fund for Client Security routinely receives information from the Office of Disciplinary Counsel regarding claims received by the Fund for losses caused by dishonest lawyers. The Fund is bound by the confidentiality requirements of Pa.R.D.E. 402 with respect to that information. See Pa.R.D.E. 521(a). In addition to reviewing the information provided by the Office of Disciplinary Counsel, the Fund conducts its own investigation of claims and makes a determination as to whether an award from the Fund should be made.

When the Fund pays a claim, it acquires certain rights of subrogation. See Pa.R.D.E. 521(e)(1). Although the Fund develops a significant amount of information outside of the information it receives from the Office of Disciplinary Counsel, there remains the possibility that pursuit of a subrogation claim by the Fund may disclose information received from the Office of Disciplinary Counsel.

If a proceeding against the lawyer whose conduct caused a claim results in public discipline, the confidentiality requirements of Pa.R.D.E. 402 cease to apply. However, if the proceeding against a lawyer is concluded by the resignation of the lawyer, the confidentiality requirements continue to apply. The proposed amendment to Pa.R.D.E. 402 set forth in Annex A is intended to make clear that pursuit of subrogation claims by the Fund in cases where public discipline has not been imposed will not violate the confidentiality requirements of Pa.R.D.E. 402.

Interested persons are invited to submit written comments regarding the proposed amendment to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 7, 2003.

*By the Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Executive Director and Secretary*

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter D. MISCELLANEOUS PROVISIONS

#### Rule 402. Confidentiality

\* \* \* \* \*

(b) This rule shall not be construed to:

\* \* \* \* \*

**(3) Prevent the Pennsylvania Lawyers Fund for Client Security from utilizing information obtained during any investigation to pursue subrogated claims.**

\* \* \* \* \*

[Pa.B. Doc. No. 03-1167. Filed for public inspection June 20, 2003, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Rule of Judicial Administration 507; No. 739 of 2003

#### Order

*And Now*, this 3rd day of April, 2003, it is hereby ordered that Fayette County Rule of Civil Procedure 210.2 and Fayette County Rule of Criminal Procedure 101 be rescinded and pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration the above-stated Local Rule be adopted as follows.

The Prothonotary is directed to file ten certified copies of the Order and Local Rule with the Administrative Office of Pennsylvania Courts.

This rule shall not be valid for any purpose until filed in the Administrative Office of Pennsylvania Courts.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

#### Rule 507. Retention and Disposition of Court Reporter Notes

##### a. Raw Notes of Testimony

(1) Raw notes of testimony are those on paper tapes and/or other media in the original state which they existed when taken at the time of testimony.

(2) Once transcribed, raw notes of testimony may be destroyed 60 days after the filing of the transcript.

(3) Raw notes of testimony that have not been transcribed may be destroyed seven years from the date of testimony.

(4) Notwithstanding the above provisions, a party may petition on good cause shown for a court order directing that particular raw notes of testimony be retained for a longer period of time than otherwise required.

b. *Transcribed Notes of Testimony*

(1) Transcribed notes of testimony filed with the Prothonotary, Clerk of the Orphans' Court, or Clerk of Courts are subject to the retention periods set forth in the County Records Manual under those offices, and need not be retained by the Judicial District, court reporter or Court.

(2) Transcribed notes of testimony filed in juvenile matters shall be retained by the appropriate office until the subject reaches the age of 25, or, 10 years after the last action in the case, whichever is later.

c. *Record Retention Disposal Log*

(1) Disposal of raw notes of testimony shall be accomplished as provided in Section 2.3 of the Record Retention & Disposition Schedule promulgated by the Supreme Court of Pennsylvania/Administrative Office of Pennsylvania Courts.

(2) When completing Disposal Log Forms, the raw notes need not be listed on the Records Disposal Log by caption and case number, but may be listed merely by the hearing date.

Comment: This Rule is derived from the Record Retention & Disposition Schedule referred to above.

[Pa.B. Doc. No. 03-1168. Filed for public inspection June 20, 2003, 9:00 a.m.]

**FAYETTE COUNTY**

**Rule of Judicial Administration 1901; No. 783 of 2003**

**Order**

*And Now*, this 8th day of April, 2003, it is hereby ordered pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, Fayette County Rule of Judicial Administration 1901 be adopted, effective August 31, 2003, as follows.

The Prothonotary is directed to file ten certified copies of the Order and Local Rule with the Administrative Office of Pennsylvania Courts.

This rule shall not be valid for any purpose until filed in the Administrative Office of Pennsylvania Courts.

*By the Court*

CONRAD B. CAPUZZI,  
*President Judge*

**Rule 1901. Prompt Disposition of Matters; Termination of Inactive Cases**

(a) On the first business day of February, May, August, and November of each year, the Prothonotary shall prepare a list of cases proposed to be dismissed in every pending civil matter in which no paper has been filed and no action taken for two (2) or more years prior to that date. The cases on such list shall be called at 10:00 A.M. on the third Friday before the next session of Civil Jury Trials.

(b) Notice of the proposed dismissal of each matter on any list prepared pursuant to paragraph (b) shall be

given by the Prothonotary to counsel of record. If no action is taken and no written objection is docketed in any such matter prior to the commencement of the call of the list, the Prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute. If no good cause is shown at the call for continuing any matter remaining on the list, an order dismissing such action shall be entered by the Court forthwith.

(c) All notices required by this Rule shall be in writing and shall be given by the Prothonotary at least thirty (30) days before the date on which the list is to be called. Notice may be given to counsel of record in person or by ordinary mail and to a party by certified mail to the last address of record. If no such notice can be given as shown by affidavit of the Prothonotary, notice may be given by publication once in the Fayette Legal Journal and in one newspaper of general circulation in Fayette County.

[Pa.B. Doc. No. 03-1169. Filed for public inspection June 20, 2003, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Revision and Renumbering of Local Rules of Criminal Procedure; No. 2003-00001-0002**

**Order**

*And Now*, this 27th day of May, 2003, the Court approves and adopts the following Revision and Renumbering of the Montgomery County Local Rules of Criminal Procedure. The Revision and Renumbering shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

S. GERALD CORSO,  
*President Judge*

**Rule 431\*(E)—(R). Procedure when Defendant Arrested with Warrant.**

(D) Warrants of arrest shall be issued for execution only to police officers as defined in Rule 103 who have on file with the issuing authority signed and dated verifications that all facts set forth in any return of service being made by the police officer are being set forth in each such return of service as true and correct to the best of the police officer's knowledge, information and belief under the understanding that false statements therein are subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

(E) When an arrest warrant is returned where the defendant has been found, the issuing authority shall ensure that the return of service by the police officer confirms:

(1) that the defendant has signed a guilty plea and has paid the amount of fine and cost stated on the warrant; or

(2) that the defendant has signed a not guilty plea and has paid the full amount of collateral stated on the warrant; or

(3) that the defendant has paid fine and cost due as specified in the warrant if the warrant is for collection of fine and cost after guilty plea or conviction.

(F) Issuing authorities shall require all police officers as defined in Rule 103 executing warrants of arrest as specified above to:

(1) accept payments directly from defendants in cash, check or money order made payable only to the issuing authority's magisterial district; and

(2) forthwith submit to the magisterial district from which the warrant of arrest issued all such payments made payable to issuing authority's magisterial district and so much of the cash payments collected as are due to the Court for security or fine and Court costs. (Authorized fees for service of warrants by police officers paid in cash may be withheld by the police officer so long as the required return of service has been made.)

(G) The issuing authority at the time of issuance of an arrest warrant shall direct that a defendant arrested on a warrant who is unable or unwilling to enter a written plea of guilty or not guilty, or who is unable or unwilling to pay the full amount of fine and cost, or is unable to post the amount of collateral stated be:

(1) held by the police officer pending the police officer's contacting the issuing authority either by telephone or in person to determine whether the defendant shall be given an immediate trial or provided a postponement; and

(2) given the opportunity to deposit sufficient collateral with the police officer when applicable for appearance on the new date. (If the issuing authority determines that a question of the defendant's financial ability to post sufficient collateral exists, then the issuing authority may release the defendant from custody pending a Pa.R.Crim.P. 456 hearing on the next available hearing day in the issuing authority's magisterial district and direct the police officer to make a notation on the warrant return released for a Rule 456 hearing by District Justice together with the date and time the order was entered.)

(H) No issuing authority serving on special assignment duty shall be required to respond to any request by a police officer to process a defendant arrested under Pa.R.Crim.P. Rule 431 unless the issuing authority on special assignment duty issued the arrest warrant being executed by the police officer.

(I) The issuing authority's warrant of arrest shall be the exclusive form for use by a police officer to issue a receipt for fines and costs or collateral accepted by the police officer where the defendant has been found.

(J) The issuing authority shall forthwith, upon receipt of a plea and payment, recall its issued warrant(s). The issuing authority shall thereafter confirm the timely return of the recalled warrant(s).

(K) The issuing authority shall not authorize payment or accept a return of service of an arrest warrant where the defendant has been found when the return of service is:

(1) not a carbon copy of the receipt issued to the defendant setting forth the amount of fine and costs or collateral received from the defendant; and

(2) is not signed by the defendant and the police officer; or

(3) which is not otherwise designated "released for a Rule 456 hearing by District Justice \_\_\_\_\_" as provided for herein;

(4) however, the issuing authority shall accept in lieu of the defendant's signature the police officer's certification, "defendant refused to sign" as full compliance with the procedures set forth herein for return of a warrant of arrest where the defendant has been found.

(L) The issuing authority shall authorize and make payment of a warrant fee for the execution of an arrest warrant when the defendant has not been found at the time the arrest warrant is executed and:

(1) the police officer has provided a notice to respond to the defendant as addressed on the warrant that includes therein:

i. a place for the defendant's signature; and

ii. a place for entry of a plea of guilty or not guilty; and

iii. a notice that all payments shall be made payable to the Magisterial Court of the issuing authority that issued the arrest warrant; and

iv. a notice of the total amount due including all costs for service of the warrant of arrest; and

v. the police officer has verified on return of the warrant that the police officer attempted service on the defendant as addressed and that the police officer left a notice to respond described herein;

(2) the issuing authority has received payment from the defendant together with a signed plea;

(3) the issuing authority shall then authorize and make payment for service of the warrant in the same manner as the return of service where the defendant is found.

(M) The issuing authority shall authorize and make payment of a nulla bono fee for the execution of an arrest warrant where the defendant has not been found when the arrest warrant was executed and:

(1) the police officer has made an actual attempt at service; and

(2) has properly completed an affidavit that the defendant was not found as addressed on the warrant; and

(3) the police officer leaves a notice to the defendant as addressed on the warrant in the same manner as prescribed in section (m) above.

(N) Issuing authorities shall require police officers to complete requests for payment due to police officers for all warrants of arrest where the defendant has been found and a proper return of service has been completed.

(O) The issuing authority shall complete payment forms for payments due to police officers for execution of warrants where the defendant was not found but has responded by written plea and payment as a result of the police officer having left notice at the defendant's residence.

(P) During normal business operation of magisterial office, all requests for payments for properly executed warrants and returns of service which have been submitted by approved police officers or completed by the issuing

authority's staff by noontime on Wednesday of any work week will be paid by 4 p.m. Friday of the same work week.

(Q) All arrest warrants issued pursuant to Pa.R.Crim.P. 431 by an issuing authority shall be required to be returned by the police officer to whom they were issued within ninety (90) days after the date issued. An issuing authority shall have the discretion to reissue any warrants so returned for an additional sixty (60) days upon good cause shown.

See Form

**Rule 507\*. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.**

The District Attorney of Montgomery County, having filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507(b), Criminal Complaints and Arrest Warrant Affidavits by police officers, as defined in the Rules of Criminal Procedure, charging criminal homicide offenses (including homicide by vehicle) shall not hereafter be accepted by any judicial officer unless the Complaint and Affidavit have the approval of an attorney for the Commonwealth prior to filing.

**Rule 528(C)\*. Procedure for Bail Bond.**

When a defendant or his/her private third-party surety has deposited a sum of money equal to ten (10) percent of the bail (but in no event less than fifty (\$50) dollars), then upon full and final disposition of the case, the deposit (less the retention) and any amount applied to the payment of fine, costs and attorney's fee shall be returned to the person who originally posted the deposit. Notice of the full and final disposition shall be sent by the Court to the person who originally posted the money at his/her address of record. Any money not claimed within sixty (60) days from the time of full and final disposition of the case shall be deemed as unclaimed and abandoned property subject to escheat pursuant to the applicable Pennsylvania Escheat Statute.

**Rule 528(D)(3)\*. Realty as Security for Monetary Condition of Release on Bail.**

The actual net value shall be the assessed value deducting therefrom all liens and encumbrances or meet the requirements of Montgomery County Rule of Criminal Procedure 531(A)\*(6).

**Rule 531(A)\*(6)—(11). Qualifications of Surety.**

(6) Residents or owners of realty in order to be qualified to act as sureties must own realty within the Commonwealth of Pennsylvania. In all cases or realty owned outside Montgomery County, the surety must provide the following:

- (a) Affidavit of Justification of each surety;
- (b) Written appraisal by a reputable licensed real estate broker in the county in which the property is situate;
- (c) Proof of entry of the bond in favor of the Commonwealth in the Prothonotary's Office of the county in which the property is situate;
- (d) Letter from the mortgage company indicating the unpaid balance due on the mortgage covering the said property, if any;
- (e) A lien and judgment search by a reputable title insurance company.

(7) *Justification of Personal Surety.* In justification of bail, personal surety shall be required to give the following information under oath:

- (a) name, address, age and occupation;
- (b) A general description of real estate in Montgomery County of which the surety is a freeholder;
- (c) A statement of the manner in which the surety obtained title, and upon failure to produce the evidence of title, the Deed Book or Will Book reference of the recording of the instrument by which the surety obtained title;
- (d) A statement of all encumbrances, including taxes, upon said real estate;
- (e) A statement of all other surety undertakings;
- (f) A statement of all the assessed, market and rental value of the real estate;
- (g) A statement that the surety is not contemplating or negotiating the sale of the real estate.
- (8) *Corporate Surety.*

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

(b) No bond shall be executed by any corporate surety where the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Solicitor for the Clerk of Courts, is One Hundred Thousand (\$100,000.00) Dollars. The Solicitor for the Clerk of Courts shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Montgomery County, of any corporate surety having reached this maximum limit. The Clerk of Courts and District Justices shall immediately cease executing bonds by the corporate surety. When full financial settlement has been made with the County of Montgomery, the Solicitor for the Clerk of Courts shall notify the Clerk of Courts and District Justices that execution of bonds by the corporate surety may resume.

(9) *Surety Agents.*

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

(b) No bond shall be executed by any surety agent of a corporate surety authorized to do business in Montgomery County where the aggregate maximum amount of unsettled and outstanding bail forfeitures for all corporate sureties for which the surety agent is writing bonds, as determined by the Solicitor for the Clerk of Courts, is One Hundred Thousand (\$100,000.00) Dollars. The Solicitor for the Clerk of Courts shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Montgomery County, of any surety agent having reached this maximum limit. The Clerk of Court and

District Justices shall immediately cease executing bonds by the surety agent. When full financial settlement has been made with the County of Montgomery, the Solicitor for the Clerk of Courts shall notify the Clerk of Courts and District Justices that execution of bonds by the surety agent may resume.

(10) *Professional Bail Bondsman.*

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

(b) No bond shall be executed by any professional bail bondsman where the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Solicitor for the Clerk of Courts, is One Hundred Thousand (\$100,000.00) Dollars. The Solicitor for the Clerk of Courts shall immediately notify the Clerk of Courts, the District Attorney and the District Justices of Montgomery County, of any professional bail bondsman having reached this maximum limit. The Clerk of Court and District Justices shall immediately cease executing bonds by the professional bail bondsman. When full financial settlement has been made with the County of Montgomery, the Solicitor for the Clerk of Courts shall notify the Clerk of Courts and District Justices that execution of bonds by the professional bail bondsman may resume.

(11) *Effective Date.*

This rule shall apply to forfeitures entered on or after June 12, 2001.

**Rule 542\*(F), (G). Preliminary Hearing.**

(E) In all cases where there is a transcript taken by a court reporter of a Preliminary Hearing in a criminal case, the entire cost of the notes of testimony which shall include an original for the Court, and a copy each to the Commonwealth and the defendant, shall be borne equally between the Commonwealth and defense counsel. If any extra copies are ordered, the party requesting the extra copy shall be responsible for same.

(F) If a stenographic or other record of any preliminary hearing is made, and is subsequently transcribed, the original thereof shall, upon its preparation, be forthwith filed with the Clerk of Courts of Montgomery County. Where notes have been transcribed by an official or other reporter, it shall be the primary responsibility of the reporter to cause the original to be filed. In the event the reporter shall fail to do so, and where a party has transcribed a record using mechanical or electronic devices, the party responsible for ordering or preparing such transcription shall be responsible for filing the original of the notes. Where a mechanical or electronic device has been the primary source of a transcribed record, it shall be preserved and available for reference at trial. If a transcript of a record of the proceedings has not been filed with the Clerk of Courts prior to trial, or hearing on

pretrial motions heard immediately before trial, such record shall be unavailable for use to either party at trial or at such pretrial hearings.

**Rule 571\*(E), (F). Arraignment.**

(E) At the conclusion of a preliminary hearing in which a defendant is bound over for action by the Court of Common Pleas, or upon waiver of the preliminary hearing by a defendant, the issuing authority shall provide written notice of the date, place and time of arraignment in the Court of Common Pleas.

(F) Arraignment may be conducted by the Court Administrator or designated Deputy, and may be conducted by using advanced communication technology.

**Rule 587\*(C). Motion for Dismissal.**

The Clerk of Courts shall annually prepare a list of all pending criminal actions in which no activity appears upon the docket for two years or more immediately prior thereto. The Clerk of Courts shall give notice thereof to the District Attorney, counsel of record, and to the parties for whom no appearance of counsel has been entered, that said cases shall be marked terminated upon the docket unless an Activity Status Certificate is filed with the Clerk of Courts within thirty (30) days after service of the notice by mail, in person or by publication on the District Attorney, counsel of record and to those parties for whom no appearance has been entered. Such cases shall be marked terminated on the docket unless an Activity Status Certificate is filed with the Clerk of Court within such time.

All matters so terminated may not be reinstated except with leave of Court.

The Clerk of Courts shall notify the Sheriff, District Attorney, and counsel for the defendant each time a case is marked terminated on the docket.

**Rule \*709. Paroles and Changing of Sentence.**

All petitions for parole or change of sentence shall contain the following:

- (1) The sentence of the Court verbatim;
- (2) The name of the Sentencing Judge;
- (3) A detailed history of the case;
- (4) The prior criminal record of the defendant, in detail;
- (5) Succinct statement of the reasons for making the application;
- (6) Employment open to defendant, accompanied by a letter from the defendant's proposed employer stating the wages the defendant will receive, if the application should be granted;
- (7) Where defendant proposes to reside; and
- (8) A signed statement by the warden of the defendant's department.

**Rule \*710. Termination of Probation.**

After the request of a defendant, or defendant's counsel, for termination of probation to the Chief Adult Probation Officer has been refused by such officer, a Petition for Termination of Probation may be filed in form substantially similar to that set forth in Rule \*709. A copy shall be served on the District Attorney, the Chief Adult Probation Officer, and the sentencing Judge. Thereafter, unless the sentencing Judge summarily grants the prayer for relief upon the averments of the Petition, a hearing shall be set thereon at the earliest possible date.

**Rule 722\*. Expungement of Record**

(A) A person desiring to expunge the record involving any criminal arrest or other criminal matter, except a Section 17 Disposition under the Drug Act shall:

(1) File a petition which shall contain the following:

i. The name, date of birth and social security number of the petitioner and any names or aliases which the petitioner has used.

ii. The address of the petitioner.

iii. The crime or crimes upon which the petitioner was arrested or the matter which the petitioner desires to have expunged, and a summary of all proceedings which took place after the arrest, including the names of all police departments involved, the name of the District Justice involved in the case, and the Official Tracking Number (OTN).

iv. The reason why the record or matter should be expunged.

v. Any previous criminal convictions of a felony or a misdemeanor in any jurisdiction in which the petitioner had been convicted. The petition should be under oath.

(2) The petition shall be captioned to the name or term and number of the original Court case if there is any such term and number in the proceedings, it shall be captioned "In the Matter of \_\_\_\_\_, Petition to Expunge," and given a miscellaneous number by the Clerk of Courts.

(3) After the filing of the said petition with the Clerk of Courts, the petitioner, by petitioner's counsel, shall obtain a Rule Returnable from the Court Administrator's Office

(4) A copy of said petition with the date of the Rule Returnable shall be served either on the District Attorney or the First Assistant District Attorney by petitioner. Said petition is to be served at least 25 days prior to the date of the Rule Returnable.

(5) If no answer is filed by the District Attorney's Office on the return date and petitioner files an affidavit of service that said petition was served as required by the rule, said rule is to be made absolute.

(6) If an answer is filed by the District Attorney's Office, the Court Administrator is to immediately set a hearing date at which time the Commonwealth may produce evidence, if necessary, and give arguments to the Court in opposition to the expungement, after which the petitioner has the right to produce evidence and arguments in favor of the expungement.

(7) If the Court grants the order of expungement, the petitioner or petitioner's counsel shall obtain all necessary certified copies of the order from the Clerk of Courts office and mail the certified copies of the expungement order to all criminal justice agencies enumerated in the proposed order of expungement with a self-addressed stamped envelope so that the criminal justice agencies can notify the petitioner or petitioner's counsel that their records have been expunged.

(8) Upon notification by the criminal justice agencies that the petitioner's records have been expunged, the petitioner and/or petitioner's counsel will notify the Clerk of Courts and they will expunge their records, notifying the petitioner and/or the petitioner's counsel of the same.

(B) Section 17 Disposition

(1) When a defendant has successfully completed a Section 17 Disposition under the Drug Act, the Adult

Probation Office of Montgomery County shall certify that fact to the Clerk of Courts of Montgomery County within 14 days.

(2) The Clerk of Courts of Montgomery County shall prepare an expungement order for the Court to sign in accordance with Pennsylvania Rule of Criminal Procedure 722 within 14 days.

(3) After the Court has signed the expungement order, the Clerk of Courts shall send the Order to the defendant and/or defendant's attorney within 14 days for service on all appropriate criminal justice agencies.

(4) Upon notification by the defendant and/or defendant's attorney that the defendant's record has been expunged by the appropriate criminal justice agencies, the Clerk of Courts will expunge its record and notify the defendant and/or defendant's attorney.

**CRIMINAL COURT FORMS**

See Rule 431\*(E)—(R)

**VERIFICATION**

I, \_\_\_\_\_, state that I am a police officer as defined in Rule 103 of the Pennsylvania Rules of Criminal Procedure; and that the facts that I shall from time to time set forth in any Return of Service required to be filed with the issuing authority for each warrant of arrest issued to me pursuant to Pa.R.Crim.P. 431 shall be true and correct to the best of my knowledge, information and belief, and that this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

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

[Pa.B. Doc. No. 03-1170. Filed for public inspection June 20, 2003, 9:00 a.m.]

**NORTHAMPTON COUNTY****Administrative Order 2003-2—Assessment and Collection of Juvenile Court Costs; Misc. 263-2003****Order of Court**

*And Now*, this 5th day of June, 2003, is hereby Ordered that court costs assessed in juvenile delinquency cases shall be collected by the Clerk of Court Criminal Division. The Juvenile Probation Department shall be responsible for calculating costs and entering them into the FACTS case management system. All payments shall be made to the Clerk of Court Criminal Division.

Costs to be assessed shall include the following:

—Access to Justice Fee—ten dollars (\$10.00)—Applicable to all cases.

—Victim's Compensation Fee—twenty-five dollars (\$25.00)—Applicable to all cases.

—Statutory Fee for Felony Offenses—five dollars (\$5.00)—Applicable to any case where there is an adjudication of delinquency for a felony offense.

—Statutory Fee for Misdemeanor Offenses—one dollar fifty cents (\$1.50)—Applicable to any case where there is an adjudication of delinquency for any misdemeanor offense.

*—DUI/Drug Fee*

1. One hundred dollars (\$100.00) for Drug Related Offenses and Driving Under the Influence Offenses where the blood alcohol level is less than or equal to .15%.

2. Three Hundred Dollars (\$300.00) for Driving Under the Influence Offenses where the blood alcohol level is greater than .15%.

—DNA Detection Act Fee—Two hundred fifty (\$250.00) for all cases to which this act applies.

This Administrative Order shall become effective July 1, 2003.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

[Pa.B. Doc. No. 03-1171. Filed for public inspection June 20, 2003, 9:00 a.m.]

### NORTHAMPTON COUNTY

#### Administrative Order 2003-3—Family Court Rules N1910.5, N1910.6, N1910.11; C-48-CV-2003-4094

##### Order of Court

*And Now*, this 5th day of June, 2003, the following rules, N1910.5, N1910.6, and N1910.11 are hereby adopted. The effective date of the rules is July 14, 2003.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

##### Rule N1910.6—Special Relief Emergency Support Order

(1) Where there is an imminent prospect of cessation or material interruption of the basic necessities of health, education or welfare, a party may apply for a special order of support prior to the conference before a Domestic Relations conference officer. Applications for such relief shall use the Application, Notice, Certificate of Service and Response Form available at the Domestic Relations Office.

(2) All applications must be completed in full and include as an attachment, proof/verification of income in the nature of a pay stub, tax return, W-2 statement or other suitable proof of income. The completed application must be filed with the Domestic Relations Section and a copy of the completed application with the notice and a blank response form shall be served by the Sheriff or a competent adult upon the defendant in the manner set forth in Pa.R.C.P. 1930.4. A certificate of service shall be promptly filed with the Domestic Relations Section certifying service upon the defendant of the application, notice and blank response form.

(3) The defendant must respond to the application by submitting his completed response form within ten (10) days after service.

(4) Thereafter, the case file will be transmitted to the Administrative Judge for Domestic Relations for disposi-

tion. Any order of support entered pursuant to the application will be temporary in nature pending the Domestic Relations conference, effective as of the date the application was filed and enforceable by the Domestic Relations Section pursuant to the Pennsylvania Rules of Civil Procedure. Credit will be given for all monies paid pursuant to a temporary order, against the final order.

##### Rule N1910.5—Orders, Motions and Rules to Show Cause

(1) All motions, orders, stipulations, petitions for special relief in Domestic Relations matters and rules to show cause requiring a scheduled hearing must be submitted directly to the Domestic Relations Section Director for action by the Administrative Judge of Domestic Relations. NO such matters shall be submitted through Motions Court.

(2) Any matter bearing a Domestic Relations Section term number or a matter directly effecting the administration of a Domestic Relations file shall not be listed on any Miscellaneous or Civil Non-Jury List without the approval of the Administrative Judge of Domestic Relations.

##### Rule 1910.11—I.b—Continuances of Scheduled Conferences

(1) The Domestic Relations Section, when aware that attorneys represent one or both parties, shall consult with counsel prior to scheduling support conferences.

(2) All applications for continuances shall be submitted directly to the Domestic Relations Section Director.

(3) Pa.R.C.P. No. 1910.6 requires the Domestic Relations Section to provide a twenty (20) day notice for a hearing before a Domestic Relations Conference Officer. Any continuance granted within the twenty (20) day period shall result in the loss of slot reserved by the Conference Officer for such hearings. For this reason, the Domestic Relations Section shall require applications for continuances to be submitted within twenty-five (25) days of the hearing date, so that the slot may be reassigned to another case. All timely applications for continuances shall be ruled upon by the Domestic Relations Section Director and will be granted for good cause.

(4) Applications for continuance shall be signed by the parties and/or their counsel of record and submitted on the Northampton County Application for Continuance Form. It should be noted that the continuance of any scheduled conference will result in a significant delay in rescheduling the conference.

(5) Applications filed less than twenty-five (25) days before the scheduled conference shall be denied by the Domestic Relations Section Director.

(6) Either party may appeal a Domestic Relations Section ruling on a continuance application by presenting the continuance ruling to the Administrative Judge for Domestic Relations for review. Agreement of counsel and/or conflicts with other scheduled court appearances shall not be sufficient reason to grant a continuance of a scheduled conference.

[Pa.B. Doc. No. 03-1172. Filed for public inspection June 20, 2003, 9:00 a.m.]

**SOMERSET COUNTY****Consolidated Rules of Court; No. 35 Misc. 2003****Adopting Order**

*And Now*, this 30th day of May, 2003, it is hereby *Ordered*:

1. Somerset County Rule of Judicial Administration 4010 (Som.R.J.A. 4010), Dockets For Proceedings In Civil Division, is amended by adding a new subparagraph H. Mental Health Docket, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rule with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

**Records of the Courts—Dockets****Som. R.J.A. 4010. Dockets for Proceedings in Civil Division***G. Older Adults Protective Services Docket.*

All proceedings under the Older Adults Protective Services Act, 1987, November 6, P. L. 381, No. 79 § 1 et seq., 35 P. S. § 10225.101 et seq., as amended, shall be entered in a docket designated "Older Adults Protective Services Docket."

NOTE: See Som. R.C.P. 1908 governing proceedings under the Older Adults Protective Services Act.

*H. Mental Health Docket.*

All proceedings under the Mental Health and Mental Retardation Act of 1966, Special Sess. No. 3, Oct. 20, P. L. 96 Art. I, § 101, as amended, 50 P. S. § 4101 et seq., and under the Mental Health Procedures Act, 1976, July 9, P. L. 817, No. 143, § 101, as amended, 50 P. S. § 7101 et seq., shall be entered in a docket designated as "Mental Health Docket."

[Pa.B. Doc. No. 03-1173. Filed for public inspection June 20, 2003, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

### HEALTH CARE COST CONTAINMENT COUNCIL

[28 PA. CODE CH. 912]

#### Uniform Claims and Billing Forms Reporting Manual

The Health Care Cost Containment Council (Council), under the authority of section 5(b) of the Pennsylvania Health Care Cost Containment Act (act) (35 P. S. § 449.5(b)), amends Chapter 912, Appendix A (relating to Pennsylvania Uniform Claims and Billing Forms Reporting Manual) to read as set forth in Annex A.

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)) (CDL). In accordance with section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency, for good cause, finds that public notice of its intention to amend an administrative regulation is unnecessary under the circumstances.

#### *Purpose*

The purpose of this final-omitted rulemaking is to conform the data reporting requirements in Appendix A to the data reporting requirements in the text of Chapter 912 (relating to data reporting requirements). The text of Chapter 912 was amended at 29 Pa.B. 5093 (October 2, 1999) by removing all specific references to the MedisGroups methodology. The purpose of the 1999 amendment was to give the Council greater flexibility in selecting a methodology for measuring provider quality and provider service effectiveness. Although it was the Council's stated intention to remove all references to the MedisGroups methodology from the regulations in 1999, four references to the methodology inadvertently remained in Appendix A. This final-omitted rulemaking is promulgated to finish the regulatory changes initiated in 1999 by deleting the remaining references to MedisGroups that inadvertently remained in Appendix A after the 1999 amendments to Chapter 912.

#### *Explanation of Regulatory Requirements*

Section 5(d)(4) of the act (35 P. S. § 449.5(d)) directs the Council to "Adopt and implement a methodology to collect and disseminate data reflecting [health care] provider service effectiveness." Section 6(d) of the act (35 P. S. § 449.6(d)) permits the Council to "adopt a Nationally recognized methodology of quantifying and collecting the data." In 1987, the Council selected the MedisGroups methodology offered by MediQual Systems, Inc. In 1988, the MedisGroups methodology was incorporated by name into Chapter 912 and Appendix A. To afford the Council the flexibility to utilize a vendor other than MediQual Systems, Inc. if a more effective and economical system became available from another source, the Council amended its regulations in 1999 by deleting all references to MedisGroups from Chapter 912. Although it was the Council's stated intention to eliminate all references to MedisGroups from the regulations in 1999, four additional references to the MedisGroups methodology were in Appendix A that were not identified or deleted at that time. This oversight was recently brought to the attention

of the Council. This final-omitted rulemaking deletes the remaining references to MedisGroups from Appendix A, completing the regulatory changes initiated in 1999.

#### *Fiscal Impact*

The regulated community (hospitals and other health care providers) will not incur additional costs on account of this final-omitted rulemaking, nor will it require the Council or any other State agency or local government to incur additional costs. At the present time, the Council continues to utilize the MedisGroups methodology for reporting. The authority for the Council to select another vendor if deemed desirable was created by the 1999 rulemaking; this is a ministerial change that does nothing more than conform the text of the forms' reporting manual to the existing text of the regulation. Therefore, there is no fiscal impact on government or the regulated community.

#### *Effectiveness/Sunset Date*

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned. The Council constantly monitors its regulations to insure maximum effectiveness and to implement changes as necessary.

#### *Paperwork*

Adoption of this final-omitted rulemaking will not require any additional paperwork for hospitals and other regulated health care providers since it merely conforms the reporting manual to the requirements of the existing regulation.

#### *Persons Regulated*

Approximately 200 hospitals are required to submit health care provider service effectiveness data to the Council.

#### *Contact Person*

Questions regarding the final-omitted rulemaking should be addressed to Marc P. Volavka, Executive Director, Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), the Council submitted copies of this final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee on April 22, 2003. On the same date, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(e) and (j.2) of the Regulatory Review Act, on May 12, 2003, this final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on May 29, 2003, IRRC met and approved this final-omitted rulemaking.

#### *Findings*

The Council finds that:

(1) There is good cause to amend Appendix A, effective upon publication of the final-omitted rulemaking. Deferral of the effective date of this final-omitted rulemaking is

unnecessary and would not serve the public interest. Under section 204(3) of the CDL, there is no purpose to be served by deferring the effective date.

(2) There is good cause to forego public notice of the intention to amend Appendix A because notice of the amendment under the circumstances is unnecessary for the following reasons:

(i) The amendments made merely conform the reporting forms and the manual advising the regulated community how to fill in the report forms; they do not change the substance of what the regulations require the regulated community to do or to be reported.

(ii) The amendments to Appendix A complete the regulatory changes initiated in 1999, when the references to MedisGroups were eliminated from the text of Chapter 912. The 1999 amendments were published as proposed rulemaking. Comments from several interested parties in the regulated community were received, reviewed and responded to during the course of the 1999 rulemaking. Additional public comment concerning the ministerial changes being made by this final-omitted rulemaking to conform the report form and reporting manual to what the regulations already permit is unnecessary.

(iii) Additional public comment cannot change the fact that Chapter 912, which has already been amended, sets forth the requirements of what is to be reported and

Appendix A only advises the regulated community how those reports should be made.

*Order*

The Council, acting under the authorizing statutes, orders that:

(a) The regulations of the Council, 28 Pa. Code Chapter 912, are amended by amending Appendix A to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Council shall submit this order and Annex A to the Office of Attorney General for approval as to form and legality as required by law.

(c) The Council shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

MARC P. VOLAVKA,  
*Executive Director*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 2831 (June 14, 2003).)

**Fiscal Note:** 100-16. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 28. HEALTH AND SAFETY**  
**PART VI. HEALTH CARE COST CONTAINMENT COUNCIL**  
**CHAPTER 912. DATA REPORTING REQUIREMENTS**  
**APPENDIX A**  
**Pennsylvania Uniform Claims and Billing Forms Reporting Manual**

\* \* \* \* \*

**Index by Data Element Name**

| <i>Data Element Name</i>                         | <i>Field #</i> | <i>UB-92 Form Locater</i> |
|--|----------------|---------------------------|
| Admission Date                                   | 5              | 6                         |
| Admission Hour                                   | 40             | 18                        |
| Admission—Type of                                | 26             | 19                        |
| Admission—Source of                              | 27             | 20                        |
| Admitting Diagnosis                              | 36             | 76                        |
| Certification/SSN/ Health Insurance Claim Number | 29a—c          | 60                        |
| Discharge Date                                   | 6              | 6                         |
| Discharge Hour                                   | 41             | 21                        |
| Diagnosis Related Group (DRG)                    | 24             | 2h                        |
| E-Code   | 37             | 77                        |
| Employer Name                                    | 32a—c          | 65                        |
| Employment Status                                | 34a—c          | 64                        |
| Estimated Amount Due                             | 14g            | 55                        |
| Federal Tax ID                                   | 39             | 5                         |
| HPCS/Rates                                       | 13a—w6         | 44                        |
| Hispanic/Latino Origin or Descent                | 35a            | 2i                        |
| Non-Covered Charges                              | 13a—w5         | 48                        |
| Patient Discharge Status                         | 20             | 22                        |
| Patient Date of Birth                            | 2              | 14                        |
| Patient Control Number                           | 23             | 3                         |
| Patient—Uniform Identification                   | 1              | 2a                        |
| Patient Race                                     | 35b            | 2j                        |
| Patient Relationship to Insured                  | 28a—c          | 59                        |
| Patient Sex                                      | 3              | 15                        |
| Patient Zip Code                                 | 4              | 13                        |
| Payor Group Number                               | 19             | 62                        |

| <i>Data Element Name</i>                   | <i>Field #</i> | <i>UB-92 Form Locator</i> |
|--|----------------|---------------------------|
| Payor Identification                       | 14b            | 50                        |
| Physician Identification—Attending         | 11             | 82                        |
| Physician Identification—Operating         | 12             | 83                        |
| Physician Identification—Referring         | 38             | 82                        |
| Principal Diagnosis                        | 7a             | 67                        |
| Principal Procedure Code and Date          | 8a, 8b         | 80                        |
| Prior Payments—Payor and Patient           | 14f            | 54                        |
| Procedure Coding Method Used               | 25             | 79                        |
| Provider Quality                           | 21a            | 2d                        |
| Provider Service Effectiveness             | 21b            | 2e                        |
| Revenue Code                               | 13a—w2         | 42                        |
| Reserve Field                              | 21e            | HC4                       |
| Secondary Diagnosis                        | 7b—i           | 68—75                     |
| Secondary Procedure Code and Date          | 9              | 81                        |
| Service Date                               | 13a—w7         | 45                        |
| Total Charges                              | 13a—w4         | 47                        |
| Type of Bill                               | 22             | 4                         |
| Uniform Identifier of Health Care Facility | 10             | 2b                        |
| Uniform Identifier of Primary Payor        | 17             | 2c                        |
| Units of Service                           | 13a—w3         | 46                        |
| Unusual Occurrence—Nosocomial Infection    | 21c            | 2f                        |
| Unusual Occurrence—Readmission             | 21d            | 29                        |

**Index by Field Number**

| <i>Data Element Name</i>                           | <i>Field #</i> | <i>UB-92 Form Locator</i> |
|--|----------------|---------------------------|
| Patient—Uniform Identification                     | 1              | 2a                        |
| Patient Date of Birth                              | 2              | 14                        |
| Patient Sex  | 3              | 15                        |
| Patient Zip Code                                   | 4              | 13                        |
| Admission Date                                     | 5              | 6                         |
| Discharge Date                                     | 6              | 6                         |
| Principal Diagnosis                                | 7a             | 67                        |
| Secondary Diagnosis                                | 7b—i           | 68—75                     |
| Principal Procedure Code and Date                  | 8a, 8b         | 80                        |
| Secondary Procedure Code and Date                  | 9              | 81                        |
| Uniform Identifier of Health Care Facility         | 10             | 2b                        |
| Physician Identification—Attending                 | 11             | 82                        |
| Physician Identification—Operating                 | 12             | 83                        |
| Revenue Code                                       | 13a—w2         | 42                        |
| Units of Service                                   | 13a—w3         | 46                        |
| Total Charges                                      | 13a—w4         | 47                        |
| Non-Covered Charges                                | 13a—w5         | 48                        |
| HCP/CS/Rates                                       | 13a—w6         | 44                        |
| Service Date                                       | 13a—w7         | 45                        |
| Payor Identification                               | 14b            | 50                        |
| Prior Payments—Payor and Patient                   | 14f            | 54                        |
| Estimated Amount Due                               | 14g            | 55                        |
| Uniform Identifier of Primary Payor                | 17             | 2c                        |
| Payor Group Number                                 | 19             | 62                        |
| Patient Discharge Status                           | 20             | 22                        |
| Provider Quality                                   | 21a            | 2d                        |
| Provider Service Effectiveness                     | 21b            | 2e                        |
| Unusual Occurrence—Nosocomial Infection            | 21c            | 2f                        |
| Unusual Occurrence—Readmission                     | 21d            | 29                        |
| Reserve Field                                      | 21e            |                           |
| Type of Bill                                       | 22             | 4                         |
| Patient Control Number                             | 23             | 3                         |
| Diagnosis Related Group (DRG)                      | 24             | 2h                        |
| Procedure Coding Method Used                       | 25             | 79                        |
| Admission—Type of                                  | 26             | 19                        |
| Admission—Source of                                | 27             | 20                        |
| Patient Relationship to Insured                    | 28a—c          | 59                        |
| Certification/SSN/Health Insurance<br>Claim Number | 29a—c          | 60                        |
| Employer Name                                      | 32a—c          | 65                        |
| Employment Status                                  | 34a—c          | 64                        |
| Hispanic/Latino Origin or Descent                  | 35a            | 2i                        |

| <i>Data Element Name</i>           | <i>Field #</i> | <i>UB-92 Form Locator</i> |
|------------------------------------|----------------|---------------------------|
| Patient Race                       | 35b            | 2j                        |
| Admitting Diagnosis                | 36             | 76                        |
| E-Code                             | 37             | 77                        |
| Physician Identification—Referring | 38             | 82                        |
| Federal Tax ID                     | 39             | 5                         |
| Admission Hour                     | 40             | 18                        |
| Discharge Hour                     | 41             | 21                        |

**Hospital and Ambulatory Service Facility Reporting Manual**

\* \* \* \* \*

Data Element: **Provider Quality** Field 21a Revised 7/1/88, 6/21/03

Definition: Provider quality consistent with section 6(d) of the act (35 P. S. § 449.6(d)) and with § 911.3 (relating to council adoption of methodology). Periodically, the Council will review the methodology, and if change is necessary, it will be made by majority vote of the Council at a public meeting. Notice of the change will be given to all appropriate data sources within 30 days and at least 180 days before the change is to be implemented.

Field Size: 1 field, 1 character

Record Position: 1577

Format: Alphanumeric

Reference: UB-92, Item 2d (Pos 1 of 30 character field, lower line)

Data Element: **Provider Service Effectiveness** Field 21b Revised 7/1/88, 4/1/90, 6/21/03

Definition: Provider service effectiveness consistent with section 6(d) of the act (35 P. S. § 449.6(d)) and with § 911.3. Periodically, the Council will review the methodology, and if change is necessary, it will be made by majority vote of the Council at a public meeting. Notice of the change will be given to all appropriate data sources within 30 days and at least 180 days before the change is to be implemented.

Field Size: 1 field, 1 character

Record Position: 1578

Format: Alphanumeric

Reference: UB-92, Item 2e (Pos 2 of 30 character field, lower line)

\* \* \* \* \*

**Hospital and Ambulatory Service Facility Tape Format**

| <i>Data Element</i> | <i>Data Element Description</i> | <i>Position From</i> | <i>To</i> | <i>Picture</i> | <i>Format</i> |
|---------------------|---------------------------------|----------------------|-----------|----------------|---------------|
|---------------------|---------------------------------|----------------------|-----------|----------------|---------------|

\* \* \* \* \*

|     |                                |      |      |  |
|-----|--------------------------------|------|------|--|
| 21a | Provider Quality               | 1577 | X(1) | Provider quality consistent with section 6(d) of the act and with § 911.3. Periodically, the Council will review the methodology, and if change is necessary, it will be made by majority vote of the Council at a public meeting. Notice of the change will be given to all appropriate data sources within 30 days and at least 180 days before the change is to be implemented.               |
| 21b | Provider Service Effectiveness | 1578 | X(1) | Provider service effectiveness consistent with section 6(d) of the act and with § 911.3. Periodically, the Council will review the methodology, and if change is necessary, it will be made by majority vote of the Council at a public meeting. Notice of the change will be given to all appropriate data sources within 30 days and at least 180 days before the change is to be implemented. |

\* \* \* \*

[Pa.B. Doc. No. 03-1174. Filed for public inspection June 20, 2003, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF CERTIFIED  
REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

### Continuing Education for Appraisers and Broker/ Appraisers

The State Board of Certified Real Estate Appraisers (Board) amends § 36.41 (relating to continuing education requirement) to read as set forth in Annex A.

#### *Omission of Proposed Rulemaking*

Under authority of section 204(2) and (3) of the act of July 31, 1968 (P.L. 769, No. 240) (CDL) (45 P.S. § 1204(2) and (3)), the Board has omitted the procedures for proposed rulemaking set forth in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202). Proposed rulemaking has been omitted because all affected certificateholders have been given actual notice of the Board's intention to adopt the amendments in advance of

final rulemaking and public comment is unnecessary in that the amendments implement mandatory Federal and State continuing education requirements and make editorial changes.

#### *Description of Final-Omitted Rulemaking*

Section 36.41 currently requires certified general appraisers and certified residential appraisers to complete 28 classroom hours of continuing education during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period. (A new biennial renewal period begins July 1 of every odd-numbered year.) The 28 hours shall include at least 4 hours on the Uniform Standards of Professional Appraisal Practice (USPAP) and at least 2 hours on the Real Estate Appraisers Certification Act (REACA) (63 P.S. §§ 457.1—457.19) and the regulations and policies of the Board. General appraisers and residential appraisers who receive initial certification after January 1 of a biennial renewal year are exempt from having to complete continuing education as a condition of renewal of certification in that biennial renewal year.

The final-omitted rulemaking makes the continuing education requirement applicable to certified broker/

appraisers effective with renewal of certification for the 2003-2005 biennial renewal period (July 1, 2003—June 30, 2005); allows broker/appraisers credit for continuing education hours earned between January 1, 2001, and June 30, 2001, toward their initial continuing education requirement; and replaces the 4-hour USPAP requirement with the 7-hour National USPAP Update Course, or its equivalent, for all certificateholders effective with renewal of certification for the 2005-2007 biennial renewal period (July 1, 2005—June 30, 2007). The final-omitted rule-making also makes editorial changes.

*Reason for Amendments and Notice to Certificateholders*

Enacted in 1990, the REACA initially established the certification classes of general appraiser and residential appraiser. Under section 10(b) of the REACA (63 P. S. § 457.10(b)), the Board is required to impose a continuing education requirement upon general appraisers and residential appraisers for biennial renewal of certification to the extent required under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) (Pub. L. No. 101-73, 103 Stat. 103). The Appraisal Qualifications Board (AQB) of the Appraisal Foundation is charged with establishing education and experience requirements for appraisers under the FIRREA. Section 36.41, which was initially adopted in July 1992 and revised in March 1999, is intended to implement the continuing education requirement under the FIRREA.

In 1996, the REACA was amended to establish the special certification class of broker/appraiser which was closed to new applicants after September 3, 1998. The act of December 20, 2000 (P. L. 733, No. 103) (Act 103) amended the REACA to provide that broker/appraisers must meet the same continuing education requirement for biennial renewal of certification as general appraisers and residential appraisers. The Board was empowered to promulgate implementing regulations.

Immediately following the enactment of Act 103, many broker/appraisers enrolled in continuing education courses in the mistaken belief that Act 103 would be interpreted as requiring them to complete 28 hours of continuing education as a condition of renewal of certification for the 2001-2003 biennial renewal period (July 1, 2001—June 30, 2003).

In April 2001, as part of its mailing of biennial renewal applications to current certificateholders, the Board included a copy of Act 103 and the current continuing education requirement with each broker/appraiser's renewal application. The Board's notice advised broker/appraisers that a regulation would be promulgated requiring them to complete 28 hours of continuing education (including 4 hours on the USPAP and 2 hours on the REACA and the Board's regulations and policies) between January 1, 2001, and June 30, 2003, as a condition of renewal of certification for the 2003-2005 biennial renewal period. The Board's notice also advised broker/appraisers that they were not required to complete continuing education as a condition of renewal of certification for the 2001-2003 biennial renewal period.

In October 2001, the AQB issued a new interpretation of a continuing education rule, adopted in October 2000, that requires general appraisers and residential appraisers to complete a 7-hour National USPAP Update Course, or an equivalent course approved by the AQB, every 2 years, beginning January 1, 2003. Under the new interpretation, implementation of the 7-hour USPAP requirement may occur during a biennial continuing education cycle that begins after January 1, 2003, as long as the required hours have been taken by December 31, 2005.

In its Fall 2002 newsletter, which was sent to all current certificateholders, the Board gave notice that, consistent with AQB standards, a regulation would be promulgated substituting a 7-hour USPAP requirement for the current 4-hour USPAP requirement as a condition of renewal of certification for the 2005-2007 biennial renewal period. The Board also reminded broker/appraisers of their obligation to complete 28 hours of continuing education (including 4 hours on the USPAP, 2 hours on the REACA and the Board's regulations and policies) before the start of the 2003-2005 biennial renewal period on July 1, 2003. The Board further reminded broker/appraisers that the Board would accept continuing education hours completed between January 1, 2001, and June 30, 2001, toward the continuing education requirement for the 2003-2005 biennial renewal period.

Following the processing of renewal applications for the 2003-2005 biennial renewal period, the Board intends to send an additional notice to all current certificateholders reminding them of their obligation to complete the 7-hour National USPAP Update Course, or an equivalent course approved by the AQB, before the start of the 2005-2007 biennial renewal period on July 1, 2005. The Board will furnish its education providers with information about offering the 7-hour National USPAP Course as well as the AQB's equivalency criteria for approval of an equivalent 7-hour USPAP course.

*Effective Date*

The final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*. The 28-hour continuing education requirement for broker/appraisers will initially apply to renewal of certification for the 2003-2005 biennial renewal period. The 7-hour National USPAP Update Course for all certificateholders will initially apply to renewal of certification for the 2005-2007 biennial renewal period.

*Statutory Authority*

Section 10(b) and (b.1) of the REACA (63 P. S. § 457.10(b) and (b.1)) authorizes the Board to promulgate regulations relating to continuing education for general appraisers, residential appraisers and broker/appraisers.

*Fiscal Impact and Paperwork Requirements*

The final-omitted rulemaking will cause broker/appraisers to incur costs in meeting the 28-hour continuing education requirement. The costs cannot be quantified because of the large number and types of continuing education courses available; however, the costs are not believed to be substantial or burdensome. It may be possible for broker/appraisers to count towards the new continuing education requirement certain courses used to satisfy the 14-hour continuing education requirement for biennial renewal of their real estate broker's licenses under the Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902).

The final-omitted rulemaking will cause the Board to incur unspecified costs relating to auditing compliance with the continuing education requirement. The Board anticipates that new biennial renewal fees that will be charged to all certificateholders beginning with the 2003-2005 biennial renewal period will defray these costs. Proposed rulemaking relating to the new biennial renewal fees was published at 32 Pa.B. 4871 (October 5, 2002) and the final-form rulemaking was submitted in April 2003.

The final-omitted rulemaking will require broker/appraisers to maintain records of their compliance with

the continuing education requirement. The final-omitted rulemaking also will require the Board to revise its biennial renewal applications. The final-omitted rulemaking will not impose new paperwork requirements on the Commonwealth's other agencies or its political subdivisions.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 21, 2003, the Board submitted copies of the final-omitted rulemaking for review and comment to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. On the same date, the Board submitted a copy of the final-omitted rulemaking for review and comment to the Office of Attorney General under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(e) and (j.2) of the Regulatory Review Act, the final-omitted rulemaking was approved by the House Committee on May 6, 2003, and deemed approved by the Senate Committee on May 28, 2003. Under section 5.1(e) of the Regulatory Review Act, the final-omitted rulemaking was approved by IRRC on May 29, 2003.

*Additional Information*

For additional information about the final-omitted rulemaking, submit inquiries to Michelle T. DeMerice, Administrator, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4866, [appraise@pados.dos.state.pa.us](mailto:appraise@pados.dos.state.pa.us).

*Findings*

The Board finds that:

(1) Public notice of the Board's intention to amend the regulation adopted by this order under procedures in sections 201 and 202 of the CDL has been omitted under section 204(2) and (3) of the CDL because all persons affected by the amendment adopted by this order have been given actual notice in advance of final rulemaking of the Board's intention to amend the regulation and public comment is unnecessary because the amendments adopted by this order implement mandatory Federal and State continuing education requirements and make editorial changes.

(2) The amendment of the Board's regulation in the manner provided in this order is necessary and appropriate for the administration of the REACA.

*Order*

The Board, acting under the REACA, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 36, are amended by amending § 36.41 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

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

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

GEORGE D. SINCLAIR,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 2831 (June 14, 2003).)*

**Fiscal Note:** 16A-7012. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

**Subchapter A. GENERAL PROVISIONS  
CONTINUING EDUCATION**

**§ 36.41. Continuing education requirement.**

(a) Continuing education for certified general appraisers, residential appraisers and broker/appraisers is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Except as provided in subsection (b), every certified general appraiser, residential appraiser and broker/appraiser shall complete 28 classroom hours of continuing education—including at least 4 hours on the Uniform Standards of Professional Appraisal Practice (USPAP) and at least 2 hours on the act, this chapter and the policies of the Board—during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period. Effective with renewal of certification for the 2005-2007 biennial renewal period, the 7-hour National USPAP Update Course, or an equivalent 7-hour course approved by the Appraiser Qualifications Board, will replace the minimum 4-hour requirement on the USPAP.

(b) A certified general appraiser or residential appraiser whose initial certification becomes effective between January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of renewal of certification in that biennial renewal year.

(c) The Board will accept continuing education hours completed by a certified broker/appraiser between January 1, 2001, and June 30, 2001, toward the continuing education requirement for renewal of certification for the 2003-2005 biennial renewal period.

[Pa.B. Doc. No. 03-1175. Filed for public inspection June 20, 2003, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION  
[58 PA. CODE CHS. 135 AND 147]**

[Correction]

**Lands and Buildings; Special Permits**

An error occurred in the final-form rulemaking which appeared at 33 Pa.B. 2748, 2749 (June 14, 2003). A typographical error appeared in § 147.701(9). The correct version is as follows, with ellipses referring to the existing text of the regulation:

**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).

\* \* \* \* \*

(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 proceeding years will be included in the drawing until the applicant is successfully drawn and issued a permit.

\* \* \* \* \*

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

**GAME COMMISSION**  
**[58 PA. CODE CH. 139]**  
**Seasons and Bag Limits**

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

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide dates for the 2003-2004 hunting license year.

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. 1098 (March 1, 2003).

**1. Introduction**

The Commission amended § 139.4 to provide for seasons and bag limits for the 2003-2004 license year. These seasons and bag limits were adopted under sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission; and regulations).

**2. Purpose and Authority**

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2003-2004 seasons and daily season and possession limits are essentially the same as set in 2002-2003, they will now be based on the new wildlife management units (WMU). (See final-form rulemaking concerning UMUs at 33 Pa.B. 2878 (June 21, 2003).) The new WMUs will apply only to the hunting and trapping of bear, beaver, bobcat, deer, pheasant, quail and turkey within this Commonwealth. An additional change will include an additional hunting opportunity for bearded spring gobblers on April 24, 2004, for eligible junior hunters. Junior hunters must possess the required license and be prop-

erly accompanied, as required by law. Another change will include a change in the dates of the elk season to November 10-15, which is a week earlier than the previous two seasons.

Section 322(c)(1) of the code 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..." These provisions provide the statutory authority for the final-form rulemaking.

**3. Regulatory Requirements**

The final seasons and bag limits will establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

**4. Persons Affected**

Persons wishing to hunt and trap in this Commonwealth would be affected by these seasons and bag limits.

**5. Comment and Response Summary**

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

**6. Cost and Paperwork Requirements**

The new seasons and bag limits will not result in any additional cost to the Commission or to hunters and furtakers.

**7. Effective Date**

The effective dates are July 1, 2003, to June 30, 2004.

**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 139, are amended by amending § 139.4 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:** Fiscal Note 48-154 remains valid for the final adoption of the subject regulation.



**Annex A  
TITLE 58. RECREATION  
PART III. GAME COMMISSION  
CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)  
2003-2004 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,  
FIELD POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

| <i>Species</i>  | <i>Limit</i> | <i>First Day</i>                            | <i>Last Day</i>                                   | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|---|--------------|---|---|--------------------|---|
| Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law                                 |              | Oct. 11                                     | Oct. 13   | 6                  | 12  |
| Squirrels—(Combined species)  |              | Oct. 18<br>and<br>Dec. 15<br>and<br>Dec. 26 | Nov. 29<br>and<br>Dec. 23<br>and<br>Feb. 7, 2004  | 6                  | 12  |
| Ruffed Grouse—(Statewide)   |              | Oct. 18<br>and<br>Dec. 15<br>and<br>Dec. 26 | Nov. 29<br>and<br>Dec. 23<br>and<br>Jan. 10, 2004 | 2                  | 4   |
| Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING" |              |   |   |                    |   |
| Rabbits, Cottontail   |              | Oct. 25<br>and<br>Dec. 15<br>and<br>Dec. 26 | Nov. 29<br>and<br>Dec. 23<br>and<br>Feb. 7, 2004  | 4                  | 8   |
| Ringneck Pheasant—Male only in Wildlife Management Units 1A, 2A, 2B, 2C, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D  |              | Oct. 11                                     | Oct. 13   | 2                  | 2   |
| Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law  |              |   |   |                    |   |
| Ringneck Pheasant—Male or female combined in Wildlife Management Units 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C & 3D  |              | Oct. 11                                     | Oct. 13   | 2                  | 2   |
| Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law  |              |   |   |                    |   |
| Ringneck Pheasant—Male only in Wildlife Management Units 1A, 2A, 2B, 2C, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D  |              | Oct. 25                                     | Nov. 29   | 2                  | 4   |

| <i>Species</i>  | <i>Limit</i>  | <i>First Day</i>              | <i>Last Day</i>    | <i>Daily Limit</i>                            | <i>Field Possession Limit After First Day</i> |   |
|---|---|-------------------------------|--------------------|---|---|---|
| Ringneck Pheasant—Male or female combined in Wildlife Management Units 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C & 3D  |   | Oct. 25<br>Dec. 15<br>Dec. 26 | and<br>and         | Nov. 29<br>Dec. 23<br>Feb. 7, 2004            | 2   | 4 |
| <i>Species</i>  | <i>First Day</i>  | <i>Last Day</i>               | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |   |   |
| Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C & 5D where the season is closed. | Oct. 25   | Nov. 29                       | 4                  | 8   |   |   |
| Hares (Snowshoe Rabbits) or Varying Hares   | Dec. 26   | Jan. 3, 2004                  | 1                  | 2   |   |   |
| Woodchucks (Groundhog)  | No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season. |                               | Unlimited          |   |   |   |
| <i>Species</i>  | <i>First Day</i>  | <i>Last Day</i>               | <i>Daily Limit</i> | <i>Season Limit</i>                           |   |   |
| Turkey—Male or Female   |   |                               | 1                  | 1   |   |   |
| Wildlife Management Units 1A, 2A & 2B   | Nov. 1  | Nov. 22                       |                    |   |   |   |
| Wildlife Management Unit 1B   | Nov. 1  | Nov. 15                       |                    |   |   |   |
| Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D & 4E   | Nov. 1  | Nov. 22                       |                    |   |   |   |
| Wildlife Management Units 5A & 5B   | Closed to fall turkey hunting   |                               |                    |   |   |   |
| Wildlife Management Units 5C & 5D   | Nov. 1  | Nov. 8                        |                    |   |   |   |
| Turkey (Spring Gobbler) Statewide Bearded Bird only   | May 1, 2004   | May 29, 2004                  | 1                  | 1   |   |   |
| Turkey (Spring Gobbler) Statewide Bearded Bird only Eligible Junior hunter with required license, when properly accompanied as required by law  | April 24, 2004  | April 24, 2004                | 1                  | 1   |   |   |

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

(a) Hunting hours in § with each required antlerless license. 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

(c) Subject to approval by the United States Fish and Wildlife Service, an early season for Canada geese will be held as defined in § 141.25.

| <i>Species</i>   | <i>First Day</i>  |     | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|--|---|-----|-----------------|--------------------|---|
| Crows<br>(Hunting permitted on Friday, Saturday and Sunday only) | July 4  | and | Nov. 30         | Unlimited          |   |
|  | Dec. 26   |     | April 4, 2004   |                    |   |
| Starlings and English Sparrows                                   | No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season |     |                 | Unlimited          |   |

FALCONRY

| <i>Species</i>                               | <i>First Day</i> |  | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|--|------------------|--|-----------------|--------------------|---|
| Squirrels—(Combined species)                 | Sept. 1          |  | Mar. 31, 2004   | 6                  | 12  |
| Quail  | Sept. 1          |  | Mar. 31, 2004   | 4                  | 8   |
| Ruffed Grouse                                | Sept. 1          |  | Mar. 31, 2004   | 2                  | 4   |
| Cottontail Rabbits                           | Sept. 1          |  | Mar. 31, 2004   | 4                  | 8   |
| Snowshoe or Varying Hare                     | Sept. 1          |  | Mar. 31, 2004   | 1                  | 2   |
| Ringneck Pheasant—Male and Female—(Combined) | Sept. 1          |  | Mar. 31, 2004   | 2                  | 4   |

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

DEER

| <i>Species</i>  | <i>First Day</i> |     | <i>Last Day</i> | <i>Season Limit</i> | <i>Field Possession Limit</i>                             |
|---|------------------|-----|-----------------|---------------------|---|
| Deer, Antlered—(Statewide) <sup>1</sup><br>(Archery—Bows and Arrows Only) | Oct. 4           | and | Nov. 15         | 1                   | One antlered.   |
|   | Dec. 26          |     | Jan. 10, 2004   |                     |   |
| Deer, Antlerless—(Statewide)<br>(Archery—Bows and Arrows Only)            | Oct. 4           | and | Nov. 15         |                     | An antlerless deer with each required antlerless license. |
|   | Dec. 26          |     | Jan. 10, 2004   |                     |   |
| Deer, Regular Antlered—(Statewide) <sup>1</sup>                           | Dec. 1           |     | Dec. 13         | 1                   | One antlered.   |

| <i>Species</i>   | <i>First Day</i>  | <i>Last Day</i> | <i>Season Limit</i> | <i>Field Possession Limit</i>   |
|--|---|-----------------|---------------------|---|
| Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, <sup>2</sup> Disabled Person Permit (to use a vehicle) Holders and Residents serving on active duty in the U. S. Armed Forces, or in the U. S. Coast Guard, with required antlerless license | Oct. 23   | Oct. 25         |                     | An antlerless deer with each required antlerless license.   |
| Deer, Regular Antlerless—(Statewide)   | Dec. 1  | Dec. 13         |                     | An antlerless deer with each required antlerless license.   |
| Deer, Antlerless only—(Statewide) (Muzzleloading season)   | Oct. 18   | Oct. 25         |                     | An antlerless deer with each required antlerless license.   |
| Deer, Antlered or Antlerless—(Statewide) <sup>1</sup> (Flintlock Muzzleloading season)   | Dec. 26   | Jan. 10, 2004   |                     | One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license. |
| Deer, Antlerless in Wildlife Management Units 2B, 5C & 5D  | Dec. 26   | Jan. 10, 2004   |                     | An antlerless deer with each required antlerless license.   |
| Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)  | Hunting is permitted on days established by the United States Department of the Army. |                 |                     | An antlerless deer with each required antlerless license.   |

**BEAR**

| <i>Species</i>                               | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|--|------------------|-----------------|--------------------|---------------------|
| Bear, any age—(Statewide)                    | Nov. 24          | Nov. 26         | 1                  | 1 <sup>4</sup>      |
| Bear, any age in Wildlife Management Unit 3D | Dec. 1           | Dec. 6          | 1                  | 1 <sup>4</sup>      |

**ELK**

|                 |         |         |   |   |
|-----------------|---------|---------|---|---|
| Elk, Antlered   | Nov. 10 | Nov. 15 | 1 | 1 |
| Elk, Antlerless | Nov. 10 | Nov. 15 | 1 | 1 |

**FUR TAKING—TRAPPING**

| <i>Species</i>                            | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Minks and Muskrats—(Statewide)            | Nov. 22          | Jan. 10, 2004   |                    | Unlimited           |
| Beaver—(Statewide) <sup>5</sup>           | Dec. 26          | Mar. 31, 2004   |                    |                     |
| Wildlife Management Units 1A, 1B, 2F & 2G |                  |                 | 20                 | 20                  |

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Wildlife Management<br>Unit 3A, 3B, 3C & 3D                             |                  |                 | 20                 | 40                  |
| Wildlife Management<br>Units 2A, 2B, 2C, 2D,<br>2E, 4A, 4B, 4C, 4D & 4E |                  |                 | 10                 | 10                  |
| Wildlife Management<br>Units 5A, 5B, 5C & 5D                            |                  |                 | 6                  | 6                   |
| Coyotes, Foxes, Opossums,<br>Raccoons, Skunks,<br>Weasels—(Statewide)   | Oct. 19          | Feb. 21, 2004   |                    | Unlimited           |
| Bobcat <sup>3</sup>   |                  |                 |                    |                     |
| Wildlife Management<br>Units 2F, 2G, 3A, 3B, 3C<br>& 3D                 | Oct. 19          | Feb. 21, 2004   | 1                  | 1                   |

**FUR TAKING—HUNTING**

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Coyotes—(Statewide)                                     |                  |                 |                    | Unlimited           |
| Opossums, Skunks,<br>Weasels—(Statewide)                |                  |                 |                    |                     |
| Raccoons and Foxes—<br>(Statewide)                      | Oct. 18          | Feb. 21, 2004   |                    | Unlimited           |
| Bobcat <sup>3</sup>                                     |                  |                 |                    |                     |
| Wildlife Management<br>Units 2F, 2G, 3A, 3B, 3C<br>& 3D | Oct. 18          | Feb. 21, 2004   | 1                  | 1                   |

No open seasons on other wild birds or wild mammals.

<sup>1</sup>Only one antlered deer (buck) may be taken during the hunting license year. This includes protected deer killed in mistake for an antlered deer.

<sup>2</sup>Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>3</sup>Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit.

<sup>4</sup>Only one bear may be taken during the hunting license year.

<sup>5</sup>In years when inclement weather conditions or other factors result in a underharvest of beaver the Director may extend the beaver season.

## GAME COMMISSION

### [58 PA. CODE CHS. 139 AND 141]

#### Seasons and Bag Limits; Hunting and Trapping

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

Amend §§ 139.2, 141.45 and 141.62 (relating to definitions; turkey; and beaver trapping), add § 139.17 (relating to wildlife management units) and delete §§ 141.21, 141.46 and 141.64 (relating to hen ringneck pheasant; turkey management areas; and furbearer management areas) to implement a uniform wildlife management unit (WMU) system.

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. 1103 (March 1, 2003).

#### 1. Introduction

The Commission amended §§ 139.2, 141.45 and 141.62, added § 139.17 and reserved §§ 141.21, 141.46 and 141.64 to implement a uniform WMU system.

#### 2. Purpose and Authority

Wildlife populations are not equally distributed or abundant across this Commonwealth. Accordingly, the Commission has regulated the harvest of species using species-specific management units made up of multiple counties. The use of different species-specific units and clusters of counties for delineating management units has, in the past, created complexity and confusion for hunters, trappers and Commission staff. To alleviate some of these problems, the wildlife management staff took a critical look at current species management units to evaluate the feasibility of implementing a uniform WMU system for improved resource management and hunter and trapper use.

Using data solicited and incorporated from central office and field staff within the Commission, the Commission was able to generate a single, uniform WMU map for all species by incorporating landscape, human population, land ownership and wildlife data to set readily identifiable boundaries. Using recognizable physical features on the landscape as boundaries rather than intangible boundaries, such as county lines, simplifies the unit system for both users and resource managers. Once the WMUs are incorporated, the individual pheasant area maps, turkey management area maps and furbearer management area maps will no longer be required.

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 322(c)(4) of the code specifically authorizes the Commission to "Define geographic limitations or restrictions." 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 . . ." These provisions provide the statutory basis for the final-form rulemaking.

#### 3. Regulatory Requirements

The final-form rulemaking will simplify the current management areas system for users and resource managers by creating a single, uniform management system for all species with boundaries using recognizable physical features on the landscape.

#### 4. Persons Affected

Persons who wish to hunt deer, ringneck pheasant and turkey and trap furbearers will be affected by the final-form rulemaking.

#### 5. Comment and Response Summary

In total, 8 official comments were received in support and 72 official comments, plus 1 petition containing 230 signatures, were received in opposition to the amendments to Chapter 139 (relating to seasons and bag limits). It should be noted that the majority of those that responded were not opposed to the concept of the new WMUs in general, but for more specific reasons generated by local changes including: single counties being divided by more than one WMU; changes to antler restrictions; lengths of fall turkey seasons; and late antlerless deer seasons formerly found only in special regulations area counties. Additionally, five official comments were received in opposition to the new system for handling antlerless license applications.

#### 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 139 and 141, are amended by deleting §§ 141.21, 141.46 and 141.64 and Appendices B—D, by amending §§ 141.45 and 141.62 and by adding § 139.17 to read as set forth at 33 Pa.B. 1103 and by amending § 139.2 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 33 Pa.B. 1103 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-155 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.2. Definitions.**

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

*Antlered deer*—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having four or more points to one antler.

(ii) In all other wildlife management units, a deer having three or more points to one antler.

(iii) In all wildlife management units, junior license holders, disabled person permit (to use a vehicle) holders and residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, a deer having two or more points to one antler, or with one antler 3 inches or more in length.

*Antlered elk*—An elk having at least one spike visible above the hairline.

*Antlerless deer*—A deer without antlers, or a deer with antlers both of which are less than 3 inches in length.

*Antlerless elk*—An elk without antlers, or an elk with no visible spike above the hairline.

*Client*—A person who receives the services of a guide.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

*Daily limit*—The maximum number permitted to be taken by one person in 1 day during the open season.

*Early small game hunting season*—A designated period when only squirrels and grouse may be hunted and taken.

*Field possession limit*—The maximum number of legally taken wildlife of a species which a person may legally possess or transport between the place of taking and the person's permanent place of residence.

*Field possession limit—deer*—When multiple harvests of deer per day are authorized, only one deer at a time may be harvested. Before harvesting additional deer, the deer previously harvested shall be lawfully tagged.

*Guide*—A person who assists another person to hunt or take game by locating game, calling game or directing another to game.

*Hunting hours*—The period each day of the open season, Sundays excepted, when game and wildlife may be lawfully taken.

*Point*—An antler projection at least 1 inch in length from base to tip, the main beam tip shall be counted as a point regardless of length.

*Protected deer*—A deer not defined as an antlered deer or an antlerless deer.

*Regular firearms deer season*—The designated period of time when deer may be hunted and taken by a person who possesses a general hunting license or a general hunting license and antlerless license only.

*Regular small game hunting season*—The designated period of time when resident small game species may be hunted and taken.

*Season limits*—The maximum number of wildlife which may be taken during a designated open season or license year.

*Special firearms deer season*—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

[Pa.B. Doc. No. 03-1177. Filed for public inspection June 20, 2003, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CHS. 217 AND 287]

### Safe Fill; Advance Notice of Final Rulemaking

The Department of Environmental Protection (Department) is publishing an advance notice of final rulemaking (ANFR) for the draft final regulations for the management of safe fill to solicit comment on changes made to the proposed rulemaking, which was published at 32 Pa.B. 564 (February 2, 2002). The changes recommended to the proposed rulemaking are based on comments received during the public comment period for the proposed rulemaking, which occurred from February 2, 2002, to April 3, 2002, as well as comments received from the Residual Waste Subcommittee of the Solid Waste Advisory Committee and the Cleanup Standards Scientific Advisory Board. While there is no legal requirement to provide an opportunity to comment upon the Department's recommendations for final rulemaking, the Department believes further discussion would serve the public interest in this instance. A 45-day public comment period will be provided on the recommended changes to the proposed rulemaking, which are detailed in this notice.

#### *Background and Summary*

Guidelines for the management of safe fill were established by Departmental policy in technical guidance #258-2182-773: *Policy And Procedure Establishing Criteria for Use of Uncontaminated Soils, Rock, Stone, Unused Brick And Block, Concrete and Used Asphalt as Clean Fill* (effective February 29, 1996). Subsequent revisions were proposed to the policy in March 2000, which were advertised for public comment and review. During the public comment period, several commentators recommended, and the Department concurred, that the Department regulate fill by regulation, rather than by policy. Additional recommendations were also received during the public comment period on the policy, which were considered and incorporated by the Department into a newly proposed safe fill regulatory package. The final regulatory package will amend the municipal waste and residual waste regulations.

Major changes made to the policy, which are contained in the proposed regulatory package, include the following: the definition of "clean fill" was deleted and replaced with a definition for "safe fill," the definition of "construction/demolition waste" was amended and new definitions were added for "historic fill," "sediment" and "site undergoing remediation activities." In addition to these changes, other significant changes included the addition of five permits-by-rule (PBR), including one to the municipal waste program and four to the residual waste program for the beneficial use of contaminated soil, contaminated dredged material, historic fill, contaminated used asphalt and segregated and contaminated brick, block and concrete and contaminated soil placed at a receiving site undergoing remediation activities.

In response to comments received during the public comment period on the proposed regulatory package for

safe fill, as well as the Department's review of other related information, the Department prepared a draft final regulatory package for public comment. The draft final regulation package contains significant changes in four major areas, including the following:

1. The safe fill definition is revised for clarification and shortened by moving the proposed substantive requirements of due diligence, safe fill exceptions and placement along waterways to the body of the draft final regulations. The distinction between brick, block and concrete from construction/demolition activities at residential and commercial properties versus industrial properties is eliminated from the safe fill definition. Material that qualifies as safe fill should not exhibit visible staining but an exception is made to visible staining resulting from normal vehicular use and dripping of vehicular lubricant. The subparagraphs in the historic fill definition are deleted as the requirements are already addressed in the new § 287.12 (relating to determination that a material is safe fill). Safe fill is not regulated as waste.

2. Two new sections are being created in § 287.12 (relating to determination that a material is safe fill) for additional materials to qualify as safe fill that do not meet the safe fill definition, and § 287.13 (relating to relationship of safe fill to surface waters), which establishes requirements for the placement of safe fill into waters of this Commonwealth.

3. The due diligence standard, which is moved to § 287.11(a) (relating to safe fill numeric standards), now provides for two options instead of the three options originally proposed to evaluate if a material was affected by a spill or release. As a result, Table 3 in Appendix A, which contained safe fill numeric standards for a short list of organic regulated substances, is deleted. Decision on parameters testing from Tables 1 and 2 will depend on the knowledge of the material (or site) and due diligence results. In addition, the use of field screening or laboratory screening methods as part of due diligence is added to this section. In a situation where an analytical method cannot determine the concentration of a regulated substance below its Practical Quantitation Limitation (PQL), the PQL can now be used to demonstrate compliance with the safe fill numeric standards and is added to the safe fill numeric standards determination in § 287.11(b)(1)(iii). Similar language allowing demonstration of compliance with PQLs has been added to the new § 287.12 and the PBRs. Other changes include provision for using statistical analysis procedures to demonstrate compliance of a material with the safe fill or PBR numeric standards.

- 4(a). In the proposed PBR in § 271.103(i) (relating to permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements) in the municipal waste regulations, the term "segregated" is deleted and language is added to clarify that brick, block or concrete may be separate or mixed together, but it should be separate from other waste materials from construction and demolition activities and also recognizable to qualify for use under this PBR. The numeric standards the material must meet are changed from the proposed residential Statewide health standards (SHS) to the nonresidential SHS. As a result of using higher numeric standards, several new requirements added to this PBR are: prohibition to placement of waste in waters of this Commonwealth (proposed § 271.103(i)(4) has been de-



leted); documentation of longitude/latitude where material will be placed; elimination of direct contact pathways promptly and permanently through the use of engineering controls; and submission of records to the Department, including a copy of a recorded deed notice for the property.

4(b). Three of the four PBRs (subsections (j), (k) and (l)) in the residual waste regulations in § 287.102 (relating to PBR) are now consolidated into one PBR in § 287.102(j), and nonresidential SHS (instead of the proposed residential SHS) are used as the numeric standards that designated waste materials must meet to be used beneficially under the consolidated PBR. As a result of using higher numeric standards, several new requirements added to the consolidated PBR are: prohibition to placement of waste in waters of this Commonwealth, documentation of longitude/latitude where material will be placed, elimination of direct contact pathways promptly and permanently through the use of engineering controls, and submission of records to the Department including a copy of a recorded deed notice for the property.

During the 45-day comment period, the Department is also seeking comments on how to address areas where the natural background levels for arsenic exceed the proposed safe fill generic number. While these areas are isolated, when these materials are tested, their offsite movement and placement must be properly managed. Based on recent data submitted for our review, the Department has been advised that there may be areas in this Commonwealth that are not affected by a spill or release but have natural concentrations of arsenic that exceed the residential SHS. While this is not something that is addressed in the proposed regulations, if this situation occurs care should be taken when these materials are excavated and moved offsite. The placement of these materials at another location should take into consideration factors such as the potential for the arsenic to leach, the bioavailability of the arsenic, the background concentration at the receiving site and the potential use of the site receiving the material.

*Contact Persons, Availability of the Draft Final Regulations and Submission of Comments*

The Department will accept written comments as well as comments transmitted by means of e-mail on the draft final regulations for the management of safe fill. Comments will not be accepted by facsimile or by telephone or voice mail. Comments sent by means of e-mail must include the following in the subject heading of the transmission: "Comments on Safe Fill ANFR." E-mail transmissions as well as all written comments must include the commentator's name and address. Written comments must be received by the Department on or before August 5, 2003. Please direct comments to:

William F. Pounds  
Bureau of Land Recycling and Waste Management  
Rachel Carson State Office Building  
400 Market Street  
14th Floor  
Harrisburg, PA 17105-8472  
E-mail: wpounds@state.pa.us

To request a copy of the draft final regulations and a summary of the changes, contact the Bureau of Land Recycling and Waste Management at (717) 787-7381. The draft final regulations are also available through the Department's website at: <http://www.dep.state.pa.us> (select "Public Participation Center—Proposals Open for Comment—Regulations & Other Proposals"). Persons

with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed to the Department.

KATHLEEN A. MCGINTY  
*Secretary*

[Pa.B. Doc. No. 03-1178. Filed for public inspection June 20, 2003, 9:00 a.m.]

## GAME COMMISSION

[58 PA. CODE CH. 141]

### Hunting and Trapping; Coyote

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

Amend § 141.4 (relating to hunting hours) to require hunters wishing to harvest a coyote while hunting during the spring gobbler season to have a valid spring turkey tag and meet the fluorescent orange and shot size requirements to make the regulations consistent and enforceable.

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

The authority for the proposed amendment 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 23, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Introduction

The Commission is proposing to amend § 141.4 to require hunters wishing to harvest a coyote while hunting during the spring gobbler season to have a valid spring turkey tag and meet the fluorescent orange and shot size requirements to make the regulations consistent and enforceable.

#### 2. Purpose and Authority

Currently, § 139.4 (relating to seasons and bag limits for the license year) contains language requiring coyote hunters hunting, during the spring gobbler season, to have a valid spring gobbler tag and meet the fluorescent orange and shot size requirements. Currently, § 141.4 contains no reference to these same requirements. Section 141.4(2) expressly forbids the taking of coyotes prior to 12 p.m. during the spring gobbler season. The Commission is proposing to incorporate the requirements that hunters hunting during the spring gobbler season have a valid spring turkey tag and meet the fluorescent orange and shot size requirements in § 141.4 to make the regulations consistent and enforceable. As a result, the regulations will consistently permit hunters hunting during the spring gobbler season who meet all the requirements to harvest a coyote.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating 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 proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking requires hunters wishing to harvest a coyote while hunting during the spring gobbler season to have a valid spring turkey tag and meet the fluorescent orange and shot size requirements to make the regulations consistent and enforceable.

4. *Persons Affected*

Persons wishing to take a coyote during the spring gobbler season 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:** 48-168. No fiscal impact; (8) recommends adoption.

**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.)

\* \* \* \* \*

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be taken any hour, day or night, except during restricted periods in paragraph (1), and woodchuck, coyote, opossum, skunk and weasel may not be hunted prior to 12 noon during the spring gobbler season. **Coyotes may be taken by persons who have a valid spring turkey tag and meet fluorescent orange and shot requirements.**

\* \* \* \* \*

[Pa.B. Doc. No. 03-1179. Filed for public inspection June 20, 2003, 9:00 a.m.]

**[58 PA. CODE CH. 141]**

**Hunting and Trapping; Elk**

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

Amend § 141.47 (relating to elk) to make it unlawful to drive or herd elk.

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

The authority for the proposed rulemaking 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 23, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 141.47 to make it unlawful to drive or herd elk.

2. *Purpose and Authority*

Recently the Commission has experienced a number of problems with elk hunters and guides driving elk from one management zone to another or out of safety zones. The proposed rulemaking would make driving or herding elk unlawful.

Section 2102(a) of the code (relating to regulations) provides that "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." This provision provides the statutory authority for the proposed amendment.

3. *Regulatory Requirements*

The proposed rulemaking will make it unlawful to drive or herd elk.

4. *Persons Affected*

Persons wishing to hunt elk 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:** 48-166. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter C. BIG GAME**

**§ 141.47. Elk.**

It is unlawful while hunting elk to:

\* \* \* \* \*

**(11) Drive or herd elk.**

[Pa.B. Doc. No. 03-1180. Filed for public inspection June 20, 2003, 9:00 a.m.]

**[58 PA. CODE CH. 143]**

**Hunting and Furtaker Licenses; Elk Licenses**

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

Amend § 143.203 (relating to drawing) to eliminate the cap on the number of nonresident elk licenses and establish a preference system for people who have applied for elk licenses in previous years.

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

The authority for the proposed amendment 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 23, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 143.203 to eliminate the cap on the number of nonresident elk licenses and establish a preference system for people who have applied for elk licenses in previous years.

2. *Purpose and Authority*

Currently, the regulations require a 10% yearly cap on the number of nonresident elk licenses that are issued in a given year. This cap is determined by the percentage of

nonresident general licenses that have been sold in the current year. The Commission is proposing to eliminate the cap on the number of nonresident elk licenses that may be issued and establish a preference system for all persons who have applied for elk licenses in previous years.

More specifically, the proposed rulemaking to § 143.203 will provide for a preference for applicants who have applied annually for an elk license but have been unsuccessful in having their application drawn. Under this preference, applicants who have applied in the previous year or 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 license. For example, if a person has applied for the 5th 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 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 2722(g)(2) 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. 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 . . . ." These provisions provide the statutory basis for the proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking will eliminate the 10% cap on nonresident elk licenses and implement a system that will allow elk license applicants to accrue preference and increase their chances of being drawn by applying annually.

4. *Persons Affected*

Persons who wish to apply for an elk license 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:** 48-165. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 143. HUNTING AND FURTKAKER**  
**LICENSES**  
**Subchapter K. ELK LICENSES**

**§ 143.203. Drawing.**

\* \* \* \* \*

(b) [ In any given year, no more than 10% of the applications drawn and issued may be non-resident. A yearly cap on the number of nonresident applications that may be drawn and issued shall be based on the percentage of nonresident general hunting licenses issued the previous year. ] Applications from current applicants who have applied in the 2003-2004 license year and proceeding years will be included in the drawing until the applicant is successfully drawn and issued a permit.

\* \* \* \* \*

[Pa.B. Doc. No. 03-1181. Filed for public inspection June 20, 2003, 9:00 a.m.]

—————  
**[58 PA. CODE CH. 147]**  
**Special Permits**

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

Amend § 147.222 (relating to permits for bird dog trials on Commission controlled lands) to clarify that permits for dog trials other than bird dog trials may be issued for State game lands (SGL).

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

The authority for the proposed rulemaking 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 23, 2003, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Introduction*

The Commission is proposing to amend § 147.222 to clarify that permits for dog trials other than bird dog trials may be issued for SGL.

*2. Purpose and Authority*

Currently, two sections provide for permits to hold dog trials: § 147.222 applies to trials held on SGL and § 147.223 (relating to permits for dog trials on privately-owned lands) applies to privately owned lands. Although the Commission issues permits for many types of dog trials on SGL, the language in § 147.222 refers to permits for "bird" dog trials. Section 147.223 refers to dog trials with no reference to "bird." By removing the

reference "bird" from the section heading and § 147.222(a), this confusion can be eliminated. This amendment will clarify that permits for dog trials other than bird dog trials may be issued for SGL.

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 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 proposed rulemaking.

*3. Regulatory Requirements*

The proposed rulemaking will clarify that permits for dog trials other than bird dog trials may be issued for SGL by eliminating the word "bird" from § 147.222.

*4. Persons Affected*

Persons wishing to apply for a permit to hold dog trials on SGL 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:** 48-167. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter L. PERMITS RELATING TO DOGS**

§ 147.222. Permits for [ **bird** ] dog trials on Commission controlled lands.

(a) A request for permission to hold a trial for [ **bird** ] dogs on lands under the control of the Commission shall be made in writing, at least 30 days in advance of the requested trial date, to the regional office under whose jurisdiction the lands are located.

\* \* \* \* \*

[Pa.B. Doc. No. 03-1182. Filed for public inspection June 20, 2003, 9:00 a.m.]

# STATE BOARD OF PRIVATE LICENSED SCHOOLS

[22 PA. CODE CH. 73]

## General Provisions

The State Board of Private Licensed Schools (Board), under the Private Licensed Schools Act (act) (24 P. S. §§ 6501—6518), proposes to amend Chapter 73 (relating to general provisions) to read as set forth in Annex A.

### *Description of Proposed Rulemaking*

The proposed amendments to § 73.1 (relating to definitions) add a definition for “quarter credit hour” and remove the term “entry level” from the definition of “seminars.” The addition of a definition for “quarter credit hour” is consistent with the program requirements in § 73.81(1)(ii) (relating to application requirements). The elimination of “entry level” from the definition of “seminar” reflects the Board’s intention to include nonentry level training in this definition.

The proposed amendments to §§ 73.21—73.23 (relating to contents of student records; short-term retention of student records; and long-term retention of transcript of academic performance) specify the content of student records and eliminate the distinction between long-term and short-term retention of records. They also require the annual consolidation of student records. The proposed rulemaking relieves the schools of the requirement to maintain the enrollment agreement, financial records and financial aid documentation for 5 years following graduation, withdrawal or termination and eliminates the distinction between long-term and short-term retention of records. These amendments are designed to ease recordkeeping requirements and facilitate record storage and transfer. The requirement of annual consolidation of student records is designed to organize and facilitate the storage of records.

The proposed amendment to § 73.25 (relating to content of disposition statement) prescribes the content of the disposition of records agreement. The proposed rulemaking includes a reference to the contents of the student records defined in § 73.21 to improve clarity.

The proposed amendment to § 73.51(b) (relating to general requirements) requires applicants for licensure to attend a new school orientation. The application process can be cumbersome for uninitiated applicants. Applicants who choose not to attend the optional orientation seminars often encounter obstacles and delays that could have been avoided. These delays and the staff time required to resolve issues increases the cost of processing these applications. As a public service to applicants and in the interest of resource management, the Board is proposing to make the orientation seminars mandatory.

The proposed amendment to § 73.51(d) removes the requirement that the Board provide a signed receipt for all materials. This amendment reflects practice in which verification of receipt can be made by staff members, by phone and by e-mail.

The proposed amendment to § 73.52 (relating to content of application) authorizes the Board to refuse to issue a license if the name of the proposed school or program is misleading. A few schools have proposed names that do not represent the content of the instruction offered or are designed to associate the school with

another institution or organization. This change would enable the Board to protect the public from potential misrepresentation.

The proposed amendment to § 73.54 (relating to surety) mandates that surety be maintained throughout the period of licensure. This amendment is designed to provide regulatory protection to prevent a school from canceling surety following approval for licensure.

The proposed amendment to § 73.71 (relating to licensure required) clarifies the licensure requirement for admissions representatives.

The proposed amendments to § 73.81 (relating to application requirements) include the appropriate reference to credit hours and quarter credits and authorize the Board to refuse to approve a program if the name of the proposed program is misleading. The specific reference to quarter credits confirms the Board’s current policy of allowing schools to use a quarter credit system. The current regulations do not provide for reporting progress in quarter credit hours. Some schools prefer to count credits in quarter hours and this proposed rulemaking will facilitate that flexibility. A few schools have proposed program names that do not represent the content of the instruction offered or are designed to imply a higher level of training or certification than is actually offered. This change would enable the Board to protect the public from potential misrepresentation.

The proposed amendment to § 73.104 (relating to instructor) eliminates the maintenance of attendance records from the responsibilities of instructors. The Board does not require schools to take attendance, so this duty for instructors is no longer necessary.

The proposed amendment to § 73.136 (relating to period of refund) includes a student’s failure to return from a leave of absence under the conditions for which a refund must be made within 30 days. The proposed rulemaking is designed to protect the student and guarantee a refund when a student fails to return from a leave of absence. It also protects the school from the potential implication that the refund was required within 30 days of the last date of student attendance even though the school could not have known the student would not return at that time.

The proposed amendment to § 73.141 (relating to issuance) regarding issuance includes authorization for the Board to refuse to issue a license if the name of the school is misleading. The amendment is proposed to provide consistency with the proposed amendment to § 73.52.

The proposed amendment to § 73.151 (relating to fees) specifies that only one program approval is included under the \$1,500 initial license application fee paid by a new school. Applicants with multiple programs will be required to pay a \$700 program application fee for each additional program to be offered. This proposed rulemaking is designed to address an inequity in previous policy regarding fees, under which the original license application was accepted with an unlimited number of programs for one license application fee. A separate program approval fee was only required in cases where the program approval applications were submitted separately at a later time. The effort involved in reviewing each program was, however, similar and schools were submitting numerous programs upon initial licensure even if they would not immediately be offered, to avoid additional fees. The proposed amendment to § 73.151 addresses this inequity by providing that only one new program application will be included in the initial \$1,500 licensure fee. Applicants will need to pay the standard

program application fee for each additional program application, regardless of whether those applications are submitted at the time of the license application or subsequently. This amendment will provide equity, with every school paying for the costs of Board and staff time and resources for program review and approval.

The proposed amendment to § 73.173 (relating to advertisements and representations) includes the general public under sectors that may not be misled by advertisements or representations on behalf of a licensed school. The proposed rulemaking broadens the prohibition against misleading advertising and representations to include the general public instead of prospective students only.

*Fiscal Impact*

There is minimal fiscal impact from the proposed rulemaking. The requirement that all prospective applicants attend the orientation seminar will increase revenues from the \$200 fee for the seminar, but the revenue increase will be minimal, at \$10,000 or less.

Revenues will also be generated by the fees charged for each additional program application submitted with the initial license and new program application. These revenues are estimated at \$44,100 per year and will cover staff and Board costs for the review of these applications, which is not currently recovered.

The costs of complying with the proposed rulemaking to the requirements for records compilation and storage are estimated at \$1 per student for copying, materials, storage and staff time. This cost will be assumed by the school and recovered through student fees and tuition. This activity will not generate any revenue for the Commonwealth.

*Paperwork Requirement*

The proposed amendments to §§ 73.21—73.23 will relieve the regulated community of paperwork requirements regarding the maintenance of student records.

The proposed amendment to § 73.51 relieves the Board of the paperwork requirement of providing a signed receipt for all application materials received.

The proposed amendment to § 73.104 will relieve the schools of the additional paperwork to maintain student attendance records.

No additional forms or reporting are required by the regulated schools or the Commonwealth.

*Effective Date*

The proposed rulemaking will take effect upon final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

The act requires that the Board monitor its revenues and costs on a biennial basis and revise its regulations as necessary. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 10, 2003, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Education Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)), IRRC may convey any comments, recommendations or objections to the proposed rulemaking

within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comments and Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin* to Patricia Landis, Coordinating Secretary, State Board of Private Licensed Schools, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-8228, TTY: (717) 783-8445.

PATRICIA LANDIS,  
*Coordinating Secretary*

**Fiscal Note:** 6-286. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 22. EDUCATION**

**PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS**

**CHAPTER 73. GENERAL PROVISIONS**

**DEFINITIONS**

**§ 73.1. Definitions.**

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

\* \* \* \* \*

**Quarter credit hour**—A unit of curricular material which normally can be taught in a minimum of 10 clock hours of lecture:

**(i) For laboratory and shop instruction, a quarter credit hour represents a minimum of 20 clock hours.**

**(ii) For externship/internship experiences, a quarter credit hour represents a minimum of 30 clock hours.**

\* \* \* \* \*

**Seminar**—Training or instruction that is one of the following:

\* \* \* \* \*

**(ii) Instruction for an [entry-level] occupation offered at a total contract price [ , ] of less than \$300, which includes all costs charged to students, including tuition, fees, books and supplies, provided that the total contract price for all courses to any enrolled student is less than \$300 in any one calendar year.**

\* \* \* \* \*

**STUDENT RECORDS**

**§ 73.21. Contents of student records.**

Student records shall contain a transcript of academic performance, which shall include **[but not be limited to,]** student name, identifying number, program or course attended, grades for all subjects taken, date of entrance, date of graduation or withdrawal and the award received upon completion**;** **enrollment agree-**

ment; student financial account record; and the financial aid documentation required by State and Federal agencies ] .

§ 73.22. [ Short-term retention of student records ] (Reserved).

[ A school shall provide for a method of maintenance of and access to the student records defined in § 73.21 (relating to contents of student records) for a period of 5 years after graduation, termination or withdrawal of the student. ]

§ 73.22a. Annual consolidation of student transcripts.

Annually, a school shall consolidate copies of all transcripts of academic performance for all students who have graduated, terminated or withdrawn during the previous calendar year. These transcripts of academic performance for each year shall be stored in a hard copy file or printable electronic record.

§ 73.23. [ Long-term retention ] Retention of transcript of academic performance.

[ After the 5-year retention period, a ] A school shall provide for a method of maintenance of and access to the transcript of academic performance for [ a period of ] 50 years after graduation, termination or withdrawal.

§ 73.25. Content of disposition statement.

\* \* \* \* \*

(b) Proper disposition of student records shall be subject to approval of the Board and shall include a means of access by the student for copies of records [ that relate to that student's enrollment ] as defined in § 73.21 (relating to contents of student records).

APPLICATION FOR SCHOOL LICENSE OR REGISTRATION

§ 73.51. General requirements.

\* \* \* \* \*

(b) A person, partnership or corporation desiring to operate a private licensed school in this Commonwealth shall attend a new school orientation seminar conducted by Board staff and shall file an application for licensure or registration with the Board in the manner prescribed by the Board.

\* \* \* \* \*

(d) Original letters, proof of surety, forms and applications sent to the Board shall become the property of the Board, shall constitute records of the Board and may be retained by the Board. [ Letters, applications, forms or other papers will not be considered received by the Board without signed verification of receipt from the Board. ]

\* \* \* \* \*

§ 73.52. Contents of application.

An application for an original license or registration shall contain, at a minimum, the following prepared in the manner and form prescribed by the Board:

\* \* \* \* \*

(2) The name of the school, ownership or governing body and officials. A copy of a fictitious name registration,

articles of incorporation or charter. School names which the applicant wishes to appear on the license or registration shall be submitted, along with a fictitious name registration for each name. The Board may refuse to issue a license, when in the Board's judgment, a name chosen by the applicant appears to be misleading to the public regarding the nature or scope of the school.

\* \* \* \* \*

(6) Descriptions of proposed courses or programs of instruction prepared under §§ 73.81—73.83 (relating to approval of programs). The Board may refuse to approve a program, when in the Board's judgment, the name of the program chosen by the applicant appears to be misleading to the public regarding the nature or scope of the program.

\* \* \* \* \*

§ 73.54. Surety.

\* \* \* \* \*

(b) Levels of surety. Regardless of the form of surety selected by the school, surety shall be demonstrated to exist at the following levels:

\* \* \* \* \*

(5) Schools are required to maintain surety at the levels under this subsection throughout the period of licensure.

\* \* \* \* \*

ADMISSIONS REPRESENTATIVES

§ 73.71. License required.

[ As defined in the act, no ] A person may not solicit or procure through an enrollment agreement off the premises of the school, a prospective student within this Commonwealth to enroll in a licensed or registered school unless the person has been licensed as an admissions representative [ by the Board ] of the school.

APPROVAL OF PROGRAMS

§ 73.81. Application requirements.

A school seeking original licensure or registration shall submit programs to the Board for approval in the manner and form established by the Board. This section applies to licensed or registered schools wishing to offer new programs.

(1) Minimum requirements for program approval include the following:

\* \* \* \* \*

(ii) Each program—curriculum—shall be outlined in detail showing the courses, major subjects, hours/lessons (in clock hours, credit hours or quarter credit hours) devoted to each subject and the award at completion of program. The school shall provide a list of instructional equipment.

\* \* \* \* \*

(2) Programs shall be approved by the Board before they can be advertised or offered.

\* \* \* \* \*

(iv) If the name that is proposed for the program may be misleading in regard to the program's nature and scope, the Board may refuse to approve the program.

**ADMINISTRATORS, SUPERVISORS AND INSTRUCTORS**

**§ 73.104. Instructor.**

(a) *Duties.* The primary duties of an instructor involve teaching, advising students and maintaining accurate [ **attendance and** ] academic records.

\* \* \* \* \*

**TUITION AND FEES; REFUND AND WITHDRAWAL POLICIES; SCHOLARSHIP**

**§ 73.136. Period of refund.**

Refunds shall be made within 30-calendar days of the date the student fails to enter [ **or** ], leaves the program or fails to return from a leave of absence.

**ISSUANCE AND RENEWAL OF SCHOOL LICENSE OR REGISTRATION**

**§ 73.141. Issuance.**

The Department will issue an original school license or registration to a school approved by the Board as meeting the requirements of the act and this chapter. **The Board may refuse to issue a license when the Board determines that the applicant's school name appears to be misleading to the public concerning the nature or scope of the school.**

**FEES**

**§ 73.151. Fees.**

(a) *License fees.* The fees for school and admissions representative licenses shall accompany both original and renewal license and registration applications. The fee schedule is:

(1) For an original school license or registration—\$1,500 annually. **The fee for an original school license or registration includes the user fee for the application for approval of one new program. Each additional new program application submitted with a new license application shall be accompanied by an additional new program approval fee.**

\* \* \* \* \*

**REQUIREMENTS FOR LICENSURE AND OPERATION**

**§ 73.173. Advertisements and representations.**

(a) The advertising and representations made by a person representing the school may neither misrepresent facts relating to the school nor mislead prospective students **or the general public.**

\* \* \* \* \*

[Pa.B. Doc. No. 03-1183. Filed for public inspection June 20, 2003, 9:00 a.m.]

\_\_\_\_\_



# STATEMENTS OF POLICY

## DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 41]

### Registration Criteria

The Department of Transportation, Bureau of Motor Vehicles, under the authority contained in 75 Pa.C.S. §§ 4103, 4721 and 6103 (relating to promulgation of vehicle equipment standards; appointment of official inspection stations; and promulgation of rules and regulations by department) announces its intention to publish a policy statement interpreting the amendments to 75 Pa.C.S. § 1309 (relating to renewal of registration), enacted into law by the act of December 23, 2002 (P. L. 1982, No. 229) (Act 229).

The amendments to 75 Pa.C.S. § 1309 require an application for the renewal of registration for a motor carrier vehicle to be accompanied by a self-certification of current safety inspection. The Department intends to interpret 75 Pa.C.S. § 1309 to require certification that the applicant has either a currently valid certificate of inspection issued under 67 Pa. Code Chapter 175 (relating to vehicle equipment and inspection) or, for a motor carrier vehicle located outside this Commonwealth, a current certificate of inspection issued in accordance with 49 CFR 396.17 (relating periodic inspections).

Questions, suggestions or comments should be directed to John Munafo, Manager, Vehicle Inspection Division, 4th Floor Riverfront Office Center, Harrisburg, PA 17104, (717) 787-2304.

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

[Pa.B. Doc. No. 03-1184. Filed for public inspection June 20, 2003, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Thursday, June 26, 2003. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's offices at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on development of the Commission's new comprehensive plan, including a proposed resolution for implementation of the proposed Basin Plan and assessments by the states of how their current programs align with the proposed Basin Plan; a presentation by Janet Bowers of the Chester County Water Resources Authority on *Watersheds*, the Chester County watersheds management plan; an update on development of the TMDLs for PCBs in the Delaware Estuary; a report on formation of the PCB TMDL Implementation Advisory Committee (IAC), including proposed revision of Resolution No. 2001-11 authorizing formation of the IAC; a report of the Monitoring Advisory Committee; and a proposal to adopt a revised grade classification and compensation system and amend the *Administrative Manual: By-Laws, Management and Personnel*.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the dockets listed in this notice, a proposed resolution to revise the Commission's fee schedule for the review of projects under Section 3.8 and Article 10 of the *Delaware River Basin Compact* and institute fees for docket transfers.

1. *Exelon Generating Co., LLC D-69-210 CP, Final (Revision 11)*. A demonstration mine pool withdrawal project to supply up to 519 million gallons per 30 days (17.3 mgd) of augmentation flow to tributaries of the Schuylkill River for downstream withdrawal directly from the main stem Schuylkill River. Exelon proposes to modify its operations to establish criteria for utilization of mine pool water for periodic augmentation of the East Norwegian Creek, a tributary of the Schuylkill River, in accordance with an existing Department of Environmental Protection National Pollutant Discharge Elimination System permit. The water will be pumped from the Wadesville Mine Pool on properties of the Reading Anthracite Company located in New Castle and Norwegian Townships and St. Clair Borough, Schuylkill County, PA. Exelon Generating Co., LLC proposes to withdraw from the augmented flow of the Schuylkill River at its Limerick Generating Station (LGS) in Limerick Township, Montgomery County, PA, approximately 72 river miles downstream of the augmentation source. The water will be used as an alternate source of cooling water make-up for the LGS nuclear powered generation facility. The withdrawal from the Schuylkill River at the LGS site is to proceed during times when natural low flow or temperature conditions in the Schuylkill River otherwise restrict Exelon from withdrawal, provided that augmentation of the flow precedes the withdrawal. The revised

operations are projected to maintain a flow regime during withdrawal equivalent to the natural flow regime without the augmentation and withdrawal. The project is designed both to provide an alternate source of water to the LGS and to improve the water quality of mine pool drainage.

2. *Borough of Westville D-79-86 CP Renewal*. A groundwater withdrawal renewal project to decrease withdrawal from 37.5 mg/30 days to 28.5 mg/30 days of water to the applicant's public water distribution system from Wells Nos. 4—6 in the Potomac-Raritan-Magothy aquifer. The project is located in Westville Borough, Gloucester County, NJ.

3. *FiberMark North America, Inc. D-82-31 Renewal 3*. A groundwater withdrawal renewal project to increase withdrawal from 2.4 mg/30 days to 2.85 mg/30 days to supply the applicant's paper manufacturing facility from existing Well No. 1 and return noncontact cooling water to groundwater by means of injection Well No. 2 in the Tohickon Creek Watershed. The project is located in Quakertown Borough, Bucks County, PA and is located in the Southeastern Pennsylvania Groundwater Protected Area.

4. *Town of Newton D-90-111 CP Renewal*. A groundwater withdrawal renewal project to continue withdrawal of 10.85 mg/30 days to supply the applicant's public water distribution system from existing Well No. PW-1 in the Kittatinny formation. The project is located in the Paulin's Kill Watershed in the Town of Newton, Sussex County, NJ.

5. *South Whitehall Township Authority D-91-82 CP Renewal*. A groundwater withdrawal renewal project to continue withdrawal of 60 mg/30 days to supply the applicant's water distribution system from existing Wells Nos. 1—3, 5, 6, 9—11, 13 and 14 in the Cedar Creek and Jordan Creek Watersheds. The project is located in South Whitehall Township, Lehigh County, PA.

6. *Borough of Orwigsburg D-92-05 CP Renewal*. A groundwater withdrawal renewal project to continue withdrawal of 11.6 mg/30 days to supply the applicant's public water supply system from existing Wells Nos. 1—4 in the Mahannon Creek Watershed. The project is located in Orwigsburg Borough, Schuylkill County, PA.

7. *Mantua Township Municipal Utilities Authority D-2000-04 CP*. A groundwater withdrawal renewal project to supply up to 57 mg/30 days of water to the applicant's public water distribution system from existing Wells Nos. 2—8 in the Potomac-Raritan-Magothy and the Mt. Laurel-Wenonah Aquifers. Commission approval on September 19, 1996, was limited to 10 years and will expire unless renewed. The applicant requests that the total withdrawal from all wells be increased from 47 mg/30 days to 57 mg/30 days. The project is located in Mantua Township, Gloucester County, NJ.

8. *Upper Hanover Municipal Authority D-2001-61 CP*. A project to expand a 0.02 mgd sewage treatment plant (STP) to process 0.15 mgd while maintaining tertiary level of treatment. The project will continue to serve the predominantly residential area of Upper Hanover Township, Montgomery County, PA, where the STP is located off the intersection of Frey and Buck Roads. The STP effluent will be discharged to Macoby Creek in the Perkiomen Creek Watershed through the existing outfall.

9. *Thornbury Township D-2003-04 CP*. A project to expand a 0.12 mgd STP to process 0.18 mgd, while

continuing to provide secondary treatment by means of an extended aeration activated sludge treatment process. The STP is located between Thornton and Cheyney Roads in Thornbury Township, Delaware County, PA and will continue to serve the predominantly residential customers in that municipality. The STP effluent will continue to be discharged to the nontidal portion of Chester Creek by means of the existing force main.

10. *Upper Saucon Sewage Treatment Authority D-2003-05 CP.* A project to rerate a 2.0 million mgd STP to process 2.5 mgd, while continuing to provide advanced secondary level of treatment via the A/O process. The project is located just southwest of the intersection of Old Bethlehem Pike and Pennsylvania Route 78 in Upper Saucon Township, Lehigh County, PA. The project will continue to serve the predominantly residential population of Coopersburg Borough and Upper Saucon Township. No new treatment facilities are proposed, and the plant will continue to discharge to Saucon Creek in the Lehigh River Watershed via the existing outfall.

11. *City of Bordentown D-2003-11 CP.* A groundwater withdrawal project to provide up to 31.97 million gallons per 30 days of water to the applicant's public water supply system from New Well No. 5 and to retain the total combined allocation of 90 mg/30 days from all wells, Wells 1—3 and 5 (proposed). Well No. 5 is screened in the Raritan Formation and is located in the Crosswicks Creek Watershed in Hamilton Township, Mercer County, NJ. All wells will continue to serve the applicant's existing service area of the City of Bordentown, the Township of Bordentown, and via bulk water sale, the Borough of Fieldsboro, all in Burlington County, NJ.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting:

minutes of the May 8, 2003, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; a resolution amending Resolution No. 2001-11 concerning a TMDL IAC; a resolution adopting a revised grade classification and compensation system and amending the *Administrative Manual: By-Laws, Management and Personnel*; and a resolution providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year 2003-2004, commencing July 1, 2003.

Draft dockets scheduled for public hearing on June 26, 2003, are posted on the Commission's website, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with any docket-related questions.

Persons who wish to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500, Ext. 203. Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 03-1185. Filed for public inspection June 20, 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 10, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i>  | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-9-03      | KNBT Bancorp, Inc., Bethlehem, to acquire 100% of the voting shares of First Colonial Group, Inc., Nazareth | Bethlehem       | Filed         |

##### Charter Applications

| <i>Date</i> | <i>Name of Bank</i>                              | <i>Location</i>                                   | <i>Action</i>           |
|-------------|--|---|-------------------------|
| 6-5-03      | Integrity Bank<br>Camp Hill<br>Cumberland County | 3345 Market St.<br>Camp Hill<br>Cumberland County | Commenced<br>Operations |

##### Conversions

| <i>Date</i> | <i>Name of Bank</i>                                      | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 6-9-03      | Keystone Savings Bank<br>Bethlehem<br>Northampton County | Bethlehem       | Filed         |

Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank.

## NOTICES

**Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 6-9-03      | Keystone Savings Bank, Bethlehem, and Nazareth National Bank and Trust Company, Nazareth<br>Surviving Institution—Keystone Savings Bank, Bethlehem, with a change in corporate title to "Keystone Nazareth Bank & Trust Company" | Bethlehem       | Filed         |

**Branch Applications**

| <i>Date</i> | <i>Name of Bank</i>                                     | <i>Location</i>  | <i>Action</i>              |
|-------------|---|--|----------------------------|
| 6-2-03      | Northwest Savings Bank<br>Warren<br>Warren County       | 319 W. Central Ave.<br>Titusville<br>Crawford County<br>(Drive-Up Facility)  | Opened                     |
| 6-2-03      | Fulton Bank<br>Lancaster<br>Lancaster County            | 1649 Broadway<br>Hanover<br>Penn Township<br>York County   | Opened                     |
| 6-4-03      | Brentwood Bank<br>Bethel Park<br>Allegheny County       | Merryheart Retirement Residence<br>100 Knoedler Road<br>Pittsburgh<br>Allegheny County<br>(Limited Service Facility) | Opened                     |
| 6-9-03      | Ameriserv Financial Bank<br>Johnstown<br>Cambria County | 87 Logan Boulevard<br>Altoona<br>Blair County  | Authorization<br>Rescinded |

**Branch Discontinuances**

| <i>Date</i> | <i>Name of Bank</i>                               | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 5-31-03     | Northwest Savings Bank<br>Warren<br>Warren County | Bradford Mall<br>1001 E. Main St.<br>Bradford<br>McKean County | Effective     |

**SAVINGS INSTITUTIONS**

No activity.

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

| <i>Date</i> | <i>Name of Credit Union</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 6-6-03      | Belco Community Credit Union, Harrisburg, and CP Lutheran Credit Union, Mechanicsburg<br>Surviving Institution—Belco Community Credit Union, Harrisburg | Harrisburg      | Filed         |

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 03-1186. Filed for public inspection June 20, 2003, 2003, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name and<br/>Address</i>  | <i>County and<br/>Municipality</i>  | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|-------------------------------------|--|-----------------------------|
| PA0032824<br>Sewerage       | Department of Transportation<br>Bureau of Design<br>P. O. Box 3060<br>Harrisburg, PA 17105-3060 | Mifflin Township<br>Columbia County | Fishing Creek<br>5-D                   | Y                           |

| <i>NPDES No.<br/>(Type)</i>     | <i>Facility Name and<br/>Address</i>   | <i>County and<br/>Municipality</i>   | <i>Stream Name<br/>(Watershed No.)</i>        | <i>EPA Waived<br/>Y/N ?</i> |
|---------------------------------|--|--------------------------------------|---|-----------------------------|
| PA0209589<br>Sewerage           | Girard Township Municipal<br>Authority<br>P. O. Box 36<br>Le Contes Mills, PA 16850-0036 | Girard Township<br>Clearfield County | Bald Hill Run<br>8-C                          | Y                           |
| PA0228699<br>Sewerage           | Walter E. Badeau<br>R. R. 1 Box 180<br>Driftwood, PA 15832-9622                          | Portage Township<br>Cameron County   | Cowley Run<br>8A                              | Y                           |
| PA0209660<br>Sewerage<br>Public | Cooper Township Municipal<br>Authority<br>P. O. Box 446<br>Winburne, PA 16879            | Clearfield County<br>Cooper Township | Moshannon Creek<br>8D                         | Y                           |
| PA0209678<br>Sewerage<br>Public | Cooper Township Municipal<br>Authority<br>P. O. Box 446<br>Winburne, PA 16879            | Clearfield County<br>Cooper Township | Unnamed tributary of<br>Moshannon Creek<br>8D | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name and<br/>Address</i>  | <i>County and<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed No.)</i>             | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|---------------------------------------|--|-----------------------------|
| PA0100676                   | Reorganized Church of Jesus<br>Christ of Latter Day<br>Saints—Camp Temple Grove<br>347 Hamburg Road<br>Transfer, PA 16154 | Mercer County<br>Delaware Township    | Unnamed tributary to<br>the Shenango River<br>20-A | Y                           |
| PA0002551                   | Calumet Lubricants Company,<br>L. P.—Rouseville Refinery<br>2 Main Street<br>Rouseville, PA 16344                         | Venango County<br>Rouseville Borough  | Oil Creek and Hamlin<br>Run<br>16E                 | Y                           |
| PA0103896                   | County Landfill, Inc.<br>P. O. Box 237<br>Leeper, PA 16233  | Clarion County<br>Farmington Township | Walley Run<br>16F                                  | Y                           |

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

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

**PA0064262**, Industrial, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. This proposed facility is in Washington Township, **Lehigh County**.

Description of Proposed Activity: Issuance of new NPDES permit.

The receiving stream, unnamed tributary to Trout Creek, is in the State Water Plan watershed no. 2C and is classified for CWF. The nearest downstream public water supply intake for the Northampton Borough Water Authority is on the Lehigh River, over 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0026 MGD.

| <i>Parameter</i>       | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          |
|------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|
|                        | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> |
| Total Suspended Solids |                            |                          | 100                         |                          |
| Lead                   |                            |                          | .09                         | .14                      |
| Oil and Grease         |                            |                          | 15                          | 30                       |
| Total Dissolved Solids |                            |                          | 1,000                       |                          |
| Color                  |                            |                          | 100 P-C units               |                          |

*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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelienople Municipal Water Works intake on the 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.

| <i>Parameter</i>        | <i>Concentrations</i>         |  |                                     |
|-------------------------|-------------------------------|--|-------------------------------------|
|                         | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i>           | <i>Instantaneous Maximum (mg/l)</i> |
| Flow                    |                               |  |                                     |
| CBOD <sub>5</sub>       | 25                            |  | 50                                  |
| Total Suspended Solids  | 30                            |  | 60                                  |
| NH <sub>3</sub> -N      |                               |  |                                     |
| (5-1 to 10-31)          | 6.5                           |  | 13                                  |
| (11-1 to 04-30)         | 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.

**PA0239160**, Sewerage, **McCalmont Township**, P. O. Box 276, Anita, PA 15711. This proposed facility is in McCalmont Township, **Jefferson County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Allegheny River and the Western Pennsylvania American Water Company at Kittanning, approximately 42 miles below point of discharge.

The receiving stream, Mahoning Creek, is in watershed 17C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.097 MGD.

| <i>Parameters</i>      | <i>Loadings</i>                 |                                | <i>Concentrations</i>                  |                              |                                     |
|------------------------|---------------------------------|--------------------------------|--|------------------------------|-------------------------------------|
|                        | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i> | <i>Average Monthly (mg/l)</i>          | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow                   | XX                              |                                |  |                              |                                     |
| CBOD <sub>5</sub>      | 14.5                            | 21                             | 18                                     | 27                           | 36                                  |
| Total Suspended Solids | 24                              | 36                             | 30                                     | 45                           | 60                                  |
| NH <sub>3</sub> -N     |                                 |                                |  |                              |                                     |
| (5-1 to 10-31)         |                                 |                                | 6.5                                    |                              | 13                                  |
| (11-1 to 4-30)         |                                 |                                | 19.5                                   |                              | 39                                  |
| Fecal Coliform         |                                 |                                |  |                              |                                     |
| (5-1 to 9-30)          |                                 |                                | 200/100 ml as a geometric average      |                              |                                     |
| (10-1 to 4-30)         |                                 |                                | 4,000/100 ml as a geometric average    |                              |                                     |
| Dissolved Oxygen       |                                 |                                | minimum 4.0 at all times               |                              |                                     |
| pH                     |                                 |                                | 6.0 to 9.0 standard units at all times |                              |                                     |

The EPA waiver is in effect.

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

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

**WQM Permit No. 2503415**, Sewerage, **Robert Pamula**, 8631 Haft Road, Erie, PA 16510. This proposed facility is in Greene Township, **Erie County**.

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

**WQM Permit No. 2503416**, Sewerage, **Jeffery R. Scheid**, 9205 Footemille Road, Erie, PA 16509. This proposed facility is in Summit Township, **Erie County**.

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

**WQM Permit No. 2003415**, Sewerage, **Carol Millett**, 9213 Old State Road, Conneaut Lake, PA 16316. This proposed facility is in Sadsbury Township, **Crawford County**.

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

**WQM Permit No. 6203410**, Sewerage, **Michael Condon**, 12861 Girdled Road, Painesville, OH 44077. This proposed facility is in Pittsfield Township, **Warren County**.

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

**WQM Permit No. 6103401**, Sewerage, **Jerry and Gail Pazak**, 7517 Tuscarora Street, Pittsburgh, PA 15208. This proposed facility is in Cranberry Township, **Venango County**.

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

**WQM Permit No. 2503417**, Sewerage, **Floyd L. McClellan, Jr.**, 10851 Sidehill Road, North East, PA 16428. This proposed facility is in Concord Township, **Erie County**.

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

**WQM Permit No. 4203403**, Sewerage, **Dr. Kent K. Smith**, 10 Manning Lane, Cherry Hill, NJ 08003. This proposed facility is in Keating Township, **McKean County**.

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

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#### **IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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*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>  | <i>Department Protocol (Y/N)</i> |
|-------------------------|--|---------------|-------------------------|---|----------------------------------|
| N/A                     | West Vincent Township<br>P. O. Box 163<br>Birchrunville, PA 19421    | Chester       | West Vincent Township   | French Creek  | N/A                              |
| N/A                     | West Grove Borough<br>117 Rosehill Ave.<br>West Grove, PA 19390      | Chester       | West Grove Borough      | Christiana River Basin  | N/A                              |
| N/A                     | Birmingham Township<br>1040 W. Street Rd.<br>West Chester, PA 19382  | Chester       | Birmingham Township     | Brandywine Creek<br>West Branch<br>Chester Creek                            | N/A                              |
| N/A                     | West Sadsbury Township<br>6400 N. Moscow Rd.<br>Parkesburg, PA 19365 | Chester       | West Sadsbury Township  | Octoraro Creek  | N/A                              |
| N/A                     | Upper Oxford Township<br>1185 Limestone Rd.<br>Oxford, PA 19363      | Chester       | Upper Oxford Township   | East Branch<br>Octoraro Creek<br>East and West<br>Branches Big Elk<br>Creek | N/A                              |
| N/A                     | East Caln Township<br>110 Bell Tavern Rd.<br>Downingtown, PA 19335   | Chester       | East Caln Township      | East Branch<br>Brandywine<br>Creek<br>Valley Creek and<br>tributaries       | N/A                              |
| N/A                     | Langhorne Manor Borough<br>618 Hulmeville Rd.<br>Langhorne, PA 19047 | Bucks         | Langhorne Manor Borough | Chub Run<br>Mill Creek<br>Tributary   | N/A                              |
| N/A                     | Hulmeville Borough<br>114 Trenton Rd.<br>Hulmeville, PA 19047        | Bucks         | Hulmeville Borough      | Neshaminy<br>Creek<br>UNT to<br>Neshaminy<br>Creek                          | N/A                              |
| N/A                     | Rose Valley Borough<br>P. O. Box 198<br>New London, PA 19065         | Delaware      | Rose Valley Borough     | Ridley Creek  | N/A                              |
| N/A                     | East Greenville Borough<br>206 Main St.<br>East Greenville, PA 18041 | Montgomery    | East Greenville Borough | Perkiomen Creek   | N/A                              |
| N/A                     | Newtown Borough<br>23 N. State St.<br>Newtown, PA 18940              | Bucks         | Newtown Borough         | Newtown Creek<br>and tributary  | N/A                              |
| N/A                     | West Chester University<br>700 S. High St.<br>West Chester, PA 19383 | Chester       | West Chester Borough    | Plum Run  | N/A                              |



| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>  | <i>County</i> | <i>Municipality</i>       | <i>Receiving Water/Use</i>                                     | <i>Department Protocol (Y/N)</i> |
|-------------------------|--|---------------|---------------------------|--|----------------------------------|
| N/A                     | Sellersville Borough<br>140 E. Church St.<br>Sellersville, PA 18960      | Bucks         | Sellersville Borough      | East Branch Perkiomen Creek                                    | N/A                              |
| N/A                     | New Britain Borough<br>45 Keller Ave.<br>New Britain, PA 18901           | Bucks         | New Britain Borough       | Neshaminy Creek  | N/A                              |
| N/A                     | Millbourne Borough<br>9 Park Ave.<br>Millbourne, PA 19082                | Delaware      | Millbourne Borough        | Darby Creek<br>Cobbs Creek                                     | N/A                              |
| N/A                     | Ivyland Borough<br>991 Pennsylvania Ave.<br>Ivyland, PA 18974            | Bucks         | Ivyland Borough           | UNT to Neshaminy Creek   | N/A                              |
| N/A                     | Bryn Athyn Borough<br>P. O. Box 683<br>Bryn Athyn, PA 19009              | Montgomery    | Bryn Athyn Borough        | Pennypack Creek  | N/A                              |
| N/A                     | Rockledge Borough<br>1 Park Ave.<br>Rockledge, PA 19046                  | Montgomery    | Rockledge Borough         | Pennypack Creek and Tacony Creek                               | N/A                              |
| N/A                     | West Conshohocken Borough<br>112 Ford St.<br>West Conshohocken, PA 19428 | Montgomery    | West Conshohocken Borough | Lower Schuylkill River   | N/A                              |
| N/A                     | Springfield Township<br>2320 Township Rd.<br>Quakertown, PA 18951        | Bucks         | Springfield Township      | Tohickon Creek   | N/A                              |
| N/A                     | Wrightstown Township<br>738 Penns Park Rd.<br>Wrightstown, PA 18940      | Bucks         | Wrightstown Borough       | Mill Creek<br>Jericho Creek<br>Neshaminy Creek and tributaries | N/A                              |
| N/A                     | Rutledge Borough<br>212 Unity Terrace<br>Rutledge, PA 19070              | Delaware      | Rutledge Borough          | Stoney Creek   | N/A                              |
| N/A                     | Newlin Township<br>929 Springwood Dr.<br>West Chester, PA 19382          | Chester       | Newlin Township           | West Branch Brandywine Creek                                   | N/A                              |
| N/A                     | Modena Borough<br>P. O. Box 116<br>Modena, PA 19358                      | Chester       | Modena Borough            | Brandywine Creek   | N/A                              |
| N/A                     | Cheyney University of Pennsylvania<br>P. O. Box 260<br>Cheyney, PA 19319 | Delaware      | Thornbury Township        | East Branch Chester Creek                                      | N/A                              |

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>                                       | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>   |
|-------------------------|---|---------------|---------------------|------------------------------|
| PAI024503013            | Williams & Williams Real Estate<br>P. O. Box 3655<br>Scranton, PA 18505 | Monroe        | Coolbaugh Township  | Pocono Summit Lake<br>HQ-CWF |
| PAI024503007            | Harmon Homes, Inc.<br>R. R. 5, Box 5234<br>East Stroudsburg, PA 18301   | Monroe        | Hamilton Township   | Lake Creek<br>HQ-CWF         |

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>  | <i>County</i> | <i>Municipality</i>        | <i>Receiving Water/Use</i>                           |
|-------------------------|--|---------------|----------------------------|--|
| PAS10S097-1             | LTS Development, Inc.<br>P. O. Box 160<br>Shawnee on Delaware, PA<br>18356 | Monroe        | Middle Smithfield Township | UNTs to Brodhead Creek and Marshalls Creek<br>HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI025203008            | USDA/USFS<br>Grey Towers NHL<br>P. O. Box 188<br>151 Grey Towers Dr.<br>Milford, PA 18337 | Pike          | Milford Township    | Sawkill Creek<br>EV        |

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

*Bedford County Conservation District, 702 W. Pitt Street, Suite 4, Fairlawn Court, Bedford, PA 15522.*

| <i>NPDES No.</i> | <i>Applicant Name and Address</i>                             | <i>County and Municipality</i>      | <i>Receiving Water/Use</i> |
|------------------|---|-------------------------------------|----------------------------|
| PAI2030503002    | Hopewell Township<br>2759 Raystown Road<br>Hopewell, PA 16650 | Hopewell Township<br>Bedford County | Yellow Creek<br>HQ-CWF     |

*Berks County Conservation District, 1238 County Welfare Road, P. O. Box 520, Leesport, PA 19533.*

| <i>NPDES No.</i> | <i>Applicant Name and Address</i>  | <i>County and Municipality</i>  | <i>Receiving Water/Use</i> |
|------------------|--|---------------------------------|----------------------------|
| PAI2030603006    | Benchmark Development, Inc.<br>3744 West Chester Pike<br>P. O. Box J<br>Newtown Square, PA 19073 | Exeter Township<br>Berks County | Trout Run<br>EV            |

*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> |
|------------------|---|---|----------------------------|
| PAS10F070R       | Department of Transportation<br>SR 26 Relocation<br>1924-30 Daisy St.<br>Clearfield, PA 16930 | Centre County<br>Benner, College and Spring Townships | Spring Creek<br>HQ-CWF     |
| PAI041403008     | Julian Sewer System<br>P. O. Box 40<br>Julian, PA 16844                                       | Centre County<br>Huston Township                      | Laurel Run<br>EV           |

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

*Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601-9217, (724) 837-5271.*

| <i>NPDES No.</i> | <i>Applicant Name and Address</i>                                    | <i>County and Municipality</i>  | <i>Receiving Water/Use</i>  |
|------------------|--|---|---|
| PAI056503002     | Department of Transportation<br>P. O. Box 459<br>Uniontown, PA 15401 | Westmoreland County<br>Salem Township and the Municipality of Murrysville | Unnamed tributary to Beaver Run<br>HQ-CWF<br>Unnamed tributary to Turtle Creek<br>TSF |

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

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|        |   |
|--------|---|
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs)                          |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

**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.*

**Application No. 4503503, Public Water Supply.**

Applicant **Sciota Garden Apartments**  
 Township or Borough Hamilton Township  
 Responsible Official William Grant, President  
 Grant Homes, Inc.  
 P. O. Box 287  
 Brodheadsville, PA 18322  
 Type of Facility PWS  
 Consulting Engineer Charles H. Niclaus, P. E.  
 Niclaus Engineering Corporation  
 14 North Six Street  
 Stroudsburg, PA 18360  
 Application Received Date May 23, 2003

Description of Action The application is for approval to construct a 22 unit apartment complex supplied by 1 well pumped to a treatment facility. Hypochlorite will be added for disinfection, potassium permanganate to oxidize and reduce manganese and soda ash added to neutralize the corrosiveness. Treated water will be filtered through a manganese green sand filter and stored in a ground level tank. Booster pumps and pressure tank will provide water to the distribution system.

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

**Application No. 1403502—Construction, Public Water Supply.**

Applicant **Bellefonte Borough Authority**  
 236 West Lamb Street  
 Bellefonte, PA 16823  
 Responsible Official Ralph W. Stewart, Borough  
 Manager  
 236 West Lamb Street  
 Bellefonte, PA 16823  
 Type of Facility PWS  
 Consulting Engineer Mark J. Garlicki, P. E.  
 Herbert, Rowland & Grubic, Inc.  
 474 Windmere Drive, Suite 100  
 State College, PA 16801  
 Application Received Date June 2, 2003  
 Description of Action Permitting of three existing water distribution booster pump stations.

**Application No. Minor Amendment—Construction, Public Water Supply.**

Applicant **Jersey Shore Area Joint Water Authority**  
 220 South Main Street  
 Jersey Shore, PA 17740  
 Responsible Official Michael C. Zellers, Manager  
 Jersey Shore Area Joint Water Authority  
 P. O. Box 5046  
 220 S. Main Street  
 Jersey Shore, PA 17740-5046  
 Type of Facility PWS  
 Consulting Engineer Paul A. Krizan, P. E.  
 Larson Design Group, Inc.  
 1000 Commerce Park Drive  
 Williamsport, PA 17703-0487  
 Application Received Date June 3, 2003  
 Description of Action Construction of a new concrete water tank to replace the existing reservoir.

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

**Permit No. 6503501**, Public Water Supply.

Applicant **Torrance State Hospital**  
P. O. Box 111  
Torrance, PA 15779

Township or Borough Derry Township

Responsible Official Brad Snyder, Facility  
Maintenance Manager  
Torrance State Hospital  
P. O. Box 111  
Torrance, PA 15779

Type of Facility Water treatment facility

Consulting Engineer John Rusnak  
280 Executive Drive  
Cranberry Township, PA 16066

Application Received Date May 22, 2003

Description of Action Line and recover reservoir,  
demolish and reconstruct existing  
mechanical building, install  
system pumps, remove gas  
chlorination facilities and install  
new liquid chlorination facilities.

#### 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. Minor Amendment.

Applicant **Wallenpaupack Lake Estates**

Township or Borough Paupack Township

Responsible Official Brian Schaun  
Wallenpaupack Lake Estates  
100 Wallenpaupack Lake Estates  
Lake Ariel, PA 18436

Type of Facility PWS

Consulting Engineer Frederick C. Spott, P. E.  
Frederick C. Spott & Associates,  
Inc.  
403 North South Street  
Scranton, PA 18504

Application Received Date June 5, 2003

Description of Action The submittal is for a minor  
modification to the Beaver Lake  
Well, also known as Well B. The  
existing 1,000 gallon storage tanks  
(three tanks in total) will be  
replaced by one 3,000 gallon hydro  
tank which will be relocated closer  
to the wellhead. The new hydro  
tank will be housed in a structure  
14 feet by 28 feet by 14 feet high.  
The disinfection tanks and meter  
will also be housed in this  
structure.

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

#### Application No. 2594501-MA9, Minor Amendment.

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

Township or Borough Summit Township, **Erie County**

Responsible Official Christopher J. Heberd, Chief  
Operating Officer

Type of Facility PWS

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date June 6, 2003

Description of Action Construction of a 1.0 million  
gallon storage tank on Cherry  
Street Extension.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may

request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office 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.*

**Former Glenside Foreign Motors Facility**, Cheltenham Township, **Montgomery County**. Charles Q. McGuth, Environmental Maintenance Co., Inc., 1420 Mermaid Lane, Glenside, PA 19038, on behalf of Estate of Remo DiLello/Susan Butler, 540 Andrew Dr., Southampton, PA 18966, has submitted a Notice of Intent to Remediate soil contaminated with leaded gasoline and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Glenside News* on April 2, 2003.

**860 Cross Street**, Pottstown Borough, **Montgomery County**. Henry DeH. Alexander, P. E., Conestoga-Rovers & Associates, Route 113, 559 W. Uwchlan Ave., Suite 120, Exton, PA 19341, on behalf of Degussa Construction Chemical Operations, Inc., Timothy Anglin, 23700 Chagrin Blvd., Cleveland, OH 44122, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics and PCB; and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on May 19, 2003.

**Former Schmidt's Brewery**, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Northern Liberties Development Assoc., LP, Tina Roberts, One Reed St., Philadelphia, PA 19147, has submitted a Notice of Intent to Remediate soil contaminated with fuel oil no. 6, inorganics, leaded gasoline, other organics, PAH and PCB; and groundwater contaminated with chlorinated solvents, fuel oil no. 6, leaded gasoline and other inorganics. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 16, 2003.

**1900 Allegheny Avenue Property**, City of Philadelphia, **Philadelphia County**. Spencer Finch, Urban Engineers, Inc., 530 Walnut St., 14th Fl., Philadelphia, PA 19106, on behalf of City of Philadelphia, Department of Public Property, Attn: John Edelstein, Municipal Services

Bldg., 1401 JFK Blvd., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with PAH; and groundwater contaminated with chlorinated solvents and other inorganics. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on April 11, 2003.

**Nursing Care Center at the 58th Street Presbyterian Home**, City of Philadelphia, **Philadelphia County**. Nancy R. Repetto, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of Presby Homes & Services, Inc., Margaret Bucci, 2000 Joshua Rd., Lafayette Hills, PA 19444-2430, has submitted a Notice of Intent to Remediate soil 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 *Globe Times* on May 8, 2003.

**Former Abrams Metals Company**, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Associates, 3001 Market St., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, PAH and PCB; and groundwater contaminated with chlorinated solvents and unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on May 19, 2003.

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

**Ross Technology Corporation**, Upper Leacock Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Ross Technology Corporation, 104 North Maple Avenue, Leola, PA 17540, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the requirements of a combination of the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal/New Era* on February 27, 2003.

**V & S Sandwich Shop**, Wyomissing Borough, **Berks County**. Alternative Environmental Solutions, 930 Pointview Avenue, Ephrata, PA 17522, on behalf of V & S Sandwich Shop, 2224 State Hill Road, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the requirements of a combination of Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on May 19, 2003.

## NOTICE OF INTENT TO ISSUE PLAN APPROVALS AND OPERATING PERMITS

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 and intends to issue plan approvals and/or operating permits to the following facilities.

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the person submitting the comments, along with the reference number of the proposed permit. Comments should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least thirty days in advance of the hearing. If a hearing is scheduled, notice will be provided to each applicant, protestant, or other participants in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, except where the Department determines that notification by telephone will be sufficient. Notice will also be provided to anyone who requests in writing to be notified concerning the scheduling of a hearing.

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.**

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

**06-05069C: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19637-0147) for the construction and relocation of a lead grid caster controlled by a fabric collector, the construction of two lead oxide mills each controlled by a cyclone and a fabric collector, the installation of a replacement fabric collector on an R and D lab that emits lead and the modification of a lead pot in the lead/acid battery assembly facility in Richmond Township, **Berks County**. The sources are all subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.

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

**56-00275A: GM and S Coal Corp.** (P. O. Box 99, Boswell, PA 15531) for installation of a coal preparation plant at Geronimo Mine in Jenner Township, **Somerset 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.*

**46-0010D: Montenay Montgomery, LTD** (1155 Conshohocken Road, Conshohocken, PA 19428) for modification of its existing selective noncatalytic reduction system in Plymouth Township, **Montgomery County**. This municipal waste combustion facility is a Title V facility. This modification will result in NO<sub>x</sub> to be reduced by 242 tons. The 242 tons of NO<sub>x</sub> reduction will be credited to Montenay Montgomery LTD once the sources show compliance with the lower NO<sub>x</sub> emission limits. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions 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.*

**13-399-008A: Horsehead Resource Development Company Inc.** (900 Delaware Avenue, Palmerton, PA 18071) for the construction of a calcine kiln receiving bin and associated bin vent collectors to receive crude zinc oxide from pressure differential trucks and railcars at the company's facility in Palmerton Borough, **Carbon County**. This high temperature metal recovery facility is a Title V facility. Particulate emissions from the process will be less than 1 ton per year. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

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

**06-05066C: Exide Technologies** (P. O. Box 14294, Reading, PA 19612-4294) for the installation of a replacement fabric collector controlling particulate and lead emissions from the facility's no. 2 smelter system in the Borough of Laureldale and Muhlenberg Township, **Berks County**. The installation will not result in changes to the potential emissions from the source. The source is subject to 40 CFR Part 60, Subpart L—Standards of Performance for New Stationary Sources and Part 63, Subpart X—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelters. The approval will include work practices, monitoring, testing, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The Title V Operating Permit 06-05066 presently covers the facility. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

**36-05128A: Compass Quarries, Inc. d/b/a Independence Construction Materials** (P. O. Box 130, 47

McIlvaine Road, Paradise, PA 17562-0130) for modifications that include burning of waste derived fuels in their stone dryer and the addition of three nonmetallic conveyors for their facility in Paradise Township, **Lancaster County**.

**67-03058B: Coates Electrographics, Inc.** (1160-A Fahs Street, York, PA 17404) for a new classifier, a separator/cyclone and a baghouse for their facility in West Manchester Township, **York County**.

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

**V95-052: Graphic Arts, Inc.** (4100 Chestnut Street, Philadelphia, PA 19104) on June 3, 2003, administratively amended to incorporate Plan Approval No. 03036 approved on March 28, 2003, for conversion of a boiler in the City of Philadelphia, **Philadelphia County**. The Title V operating permit was originally issued on May 3, 2001.

**S95-071: General Electric International, Inc.** (1040 East Erie Avenue, Philadelphia, PA 19124) on June 3, 2003, reissued to incorporate applicable regulations for three degreasers per 25 Pa. Code § 129.63 in the City of Philadelphia, **Philadelphia County**. The Synthetic Minor operating permit was originally issued on September 6, 2002.

#### 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 offset lithographic printing presses and one flexographic printing press. The permit is being amended to incorporate changes approved under Plan Approval No. 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.

The conditions that have been addressed in the amended Title V Permit are as follows:

*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 NOx 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.*

**06-05026: North American Fluoropolymers Co.** (P. O. Box 704, Leesport, PA 19533) for the operation of a Teflon crumb manufacturing facility in Ontelaunee Township, **Berks County**. The facility is subject to 40 CFR Part 64, Compliance Assurance Monitoring. This action is a renewal of the Title V Operating Permit issued in 1998.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**30-00110: Equitrans, L. P.** (100 Allegheny Center Mall, Pittsburgh, PA 15212) for a renewal for operation of their Pratt Compressor Station in Franklin Township, **Greene County**. The facility's major sources include compressor engines, which emit major quantities of NOx emissions.

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

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

**01-03022: Agricultural Commodities, Inc.** (1585 Granite Station Road, Gettysburg, PA 17325) for operation of a poultry feed mill in Straban Township, **Adams County**. The facility has the potential to emit 46.6 tons per year of PM, 2.9 tons per year of SO<sub>2</sub> and 2.4 tons per year of NOx, all after control. The State-only Operating Permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**01-05020: Knouse Foods Cooperative, Inc.** (P. O. Box 807, Biglerville, PA 17307) for operation of the Biglerville fruit processing facility in the Borough of Biglerville, **Adams County**. The facility has the potential to emit 67 tons per year of SOx, 48 tons per year of NOx, 7 tons per year of PM and 4 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.

**06-03095: Metropolitan Edison Co.** (2800 Pottsville Pike, Reading, PA 19612) for an electric services facility, which operates three emergency generators in Bern Township, **Berks County**. The facility is not subject to Title V (State-only operating permit). The facility has the potential to emit 17.4 tons per year of NOx. The permit will include the requirements of the existing RACT Operating Permit. The permit will include work practices, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**28-05001: Martin's Famous Pastry Shoppe, Inc.** (1000 Potato Roll Lane, Chambersburg, PA 17201) for operation of a bakery in Guilford Township, **Franklin County**. The facility has the potential to emit more than 50 tons of VOC per year. The State-only Operating Permit will limit facility VOC emissions to 50 tons per year as well as emission limits for criteria pollutants. The permit includes provisions for monitoring, recordkeeping, reporting and work practice standards to ensure the facility complies with the applicable air quality requirements.

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

**16-00126: Redbank Valley School District—Redbank Valley School** (920 East Broad Street, New Bethlehem, PA 16242) for a Natural Minor Operating Permit for emissions from a tri-fuel boiler in New Bethlehem Borough, **Clarion County**.

**37-00241: Laurel School District—Laurel Junior-Senior High School** (Harlansburg Road, New Castle, PA

16101) for a Natural Minor Operating Permit for operation of tri-fuel boilers in Hickory Township, **Lawrence County**.

**24-00106: Penn West Industries d/b/a Allegheny Color Corp.** (20 Gillis Avenue, Ridgeway, PA 15853) for a Natural Minor Permit to operate a pigment finishing process in Ridgeway Borough, **Elk County**.

**37-00302: New Castle Battery Manufacturing Co.** (3601 Wilmington Road, New Castle, PA 16105) for a Natural Minor Permit for the facility's primary emissions of lead and PM from their lead-acid battery manufacturing operations in Neshannock Township, **Lawrence County**.

**20-00201: Crawford County Humane Society** (11012 Kennedy Hill Rd., Meadville, PA 16335) for a Natural Minor Operating Permit for emissions from an animal crematory in Vernon Township, **Crawford County**.

**61-00122: Seneca Hardwood Lumber Co., Inc.** (212 Seneca Hardwood Road, Cranberry, PA 16319) for a Natural Minor Operating Permit for operation of two wood fired boilers, drying kilns and a sawmill in Rockland Township, **Venango County**.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particu-

lar 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:

| Parameter                        | 30-Day<br>Average | Daily<br>Maximum                | Instantaneous<br>Maximum |
|----------------------------------|-------------------|---------------------------------|--------------------------|
| 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 mg/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.*

**32031701. NPDES Permit N/A, EME Homer City Generation L. P.** (1750 Power Plant Road, Homer City, PA 15748-9558), to operate the Dixon Run Central Treatment Facility in Cherryhill Township, **Indiana County** and install a sludge borehole, 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, Two Lick Reservoir (TSF, PWS). The first downstream potable water supply intake from the point of discharge is N/A. Application received May 15, 2003.

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

**56813005 and NPDES Permit No. PA0605697. Sanner Energies, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, permit renewal for continued operation of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 377.0 acres. Receiving streams: unnamed tributary to North Branch of Jennings Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 3, 2003.

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

**26850107 and NPDES Permit No. PA0589373. Oak Run Coal, Inc.** (2575 Mt. Vernon Avenue, Uniontown, PA 15401). Renewal application for reclamation only for an existing bituminous surface mine in Georges Township, **Fayette County**, affecting 124.7 acres. Receiving streams: Muddy Creek to Georges Creek (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received June 5, 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.*

**25820301. Frank Tucci** (25000 SR 99, Cambridge Springs, PA 16403). Renewal of NPDES Permit No. PA0604208, McKean Township, **Erie County**. Receiving streams: unnamed tributary of Elk Creek (MF). There are no potable surface water supply intakes within 10 mile downstream. NPDES Renewal application received May 30, 2003.

**3074SM13. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0104733, Slippery Rock Township, **Butler County**. Receiving streams: five unnamed tributaries to Slippery Rock Creek to the Beaver River and two unnamed tributaries to Wolf Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received May 30, 2003.

**20800301. Conneaut Lake Sand & Gravel, Inc.** (11203 Ellion Road, Conneaut Lake, PA 16316). Renewal of NPDES Permit No. PA0211851, Vernon Township, **Crawford County**. Receiving streams: unnamed tributary to Watson Run and unnamed tributary to Mud Run (WWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received June 4, 2003.

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

**29940301 and NPDES Permit No. PA0607908. H. B. Mellott Estate, Inc.**, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES Permit in Bethel and Thompson Townships, **Fulton County**. Re-

ceiving streams: Little Tonoloway Creek (TSF). There are no potable water supply intakes within 10 miles downstream. Application received June 2, 2003.

**4273SM2 and NPDES Permit No. PA0212547, H. B. Mellott Estate, Inc.**, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES Permit in Thompson Township, **Fulton County**. Receiving streams: unnamed tributary to Tonoloway Creek (WWF). There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 2, 2003.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit 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**

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

**E46-941. Lower Providence Township**, 100 Parklane Drive, Eagleville, PA 19403, Lower Providence Township, **Montgomery County**, Philadelphia ACOE District.

To perform the following the following activities in and along Rock Run (TSF):

1. To reconstruct an existing bridge structure that consists of a single span concrete encased steel I-beam superstructure on stone masonry abutments and wingwalls. The existing bridge has a normal clear span of 20 feet 6 inches, overall width of 19 feet and an underclearance of 4 feet. This structure will be retained to serve as part of the township trail system.

2. To construct and maintain a new bridge adjacent to and downstream of the existing structure. The proposed bridge will consist of a single span metal plate arch structure with a normal clear span of 38 feet 4 inches, overall width of 48 feet 4 inches and an underclearance of 17 feet 9 inches. Abutments and wingwalls will be reinforced concrete with stone form liner on all exposed concrete areas.

The project site is 1,000 feet northeast of the intersection of Grange Avenue and Old Baptist Road (Collegeville, PA Quadrangle N: 8.25 inches W: 5.75 inches).

**E46-942. Lower Salford Township**, 379 Main Street, Harleysville, PA 19438, Lower Salford Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities:

1. To remove an existing three span reinforced concrete slab bridge and to construct and maintain, to its left, a single span prestressed concrete adjacent box beam bridge across West Branch of Skippack Creek (TSF) associated with the roadway improvements for Morris Road. The proposed bridge will have a clear span of approximately 71.0 feet and an underclearance of approximately 7.5 feet. This work also includes construction of a temporary cofferdam and removal of sediment 50 feet upstream and downstream from the existing bridge.

2. To construct and maintain 30 linear feet of a 66-inch diameter CMP culvert across an unnamed tributary to West Branch of Skippack Creek associated with the proposed Township trail. This work also includes placement and maintenance of associated riprap protection at the inlet and outlet of the culvert.

3. Top construct and maintain a 24-inch diameter outfall structure along West Branch of Skippack Creek associated with the roadway improvements for Morris Road.

This site is approximately 100 feet northwest of the intersection of Morris Road and Quarry Road (Perkiomenville, PA-USGS Quadrangle N: 0.9 inch; W: 0.9 inch).

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

**E31-189: Pennsylvania State University**, Physical Plant Building, University Park, PA 16802 in Barree Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 6-foot by 303-foot wooden boardwalk, an 8-foot by 158-foot wooden boardwalk and a 16-foot by 16-foot teaching platform in scrub/shrub wetlands at the northern end of Lake Perez in the Stone Valley Recreation Area (Pine Grove Mills, PA Quadrangle N: 7.5 inches, W: 4.7 inches) in Barree Township, Huntingdon County for the purpose of public recreation and education. The boardwalks and teaching platforms will be elevated at least 18 inches above the wetland and the helical metal piers resulting in 0.006 acre of impacts to scrub/shrub wetlands. The project proposes to affect directly a total of 0.006 acre of scrub/shrub wetlands. The amount of wetlands impact is considered de minimis and wetland mitigation is not required.

**E67-740: York County Board of Commissioners**, One West Marketway, Fourth Floor, York, PA 17401 in North Hopewell and York Townships, **York County**, ACOE Baltimore District.

To construct and maintain rip-rap scour protection along the north abutment, perform road surface patching, clean debris from the structure and perform concrete repairs to Bridge No. 98 at a point where Stine Hill Road crosses Barshinger Creek (CWF) (York, PA Quadrangle N: 0.1 inch; W: 3.8 inches) in North Hopewell and York Townships, York County.

**E67-741: York County Board of Commissioners**, One West Marketway, Fourth Floor, York, PA 17401 in Hellam Township, **York County**, ACOE Baltimore District.

To construct and maintain rip-rap scour protection along the upstream end of the pier and improve the guide rail at Bridge No. 65 at a point where Strickler School Road crosses Kreutz Creek (WWF) (Columbia West, PA Quadrangle N: 1.9 inches, W: 7.9 inches) in Hellam Township, York County.

**E06-583: Kutztown Associates, LP**, 705 Ridge Road, Orwigsburg, PA 17921 in Kutztown Borough, **Berks County**, ACOE Philadelphia District.

To grade approximately 2.7 acres of land within the floodway of Sacony Creek (CWF) and to construct and maintain paved parking areas for the proposed student housing to be constructed on properties adjacent to the intersection of Industrial and Normal Avenues (Kutztown, PA Quadrangle N: 2.9 inches; W: 2.8 inches) in Kutztown Borough, Berks County.

**E36-761: Valley Lea Riding Club, Inc.**, 1685 Furniss Road, Drumore, PA 17518 in Drumore Township, **Lancaster County**, ACOE Baltimore District.

To add a 4-foot wide by 6-foot long and a 4-foot wide by 18-foot long wing wall to the existing 6-foot by 6-foot southern most abutment and to maintain the existing

5-foot wide pedestrian bridge having a clear span of 50 feet and crossing Fishing Creek (HQ-CWF-Wild Trout) at a point approximately 800 feet northwest of the Drumore Township Municipal Building (Wakefield, PA Quadrangle N: 12.2 inches; W: 16.3 inches) in Drumore Township, Lancaster County.

**E67-744: West Manchester Township Authority**, 2115 Log Cabin Road, York, PA 17404 in West Manchester Township, **York County**, ACOE Baltimore District.

To construct and maintain a pump house and outfall structure within the floodway of the Little Conewago Creek (TSF) (West York, PA Quadrangle N: 22.4 inches, W: 7.3 inches) in West Manchester Township, York County.

**E31-190: Department of Transportation, District 9-0**, SR 0026 Sec. 023, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Penn Township, **Huntingdon County**, ACOE Baltimore District.

To widen and maintain SR 0026 and SR 3011 approximately 4.34 kilometers (2.7 miles) south of the Village of McConnellstown (Huntingdon, PA Quadrangle N: 9.5 inches; W: 16.4 inches). The project will include adding turning lanes in both directions and a deceleration zone to the right shoulder of the southbound lane for turns onto T-429 (Racetrack Road). The intersection will be reconstructed to a 90 degree angle with some minor horizontal realignment of SR 3011. Pavement widths will increase from the existing 3.0 meters (10 feet) to the proposed 3.6 meters (12 feet) and shoulders will be widened from the existing 1.5 meters (5 feet) to the proposed 2.4 meters (8 feet). Additional improvements include the vertical realignment of the roadway south of the intersection to improve sight distance, construction of paved shoulders, roadway resurfacing, drainage and guide rail improvements and the widening of a structure under SR 0026 just north of the intersection. The structures will be widened from 18 meters (59 feet) to 31.7 meters (104 feet) to accommodate the left hand turn lanes. The existing structure is over an unnamed tributary to Crooked Creek (WWF). The project proposes to affect directly a total of 0.06 acre of palustrine emergent wetland habitat. This acreage will be mitigated from the Huntingdon County Advance Wetland Compensation Site.

**E36-760: Earl Township**, 517 North Railroad Ave., New Holland, PA 17557 in Earl Township, **Lancaster County**, ACOE Baltimore District.

To remove the two existing 30-inch by 42-inch corrugated metal pipe arches and to construct and maintain a precast concrete box culvert having a clear span of 12 feet, a rise of 3 1/2 feet and an instream length of 30 feet all at a point approximately 1,800 feet west of SR 322 along Grist Mill Road within an unnamed tributary to the Conestoga River (WWF) (Terre Hill, PA Quadrangle N: 2.0 inches; W: 15.0 inches) in Earl Township, Lancaster County.

**E36-759: Little Conestoga Watershed Alliance**, P. O. Box 6355, Lancaster, PA 17607 in East Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project within Miller's Run (CWF) for the purposes of: stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes and J-hooks, riprap, root wad and log spur placement and

beginning at a point near the headwaters of Millers Run north of Spring Valley Road and proceeding east 3,435 feet (Columbia East, PA Quadrangle N: 11.5 inches; W: 1.0 inch) in East Hempfield Township, Lancaster County.

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

**E18-360. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 1008, Section A01, structure replacement over Little Plum Run in Dunnstable Township, **Clinton County**, Baltimore U. S. Army Corps of Engineers District (Lock Haven, PA Quadrangle N: 8.31 inches; W: 0.46 inch).

The applicant proposes to: (1) remove the existing bridge and appurtenant structures; (2) construct and maintain a box culvert stream enclosure with concrete wing walls and a concrete apron with a 20-foot clear span and 6-foot rise (1.0 foot depressed invert), 39.3 feet in length; (3) place rock, Class R-6 for 55 feet upstream and 40 feet downstream of the stream enclosure; (4) temporarily place and maintain a flexible pipe of approximately 180 feet in length will be used during construction in conjunction with sandbags as a temporary dam device; and (5) channel realignment of the perennial stream is proposed for approximately 140 linear feet and average 25 feet in width through the structure area. The wetland impact is 0.05 acre of de minimis. The project proposes to directly affect, through relocation, 149 linear feet of stream. Little Plum Run is an unnamed tributary to Chatham Run (CWF).

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

**E02-1427. Braddock Hills Borough**, 1300 Brinton Road, Braddock Hills, PA 15221. Braddock Hills Borough Wilkins Avenue Culvert in Braddock Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 7.2 inches; W: 15.9 inches). The applicant proposes to remove the existing structures, to construct and maintain approximately 30 feet of grouted R-4 riprap outlet protection and to construct and maintain various outfall structures in and to an unnamed tributary to the Monongahela River (WWF). This project is to decrease the flooding to Wilkins Avenue. The project is on the east side of Wilkins Avenue approximately 1,400 feet north of its intersection with Woodstock and Hawkins Avenues. This project proposes to impact a total of 405 feet of an unnamed tributary to the Monongahela River.

**E02-1428. Showcase Properties, Inc.**, 202 Park West Drive, Pittsburgh, PA 15275. Franklan Heights Residential Subdivision in Pine Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 2.35 inches; W: 2.27 inches). The applicant proposes to place and maintain fill in 0.42 acre of wetlands, to impact 1.4 acres of open waters and to construct and maintain a stream enclosure in an unnamed tributary to Pine Creek and associated wetlands for the purpose of constructing the Franklan Heights Residential Development and extending the existing Tierra Vista Drive to provide access to the development. The project is approximately 1,500 feet northwest from the intersection of Tierra Vista Drive and Ivy Drive. The applicant also proposes to construct and maintain three stormwater detention ponds and will permanently impact 0.42 acre of wetlands, 1.4 acres of open waters and 1,520 feet of stream channel.

**E03-415. Gilpin Township**, R. D. 1, Box 269, Leechburg, PA 15656. Elder Run Culvert Replacement in

Gilpin Township, **Armstrong County**, Pittsburgh ACOE District (Leechburg, PA Quadrangle N: 8.7 inches; W: 13.3 inches). The applicant proposes to remove the existing structure and to construct and maintain a 27.0-foot long, 1.0-foot depressed 10.0-foot by 8.0-foot concrete box culvert in Elder Run (WWF) to improve transportation safety and roadway standards on Hillview Manor Road.

**E11-301. City of Johnstown**, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901. Cherry Run Culvert Extension in the City of Johnstown, **Cambria County**, Pittsburgh ACOE District (Johnstown, PA Quadrangle N: 8.9 inches; W: 8.0 inches). The applicant proposes to extend and maintain an existing 26.0-foot long reinforced concrete pipe culvert 125 feet down stream in Cherry Run (WWF) to address an existing stream bank erosion problem. The project is on Allimina Place.

**E26-310. Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401. Fayette County Bridge No. 40 in South Union Township, **Fayette County**, Pittsburgh ACOE District (Uniontown, PA Quadrangle N: 3.1 inches; W: 13.4 inches). The applicant proposes to remove the County Bridge No. 40 and to construct and maintain a bridge having a normal clear span of 30 feet and an underclearance of 6.9 feet across. Redstone Creek (WWF) is on T-477 (Grant Street Extension).

**E26-311. North Union Township**, 7 South Evans Station Road, Lemont Furnace, PA 15401. Junior Street (T-461) Culvert Replacement in North Union Township, **Fayette County**, Pittsburgh ACOE District (Uniontown, PA Quadrangle N: 0.4 inch; W: 10.7 inch). The applicant proposes to remove the existing structure and to construct and maintain an aluminum box culvert having a single waterway opening of 12.25 feet wide by 3.2 feet high and 27 feet long in Bennington Spring Run (WWF). The structure is on T-461, approximately 400 feet east of SR 40.

**E63-546. Authority of the Borough of Charleroi**, 3 McKean Avenue, P. O. Box 211, Charleroi, PA 15022. Authority of the Borough of Charleroi Water Treatment Plant in Charleroi Borough, **Washington County**, Pittsburgh ACOE District (Monongahela, PA Quadrangle N: 1.6 inches; W: 2.3 inches). The applicant proposes to operate and maintain the existing water treatment plant and its facilities, to remove existing structures, to construct and maintain upgrades to the plant and water intake system within the left bank floodplain and flood way of the Monongahela River (WWF) consisting of a slab mounted transformer and electrical service switch, new raw water intake screens and protective dolphin piles, a building structure to enclose Clarifier No. 1, a temporary neutralization tank and installing a temporary 12-inch diameter HDPE suction line in the Monongahela River and across Maple Creek (WWF). The project is along the left bank of the Monongahela River near River Mile 42.6 where Maple Creek discharges to the Monongahela River. The purpose of the project is to upgrade the existing water treatment plant.

**E65-823. Norfolk Southern Railway Company**, 99 Spring Street, Building Box 142, Bridge Office, Atlanta, GA 30303. Norfolk Southern Grey Road Culvert in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Blairsville, PA Quadrangle N: 1.03 inches; W: 0.28 inch). The applicant proposes to install and maintain a 150-foot long, 84-inch diameter tunnel liner plate pipe by tunneling method with a 4-inch thick layer

of concrete inside the pipe under the railroad and the adjacent Road T-972 (Grey Road) in an unnamed tributary to McGee Run (CWF). The project includes relocation of approximately 30 linear feet of the stream at both ends of the structure. The applicant proposes to fill the existing structures and to relocate and maintain the approximately 20 linear feet of channel at both approaches.

**E65-824. David B. and Tangi A. Scott**, P. O. Box 276, 177 17th Street, New Florence, PA 15944. Scott residential bridge in St. Claire Township, **Westmoreland County**, Pittsburgh ACOE District (Rachelwood, PA Quadrangle N: 17.9 inches; W: 9.6 inches). The applicant proposes to construct and maintain a bridge having a clear span of 25 feet and an underclearance of 4 feet in Shannon Run (HQ-CWF) for the purpose of accessing the applicant's new home from T-992.

**E65-825. Department of Transportation**, P. O. Box 459, Uniontown, PA 15401. Dutch Hollow Creek bridge replacement in South Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District. The applicant proposes to remove four existing bridges and appurtenant structures and: (1) to construct and maintain a single span concrete adjacent box beam bridge having a span of 9.0 meters on a 72° skew and an underclearance of 2.3 meters over an unnamed tributary to the Youghiogheny River (WWF) (Station 10+062) (Smithton, PA Quadrangle N: 5.5 inches; W: 15.7 inches); (2) to construct and maintain a reinforced concrete box culvert having a single waterway opening of 5.03 meters wide by 1.75 meters high (0.3 meter depressed invert). The enclosure is 40 meters long with wing walls on a 30° skew in an unnamed tributary to the Youghiogheny River (Station 10+784) (Smithton, PA Quadrangle N: 6.4 inches; W: 15.1 inches); (3) to relocate and maintain 346 linear meters of the channel of an unnamed tributary to the Youghiogheny River. The channel averages 6.0 meters in width and the relocation will reduce the length of stream channel from the existing 388 meters to 346 meters (Station 10+140 to 10+380 and Station 30+016.5 to Station 30+124.4) (Smithton, PA Quadrangle N: 5.6 inches; W: 15.6 inches to N: 6.5 inches; W: 15.1 inches); (4) to construct and maintain two 450 mm diameter outfalls in an unnamed tributary to the Youghiogheny River (Station 10+056 and 10+077) (Smithton, PA Quadrangle N: 5.5 inches; W: 15.7 inches); (5) to construct and maintain a 600 mm diameter outfall in an unnamed tributary to the Youghiogheny River (Station 10+160) (Smithton, PA Quadrangle N: 5.6 inches; W: 15.6 inches); (6) to construct and maintain a 750 mm diameter outfall in an unnamed tributary to the Youghiogheny River (Station 10+175) (Smithton, PA Quadrangle N: 5.6 inches; W: 15.6 inches); and (7) to construct and maintain a 600 mm diameter outfall in an unnamed tributary to the Youghiogheny River (Station 10+759) (Smithton, PA Quadrangle N: 6.4 inches; W: 15.1 inches). The project proposes to directly affect 388 linear meters of stream channel through relocation, 40 linear meters of stream channel through bridge crossings. No vegetated wetlands will be affected by this project.

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

**E10-378. Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. Robinson Bridge (County Bridge No. 111) Replacement in Penn Township, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 4.6 inches; W: 4.1 inches).

The applicant proposes to remove the existing structure and to construct and maintain a steel stringer bridge having a concrete deck and a clear span of 24.0 feet and an underclearance of 4.95 feet on a 90 degree skew across Robinson Run (CWF, perennial) on Dodds Road approximately 300 feet east of the intersection of Dodds Road and Robinson Road. The project includes installation of new footers, abutments and wingwalls. The project proposes to directly impact approximately 40 linear feet of stream channel.

**E16-123, Game Commission**, P. O. Box 617, Marienville, PA 16239-0617. SGL No. 024 Bridge across Walley Run in Farmington Township, **Clarion County**, ACOE Pittsburgh District (Tylersburg, PA Quadrangle N: 9.9 inches; W: 6.5 inches).

To remove the existing bridge superstructure and to install and maintain a prefabricated steel bridge having a structure length of 35 feet providing an underclearance of approximately 4 feet across Walley Run (CWF) on an access road within SGL No. 024, approximately 2 miles southeast of SR 3004.

**E25-672, Municipal Authority of the City of Corry**, 100 Sciota Street, Corry, PA 16407-9003. Corry Waste Water Treatment Plant, Phase 2 Improvements in City of Corry, **Erie County**, ACOE Pittsburgh District (Corry, PA Quadrangle N: 9.25 inches; W: 0.5 inch).

To fill 0.125 acre of wetland and a total of approximately 0.527 acre feet (22,950 cubic feet) of the 100-year flood plain of Hare Creek for construction of a new rotating biological contactor and two secondary clarifiers and associated earthwork and piping at the existing Corry Waste Water Treatment Plant along Sciota Street approximately 0.25 mile south of SR 6. Project proposes onsite construction of 0.2 acre of replacement wetland within the 100-year flood plain of Hare Creek.

**E37-149, Plain Grove Township Supervisors**, R. D. 3, Slippery Rock, PA 16057. Rodgers Road Bridge Replacement in Plain Grove Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 9.7 inches; W: 0.8 inch).

The applicant proposes to remove the existing structure and to construct and maintain a 30-foot long, 26.08-foot wide by 7.75-foot high steel pipe arch culvert in Jamison Run (CWF, perennial) on Rodgers Road approximately 1.1 miles northwest of the intersection of Interstate 79 and SR 108. The project proposes to directly affect a total of 40 linear feet of stream channel.

#### ENVIRONMENTAL ASSESSMENTS

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

**E16-004NW, Aquascape Wetland and Environmental Services**, 147 South Broad Street, Grove City, PA 16127, Culbertson Restoration Area in Perry Township, **Clarion County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 19.0 inches; W: 1.0 inch).

The purpose of the application is to remine and reclaim 71 acres of abandoned surface mine land through a Government Financed Construction Contract (GFCC). An additional 20 acres of previously reclaimed surface mine acreage will also be enhanced under this project. The application proposes to impact 11 PEM/PSS wetland areas totaling 1.07 acres and 0.25 acre of deepwater aquatic habitat associated with an impoundment from previous mining activity. Mitigation of wetland and deepwater impacts will be addressed in the GFCC.

## ACTIONS

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

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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.

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### I. NPDES Renewal Permit Actions

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

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

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

**WQM Permit No. 5403402**, Sewerage, **St. Clair Sewer Authority**, 16 South Third Street, St. Clair, PA 17970. This proposed facility is in E. Norwegian Township, **Schuylkill County**.

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### IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Permit Actions

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### V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions

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

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

*Adams County Conservation District, 670 Old Harrisburg Road, Suite 201, Gettysburg, PA 17325 (717) 334-0636.*

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>  | <i>County</i> | <i>Municipality</i>  | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|----------------------|----------------------------|
| PAG2000103004           | Dan Meyer & Meyer Partnership and Ronald L. Carter<br>501 Goldenrod Terrace<br>Westminster, MD 21157 | Adams         | Bonneauville Borough | UNT to Little Run WWF      |

*Berks County Conservation District, 1238 County Welfare Road, P. O. Box 520, Leesport, PA 19533, (610) 376-3764657.*

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>                              | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-----------------------|----------------------------|
| PAG2000630039           | Eli Zimmerman<br>1046 Pleasant Hill Rd.<br>Fleetwood, PA 19522 | Berks         | Maiden Creek Township | Willow Creek CWF           |

*Dauphin County Conservation District, 1451 Peters Mountain Road, Dauphin, PA 17018, (717) 921-8100.*

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>  | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-----------------------|----------------------------|
| PAG2002203023           | Quail Hollow Development Corp.<br>608 Robinson Lane<br>Haverford, PA 19041 | Dauphin       | Lower Paxton Township | Paxton Creek WWF           |

Description of Proposed Action/Activity: Construction of sewer extension and pump station in Tunnel Road area.

**WQM Permit No. 3903402**, Sewerage, **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348. This proposed facility is in Lower Macungie and Salisbury Townships, **Lehigh County**.

Description of Proposed Action/Activity: Construction of a 10,050-foot, 24-inch diameter Spring Creek Force Main.

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

**WQM Permit No. 2003410**, Sewerage, **Mark Hockenberry**, 14577 Gaut Road, Meadville, PA 16335. This proposed facility is in Hayfield Township, **Crawford County**.

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

**WQM Permit No. 2503406**, Sewerage, **Flory Kondzielski**, 618 Seroka Road, Waterford, PA 16441. This proposed facility is in Waterford Township, **Erie County**.

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

**WQM Permit No. 2003409**, Sewerage, **Eric L. Wright**, 27692 Deckards Road, Cochranon, PA 16314. This proposed facility is in Wayne Township, **Crawford County**.

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

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

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

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

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

*General Permit Type—PAG-2*

| <i>Facility Location and Municipality</i>                   | <i>Permit No.</i> | <i>Applicant Name and Address</i>  | <i>Receiving Water/Use</i> | <i>Contact Office and Telephone No.</i>   |
|---|-------------------|--|----------------------------|---|
| Luzerne County<br>Hanover Township                          | PAG2004003021     | Mericle Properties<br>100 Baltimore Dr.<br>Wilkes-Barre, PA 18702  | Sugar Notch Run<br>CWF     | Luzerne County<br>Conservation District<br>(570) 674-7991   |
| Luzerne County<br>Wilkes-Barre City<br>Edwardsville Borough | PAG2004003022     | Wilkes University<br>P. O. Box 111<br>Wilkes-Barre, PA 18766   | Toby Creek<br>WWF          | Luzerne County<br>Conservation District<br>(570) 674-7991   |
| Northampton County<br>Palmer Township                       | PAG2004803022     | Nicholas Pugliese<br>N. Pugliese, Inc.<br>1072 Grand St.<br>Phillipsburg, NJ 08865                         | Lehigh River<br>WWF        | Northampton County<br>Conservation District<br>(610) 746-1971   |
| Centre County<br>Ferguson Township                          | PAR10F115-1       | Western Inner Loop<br>North of SR 26 and<br>southwest of SR 322<br>Atherton St.<br>State College, PA 16801 | Big Hollow Run<br>CWF      | Centre County<br>Conservation District<br>414 Holmes Ave.<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817      |
| Centre County<br>Patton Township                            | PAR10F124-1       | Lands of D & G Partnership<br>220 N. Atherton St.<br>State College, PA 16803                               | UNT Big Hollow Run<br>CWF  | Centre County<br>Conservation District<br>414 Holmes Ave.<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817      |
| Columbia County<br>Berwick Borough                          | PAG2001903009     | Berwick Area Joint Sewer<br>Authority  | Susquehanna River<br>WWF   | Columbia County<br>Conservation District<br>702 Sawmill Rd.<br>Suite 204<br>Bloomsburg, PA 17815<br>(570) 1784-1310 |
| Snyder County<br>Selinsgrove Borough                        | PAG200550303      | Susquehanna University<br>514 University Ave.<br>Selinsgrove, PA 17870                                     | Penns Creek<br>WWF         | Snyder County<br>Conservation District<br>R. R. 2, Box 2022B<br>Dushore, PA 18614<br>(570) 837-0007, Ext. 112       |

| <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>   |
|---|-------------------|---|--------------------------------|---|
| Union County<br>Limestone Township                              | PAG2006003004     | Allan Hoover Jr.<br>R. R. 3, Box 90<br>Mifflinburg, PA 17844  | UNT Buffalo Creek<br>CWF       | Union County<br>Conservation District<br>88 Bull Run Crossing<br>Suite 5<br>Lewisburg, PA 17837<br>(570) 523-8782 |
| Union County<br>Limestone Township                              | PAG006003003      | Steven ElSayed<br>R. R. 1, Box A<br>Mifflinburg, PA 17844   | UNT Switzers Run<br>CWF        | Union County<br>Conservation District<br>88 Bull Run Crossing<br>Suite 5<br>Lewisburg, PA 17837<br>(570) 523-8782 |
| Allegheny County<br>Frazer Township                             | PAR10A345-1       | A. V. Assoc. L. P.<br>300 Market St.<br>Johnstown, PA 15901   | Tawney Run<br>WWF              | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Sewickley Hills<br>Borough<br>Ohio Township | PAR10A589-1       | Kelluar Corp.<br>One Landmark North<br>20399 Route 19<br>Cranberry Township, PA<br>16066  | Kilbuck Run<br>WWF             | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Municipality of Penn<br>Hills               | PAR10A576         | Reginella Construction Co.,<br>Inc.<br>1501 Reedsdale St.<br>Pittsburgh, PA 15233   | Quigley Creek<br>WWF           | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Municipality of<br>Monroeville              | PAR10A593         | The Meritage Group, LP<br>772 Pine Valley Dr.<br>Pittsburgh, PA 15239   | Turtle Creek<br>WWF            | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Ohio Township                               | PAR10A598-1       | Developers Diversified Realty<br>3300 Enterprise Parkway<br>Beechwood, OH 44122<br>and<br>Allegheny General Hospital<br>320 E. North Ave.<br>Pittsburgh, PA 15212 | Lowries Run<br>Bear Run<br>TSF | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Hampton Township                            | PAR10A599         | The Meritage Group, LP<br>772 Pine Valley Rd.<br>Pittsburgh, PA 15239   | Pine Creek<br>CWF              | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Pine Township                               | PAR10A610         | Manor Dev. Group II<br>109 Gateway Ave.<br>Wexford, PA 15090  | Pine Creek<br>TSF              | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Upper St. Clair<br>Township                 | PAR10A611         | Upper St. Clair Township<br>1820 McLaughlin Run Rd.<br>Pittsburgh, PA 15241   | Chartiers Creek<br>WWF         | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>North Fayette<br>Township                   | PAR10A612         | CMD Assoc., LP<br>1009 Beaver Grade Rd.<br>Coraopolis, PA 15108   | Montour Run<br>TSF             | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Pine Township                               | PAR10A613         | ShIPLEY Bros. Dev. Inc.<br>12300 Perry Hwy., Suite 211<br>Wexford, PA 15090   | Breakneck Creek<br>WWF         | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>West Deer Township                          | PAR10A615         | George A. Welsh and Mark C.<br>Frey<br>3179 Harts Run Rd.<br>Glenshaw, PA 15116   | Deer Creek<br>CWF              | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Pine Township                               | PAR10A616         | Showcase Properties, Inc.<br>375 Golfside Dr.<br>Wexford, PA 15090  | Pine Creek<br>WWF              | Allegheny County<br>Conservation District<br>(412) 241-7645   |
| Allegheny County<br>Bell Acres Borough                          | PAR10A617         | Skymark Dev., Inc.<br>210 Overlook Dr.<br>Sewickley, PA 15143   | Big Sewickley Creek<br>TSF     | Allegheny County<br>Conservation District<br>(412) 241-7645   |



## NOTICES

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| <i>Facility Location and Municipality</i>                  | <i>Permit No.</i> | <i>Applicant Name and Address</i>  | <i>Receiving Water/Use</i>             | <i>Contact Office and Telephone No.</i>                     |
|--|-------------------|--|--|---|
| Allegheny County<br>North Fayette<br>Township              | PAR10A618         | Maronda Homes, Inc.<br>202 Park West Dr.<br>Pittsburgh, PA 15275                           | Montour Run<br>TSF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>McCandless Township                    | PAR10A621         | Department of<br>Transportation<br>45 Thoms Run Rd.<br>Bridgeville, PA 15017               | Pine Creek<br>Little Pine Creek<br>TSF | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>McCandless Township                    | PAR10A622         | McCandless Sanitary<br>Authority<br>418 Arcadia Drive<br>Pittsburgh, PA 15237-5506         | Lowries Run<br>TSF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>South Fayette<br>Township              | PAR10A623         | South Fayette Township<br>515 Millers Run Rd.<br>Morgan, PA 15064                          | Fishing Run<br>WWF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>South Fayette<br>Township              | PAG2000203001     | Cuddy Associates<br>P. O. Box 136<br>Cuddy, PA 15031                                       | Fishing Run<br>WWF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Jefferson Hills<br>Borough             | PAG2000203002     | Scenery Hill Dev., Inc.<br>405 McNeilly Rd.<br>Pittsburgh, PA 15226                        | Peters Creek<br>TSF                    | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>South Fayette<br>Township              | PAG2000203003     | James and Gloria Duchess<br>146 Moran Hill Road<br>Morgan, PA 15064                        | Fishing Run<br>WWF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Franklin Park<br>Borough               | PAG2000203004     | Pennsylvania Power<br>Company<br>76 S. Main Street<br>Akron, OH 44308                      | Fish Run<br>CWF<br>Lowries Run<br>TSF  | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Kennedy Township                       | PAG2000203006     | Albert Geisler<br>1989 McKees Rocks Road<br>McKees Rocks, PA 15136                         | Chartiers Creek<br>WWF                 | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Municipality of Bethel<br>Park         | PAG2000203007     | 35th Strouss Associates<br>701 Alpha Drive<br>Pittsburgh, PA 15238                         | Graesser's Run<br>WWF                  | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Pleasant Hills Borough                 | PAG2000203008     | West Jefferson Hills School<br>District<br>835 Old Clairton Rd.<br>Clairton, PA 15025-3131 | Lick Run<br>TSF                        | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Robinson Township                      | PAG2000203013     | Hickman Associates<br>772 Pine Valley Dr.<br>Pittsburgh, PA 15239                          | Montour Run<br>TSF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Pleasant Hills<br>West Mifflin Borough | PAG2000203016     | Steak 'n Shake<br>5980 West 71st St.<br>Indianapolis, IN 46278                             | Peters Creek<br>TSF                    | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Ohio Township                          | PAG2000203017     | Ohio Township Sanitary<br>Authority<br>1719 Roosevelt Rd.<br>Pittsburgh, PA 15237          | Lowries Run<br>TSF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>Municipality of<br>Monroeville         | PAG2000203020     | Giant Eagle, Inc.<br>RIDC Park<br>261 Kappa Drive<br>Pittsburgh, PA 15238                  | Turtle Creek<br>TSF                    | Allegheny County<br>Conservation District<br>(412) 241-7645 |
| Allegheny County<br>West Mifflin and<br>Baldwin Boroughs   | PAG2000203022     | Merante Constructing<br>P. O. Box 97935<br>Pittsburgh, PA 15227                            | Streets Run<br>WWF                     | Allegheny County<br>Conservation District<br>(412) 241-7645 |

| <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>                        |
|--|-------------------|--|---|--|
| Allegheny County<br>Upper St. Clair<br>Township              | PAG2000203024     | Upper St. Clair Township<br>1820 McLaughlin Run Road<br>Pittsburgh, PA 15241   | McLaughlin Run<br>WWF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>West Mifflin Borough                     | PAG2000203028     | ESA Management Inc.<br>101 North Pine St., No. 200<br>Spartanburg, SC 29302  | Peters Creek<br>TSF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Hampton Township                         | PAG2000203029     | John R. Miller<br>2902 Autumnwood Dr.<br>Glenshaw, PA 15116  | Pine Creek<br>TSF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Ohio Township                            | PAG2000203030     | Ohio Township Sanitary<br>Authority<br>1719 Roosevelt Rd<br>Pittsburgh, PA 15237   | Toms Run<br>WWF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Hampton Township                         | PAG2000203031     | Allison Park Assembly of God<br>2326 Duncan Avenue<br>Allison Park, PA 15101   | Pine Creek<br>TSF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Hampton Township                         | PAG2000203033     | Kevin Kaminski<br>4655 Route 8, Suite 118<br>Allison Park, PA 15101  | Pine Creek<br>TSF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Scott Township                           | PAG2000203038     | Tower Real Estate Company<br>1155 Washington Pike<br>Bridgeville, PA 15017<br>and<br>Wal-Mart Real Estate<br>Business Trust<br>2001 South East 10th Street<br>Bentonville, AR 72716-0550 | Chartiers Creek<br>WWF  | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Bethel Park                              | PAG2000203039     | Port Authority of Allegheny<br>County<br>One Gateway Center 13S<br>Pittsburgh, PA 15222  | McLaughlin Run<br>WWF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Castle Shannon<br>Borough<br>Bethel Park | PAG2000203040     | Port Authority of Allegheny<br>County<br>One Gateway Center 13S<br>Pittsburgh, PA 15222  | Saw Mill Run<br>WWF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Allegheny County<br>Upper St. Clair<br>Township              | PAG2000203047     | Sunrise Assisted Living<br>771 E. Lancaster Ave.<br>Second Floor<br>Villanova, PA 19085  | McLaughlin Run<br>WWF   | Allegheny County<br>Conservation District<br>(412) 241-7645    |
| Cambria County<br>Richland Township                          | PAG2001103011     | MBM Developers, Inc.<br>245 Tall Timber Dr.<br>Johnstown, PA 15904   | Unnamed tributary to<br>Stonycreek River<br>CWF   | Cambria County<br>Conservation District<br>(814) 472-2120      |
| Somerset County  | PAG2055603003     | Meyersdale Windpower, LLC<br>1001 McKinney, Suite 1740<br>Houston, TX 77002  | Miller Run<br>Stumm Run<br>Flaugherty Creek<br>Unnamed tributary to<br>Casselman River<br>CWF | Somerset County<br>Conservation District<br>(814) 445-4652     |
| Westmoreland County<br>Rostraver Township                    | PAR10X268         | Framar, Inc.<br>424 Jamie Drive<br>Belle Vernon, PA 15012  | Beckets Run<br>WWF  | Westmoreland County<br>Conservation District<br>(724) 837-5271 |
| Westmoreland County<br>East Huntingdon<br>Township           | PAR10X314         | Easy Living Estates<br>One Corporate Dr.<br>Hunker, PA 15639   | Belson Run<br>WWF   | Westmoreland County<br>Conservation District<br>(724) 837-5271 |
| Westmoreland County<br>Municipality of<br>Murrysville        | PAG2056503009     | Rick Porado<br>135 Pine Tree Dr.<br>Export, PA 15632   | Turtle Creek<br>WWF   | Westmoreland County<br>Conservation District<br>(724) 837-5271 |

| <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>                     |
|---|-------------------|---|--|---|
| Westmoreland County Municipality of Murrysville | PAG2056503010     | Cornerstone Ministries<br>6300 Puckety Rd.<br>Export, PA 15632                            | Unnamed tributary to Turtle Creek<br>TSF | Westmoreland County Conservation District<br>(724) 837-5271 |
| Westmoreland County Derry Township              | PAG2056503018     | Department of Transportation<br>P. O. Box 459<br>Uniontown, PA 15401                      | Saxman Run<br>WWF                        | Westmoreland County Conservation District<br>(724) 837-5271 |
| Westmoreland County Hempfield Township          | PAG2056503020     | Richard Hoffman<br>Private Industry Council<br>804 Pittsburgh St.<br>Greensburg, PA 15601 | Unnamed tributary to Jacks Run<br>WWF    | Westmoreland County Conservation District<br>(724) 837-5271 |
| Westmoreland County Hempfield Township          | PAG2056503021     | Anthony and Renee Bompiani<br>403 South 3rd St.<br>Youngwood, PA 15697                    | Unnamed tributary to Jacks Run<br>WWF    | Westmoreland County Conservation District<br>(724) 837-5271 |
| Westmoreland County Hempfield Township          | PAG2056503023     | Scott and Michael Moore<br>HC 64, Box 23<br>Latrobe, PA 15650                             | Unnamed tributary to Brush Creek<br>TSF  | Westmoreland County Conservation District<br>(724) 837-5271 |
| Westmoreland County Unity Township              | PAG2056503024     | James L. Ernette and Gregory Lauro<br>1155 Clearview Dr.<br>Latrobe, PA 15650             | Monastery Run<br>WWF                     | Westmoreland County Conservation District<br>(724) 837-5271 |
| Westmoreland County Hempfield Township          | PAG2056503025     | Laurel Surgical Associates<br>1315 Clearview Dr.<br>Latrobe, PA 15650                     | Slate Creek<br>WWF                       | Westmoreland County Conservation District<br>(724) 837-5271 |
| Erie County Millcreek Township                  | PAG2002503019     | Paul Luciano<br>7650 Palmer Drive<br>Fairview, PA 16415                                   | Mill Creek<br>WWF-MF                     | Erie County Conservation District<br>(814) 825-6403         |
| Lawrence County Wilmington Township             | PAG2003703002     | Wilmington Township Sewer Authority<br>R. D. 5, P. O. Box 469<br>New Castle, PA 16105     | UNT to Little Neshannock Creek<br>TSF    | Lawrence County Conservation District<br>(724) 652-4512     |

*General Permit Type—PAG-3*

| <i>Facility Location and Municipality</i>     | <i>Permit No.</i> | <i>Applicant Name and Address</i>  | <i>Receiving Water/Use</i>           | <i>Contact Office and Telephone No.</i>  |
|---|-------------------|--|--------------------------------------|--|
| Huston Township Tioga County                  | PAR304802         | Consolidated Technologies, Inc.<br>2337 North Penn Road<br>Suite 100<br>Hatfield, PA 19440 | Bark Camp Run<br>CWF                 | Northcentral Regional Office<br>Water Management Program<br>208 West Third Street<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3666 |
| West Finley Township Washington County        | PAR206143         | Hansen Engineering Inc.<br>167 Laidley's Run Road<br>West Alexander, PA 15376              | Pond Runoff—Ditch<br>RH of Buildings | Southwest Regional Office<br>Water Management Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>(412) 442-4000       |
| South Huntingdon Township Westmoreland County | PAR606192         | R & R Auto Recycling<br>129 Walnut Lane<br>West Newton, PA 15089                           | Youghiogheny River                   | Southwest Regional Office<br>Water Management Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745<br>(412) 442-4000       |

| <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>  |
|---|-------------------|---|---|--|
| Zelienople Borough<br>Butler County       | PAR208358         | The ALTA Group, LLC<br>195 Hartzell School Road<br>Fombell, PA 16123-9518     | Connoquenessing<br>Creek                                  | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| Freehold Township<br>Warren County        | PAR228328         | Briggs Transport, Inc.<br>P. O. Box 125<br>Bear Lake, PA 16402                | Unnamed tributary to<br>Little Brokenstraw<br>Creek       | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| City of Erie<br>Erie County               | PAR238320         | Englehard Corporation<br>1729 East Avenue<br>Erie, PA 16503-2367              | Lake Erie   | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| <i>General Permit Type—PAG-4</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>  |
| Hayfield Township<br>Crawford County      | PAG048898         | Mark Hockenberry<br>14577 Gaut Road<br>Meadville, PA 16335                    | Unnamed tributary to<br>Cussewago Creek                   | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| Wilmington Township<br>Mercer County      | PAG048467         | David G. Dawson<br>30 Willow Drive<br>New Wilmington, PA<br>16142-1836        | Tributary of West<br>Branch of Little<br>Neshannock Creek | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| Waterford Township<br>Erie County         | PAG048891         | Flory Kondielski<br>618 Seroka Road<br>Waterford, PA 16441                    | Unnamed tributary to<br>Lake LeBoeuf                      | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| Wayne Township<br>Crawford County         | PAG048895         | Eric L. Wright<br>27692 Deckards Road<br>Cochranton, PA 16314                 | Unnamed tributary to<br>Deckard Run                       | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| Columbus Township<br>Warren County        | PAG048539         | Daniel J. and April M.<br>Helmuth<br>R. R. 2, Box 258<br>Corry, PA 16407-9141 | Unnamed tributary to<br>Brokenstraw Creek                 | NWRO Water<br>Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-8*

| <i>Facility Location and Municipality</i> | <i>Permit No.</i>   | <i>Applicant Name and Address</i>   | <i>Site Name and Location</i>                           | <i>Contact Office and Telephone No.</i>   |
|---|---|---|---|---|
| Berwick Township<br>Adams County          | PAG080003<br>PAG080006<br>PAG080008<br>PAG080009<br>PAG082201<br>PAG082203<br>PAG083501<br>PAG083502<br>PAG083506<br>PAG083515<br>PAG083517<br>PAG083518<br>PAG083522<br>PAG083540<br>PAG083542<br>PAG083547<br>PAG083551<br>PAG083825<br>PAG089903<br>PAG089904<br>PAG089905 | Syna Gro Mid Atlantic<br>1605 Dooley Road<br>P. O. Box B<br>Whiteford, MD 21160 | Robert O'Brien Farm<br>Berwick Township<br>Adams County | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |

**PUBLIC WATER SUPPLY PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania 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.*

**Permit No. 0903503**, Public Water Supply.

|                            |  |
|----------------------------|--|
| Applicant                  | <b>School House Learning Center, Inc.</b><br>131 Second Street Pike<br>Southampton, PA 18966 |
| Township                   | Upper Southampton  |
| County                     | <b>Bucks</b>   |
| Type of Facility           | PWS  |
| Consulting Engineer        | Weldon C. Harris<br>P. O. Box 1361<br>Doylestown, PA 18966                                   |
| Permit to Construct Issued | June 5, 2003   |

**Permit No. 4603502**, Public Water Supply.

|                            |  |
|----------------------------|--|
| Applicant                  | <b>Pennsylvania Suburban Water Company</b><br>762 W. Lancaster Avenue<br>Bryn Mawr, PA 19010 |
| Township                   | Perkiomen  |
| County                     | <b>Montgomery</b>  |
| Type of Facility           | PWS  |
| Consulting Engineer        | CET Engineering Service<br>1240 N. Mountain Road<br>Harrisburg, PA 17112                     |
| Permit to Construct Issued | June 6, 2003   |

**Permit No. 2302502**, Public Water Supply.  
 Applicant **Pennsylvania Suburban Water Company**  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Townships North Providence and Springfield  
 County **Delaware**  
 Type of Facility PWS  
 Consulting Engineer CET Engineering Services  
 1240 N. Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct Issued June 9, 2003

**Operations Permit** issued to **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 1460073, Edgmont Township, **Delaware County** on June 9, 2003, for the operation of facilities approved under Construction Permit No. 2300501.

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

**Permit No. Minor Amendment—Construction**, Public Water Supply.

Applicant **Grampian Borough—Penn Township Municipal Authority**  
 P. O. Box 105  
 Grampian, PA 16838  
 Township Penn Township  
 County **Clearfield**  
 Type of Facility PWS—Construction of a finished water storage tank and transmission lines to connect the tank to the distribution system.  
 Consulting Engineer Gwin, Dobson & Foreman  
 3121 Fairway Drive, Suite B  
 Altoona, PA 16602  
 Permit to Construct Issued June 9, 2003

**Permit No. Minor Amendment—Construction—Withdrawal**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 105 Sodom Road  
 Milton, PA 17847-2102  
 Township Decatur Township  
 County **Clearfield**  
 Type of Facility PWS—Withdrawal of application to install inhibitor feed pumps at the Mock Hill Booster Station.  
 Consulting Engineer Bruce Juergens  
 Pennsylvania American Water  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct Issued Withdrawn June 9, 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> |
|----------------------------|--------------------------------------|---------------|
| Monroe Township            | P. O. Box 38<br>Clearville, PA 15535 | Bedford       |

Plan Description: The approved plan provides for the construction of a 25,000 GPD wastewater treatment facility and a sanitary sewer collection and conveyance system to serve the Village of Clearville. The wastewater treatment facility will discharge to Shaffer Creek. The Plan also provides for the adoption and implementation of an onlot sewage disposal maintenance ordinance. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i>             | <i>County</i> |
|----------------------------|--|---------------|
| Ligonier Township          | One Municipal Park Drive<br>Ligonier, PA 15658 | Westmoreland  |

Plan Description: The approved plan provides for construction of a 400 gallon per day single residence sewage treatment plant to serve a lot owned by James Cunkelman. The property is between Gusey and Four Mile Run in Ligonier Township, Westmoreland County. The proposed discharge point is to Four Mile Run (TSF). The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the applicant.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i>   | <i>County</i> |
|----------------------------|--------------------------------------|---------------|
| Cowanshannock Township     | P. O. Box 137<br>NuMine, PA 16244    | Armstrong     |
| South Mahoning Township    | 244 Rossmoyne Road<br>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 existing 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. 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 Decree for De Minimis Settlement**

#### **Leighton Industries, Borough of Phoenixville, Chester County**

The Department of Environmental Protection (Department), under the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1001) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a Consent Decree for De Minimis Settlement with Alcoa, Inc. for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Leighton Industries Site (Site), 40 South Second Avenue, Borough of Phoenixville, Chester County.

The Site was the former location of various manufacturing concerns, including Ten Pro, Inc., a manufacturer of aluminum baseball and softball bats, and Leighton Industries, Inc., a manufacturer of industrial boilers. During the period when hazardous substances were released on the Site, Alcoa, Inc. leased a room in the manufacturing building on the Site for storage of aluminum to be used for the manufacture of baseball and softball bats.

In August 1995, the Department initiated a prompt interim response action at the Site to remediate hazardous substances released and threatened to be released at the Site. This response action included an investigation of drums of hazardous substances abandoned on the Site. In March 1996, the manufacturing building caught fire and drums and containers of hazardous substances presented an immediate threat to the public health, safety and the environment. After the fire, the Department removed the drums of hazardous and combustible materials from the Site, excavated and disposed of soil contaminated with hazardous substances. As a part of its response action, the Department also decontaminated buildings, above-ground storage tanks and transformers on the Site.

The Department has determined that it is in the public interest to resolve its claim against Alcoa, Inc. Thus, Alcoa, Inc. shall reimburse the Department in the amount of \$15,000 for response costs expended at the Site and shall receive contribution protection from claims based on its activities at the Site.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113), which states "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Decree, which contains the specific terms of the agreement, is available for public review and comment and can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428. To view the Consent Decree, contact Dustin Armstrong, (610) 832-6206, darmstrong@state.pa.us or Gina M. Thomas, (610) 832-6300, githomas@state.pa.us. A public comment period on

the Consent Decree will extend for 60 days from June 21, 2003. Persons may submit written comments regarding the agreement within 60 days from June 21, 2003, by submitting them to Dustin Armstrong at the previous address.

### **Proposed Consent Decree for De Minimis Settlement**

#### **Leighton Industries, Borough of Phoenixville, Chester County**

The Department, under the HSCA and the CERCLA, has entered into a Consent Decree for De Minimis Settlement with the Phoenixville Area School District (School District) for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Leighton Industries Site (Site), 40 South Second Avenue, Borough of Phoenixville, Chester County.

The Site was the former location of various manufacturing concerns, including Ten Pro, Inc., a manufacturer of aluminum baseball and softball bats, and Leighton Industries, Inc., a manufacturer of industrial boilers. During the period when hazardous substances were released on the Site, the School District owned a small tract of land within the Site area.

In August 1995, the Department initiated a prompt interim response action at the Site to remediate hazardous substances released and threatened to be released at the Site. This response action included an investigation of drums of hazardous substances abandoned on the Site. In March 1996, the manufacturing building caught fire and drums and containers of hazardous substances presented an immediate threat to the public health, safety and the environment. After the fire, the Department removed the drums of hazardous and combustible materials from the Site, excavated and disposed of soil contaminated with hazardous substances. As a part of its response action, the Department also decontaminated buildings, above-ground storage tanks and transformers on the Site.

The Department has determined that it is in the public interest to resolve its claim against the School District. Thus, the School District shall reimburse the Department in the amount of \$1,000 for response costs expended at the Site and shall receive contribution protection from claims based on its activities at the Site.

This notice is provided under section 1113 of the HSCA, which states "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Decree, which contains the specific terms of the agreement, is available for public review and comment and can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428. To view the Consent Decree, contact Dustin Armstrong, (610) 832-6206, darmstrong@state.pa.us or Gina M. Thomas, (610) 832-6300, githomas@state.pa.us. A public comment period on the Consent Decree will extend for 60 days from June 21, 2003. Persons may submit written comments regarding the agreement within 60 days from June 21, 2003, by submitting them to Dustin Armstrong at the previous address.

### **Public Notice of Proposed Consent Decree**

#### **Leighton Industries Site, Borough of Phoenixville, Chester County**

The Department, under the HSCA and the CERCLA, has entered into a Consent Decree with James Easton for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Leighton

Industries Site (Site), 40 South Second Avenue, Borough of Phoenixville, Chester County.

This Site was the former location of various manufacturing concerns, including Ten Pro, Inc., a manufacturer of aluminum baseball and softball bats, and Leighton Industries, Inc., a manufacturer of industrial boilers. As a partner in E & M Development, James Easton was an owner of the Site between 1985 and early 1989. E & M Development leased the Site to certain industrial manufacturing tenants.

In August 1995, the Department initiated a prompt interim response action at the Site to remediate hazardous substances released and threatened to be released at the Site. This response action included an investigation of drums of hazardous substances abandoned on the Site. In March 1996, the manufacturing building caught fire and drums and containers of hazardous substances presented an immediate threat to the public health, safety and the environment. After the fire, the Department removed the drums of hazardous and combustible materials from the Site, excavated and disposed of soil contaminated with hazardous substances. As a part of its response action, the Department also decontaminated buildings, above-ground storage tanks and transformers on the Site.

The Department has determined that it is in the public interest to resolve its claim against James Easton. Therefore, he shall reimburse the Department for certain response costs in the amount of \$600,000 and shall receive contribution protection from claims based on his ownership of the Site.

This notice is provided under section 1113 of the HSCA, which states "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Decree, which contains the specific terms of the agreement, is available for public review and comment and can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428. To view the Consent Decree, contact Dustin Armstrong, (610) 832-6206, darmstrong@state.pa.us or Gina M. Thomas, (610) 832-6300, githomas@state.pa.us. A public comment period on the Consent Decree will extend for 60 days from June 21, 2003. Persons may submit written comments regarding the agreement within 60 days from June 21, 2003, by submitting them to Dustin Armstrong at the previous address.

**Public Notice of Proposed Consent Decree for Financial Inability to Pay**

**Leighton Industries Site, Borough of Phoenixville, Chester County**

The Department, under the HSCA and the CERCLA, has entered into a Consent Decree for Financial Inability to Pay with John Magadini for reimbursement of certain response costs incurred to remediate hazardous substances disposed at the Leighton Industries Site (Site), 40 South Second Avenue, Borough of Phoenixville, Chester County.

The Site was the former location of various manufacturing concerns, including Ten Pro, Inc., a manufacturer of aluminum baseball and softball bats, and Leighton Industries, Inc., a manufacturer of industrial boilers. During the period when hazardous substances were released on the Site, E & M Development owned and leased the Site to certain industrial manufacturing tenants.

In August 1995, the Department initiated a prompt interim response action at the Site to remediate hazard-

ous substances released and threatened to be released at the Site. This response action included an investigation of drums of hazardous substances abandoned on the Site. In March 1996, the manufacturing building caught fire and drums and containers of hazardous substances presented an immediate threat to the public health, safety and the environment. After the fire, the Department removed the drums of hazardous and combustible materials from the Site, excavated and disposed of soil contaminated with hazardous substances. As a part of its response action, the Department also decontaminated buildings, above-ground storage tanks and transformers on the Site.

The Department has determined that it is in the public interest to resolve its claim against John Magadini. The Department has investigated John Magadini's financial ability to pay his proportionate share of response costs and has determined that his only available assets consist of his Social Security benefits. Therefore, he shall reimburse the Department for certain response costs in the amount of \$2,500 and shall receive contribution protection from claims based on his ownership of the Site.

This notice is provided under section 1113 of the HSCA, which states "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Decree, which contains the specific terms of the agreement, is available for public review and comment and can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428. To view the Consent Decree, contact Dustin Armstrong, (610) 832-6206, darmstrong@state.pa.us or Gina M. Thomas, (610) 832-6300, githomas@state.pa.us. A public comment period on the Consent Decree will extend for 60 days from June 21, 2003. Persons may submit written comments regarding the agreement within 60 days from June 21, 2003, by submitting them to Dustin Armstrong 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:

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

**Melchiorre Construction Co. Park Site,** Phoenixville Borough, **Chester County.** Lawrence W. Bily, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a cleanup plan concerning remediation of site soil contaminated with heavy metals.

**Former Glenside Foreign Motors Facility,** Cheltenham Township, **Montgomery County.** Charles Q. McGuth, Environmental Maintenance Co., Inc., 1420 Mermaid Lane, Glenside, PA 19038, on behalf of Estate of Remo DiLello/Susan Butler, 540 Andrew Dr., Southampton, PA 18966, has submitted a Final Report concerning remediation of site soil contaminated leaded gasoline and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Pathan Chemical Site,** City of Philadelphia, **Philadelphia County.** Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Suite 200, Philadelphia, PA 19104-2897, has submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with inorganics, lead and PAH; and site groundwater contaminated with chlorinated solvents.

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

**Swope Property,** Columbia Borough, **Lancaster County.** ARM Group, Inc., 1129 West Governor Road, P.O. Box 797, Hershey, PA 17033-0797, on behalf of Michael Swope, 421 Chestnut Street, Columbia, PA 17512, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health Standard.

**Ross Technology Corporation,** Upper Leacock Township, **Lancaster County.** GemChem, Inc., 53 North Cedar Street, P.O. Box 384, Lititz, PA 17543-0384, on behalf of Ross Technology Corporation, 104 North Maple Avenue, Leola, PA 17540, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the requirements of a combination of the Statewide Health and Site Specific Standards.

**Former United Piece Dye Works,** Spring Garden and Springettsbury Townships, **York County.** BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Spring Garden Township, 558 South Ogontz Street, York, PA 17403-5709, submitted a Cleanup Plan concerning remediation of site soils, groundwater, surface water and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for the Site-Specific and Statewide Health Standards.

## 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.*

**William and Heidi Gerhardt Residence,** Easttown Township, **Chester County.** Richard D. Trimpi, Trimpi

Associates, Inc., 1635 Old Plains Rd., Pennsburg, PA 18073, on behalf of William and Heidi Gerhardt, 478 Lantern La., Berwyn, PA 19312, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with fuel oil no. 2. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 2, 2003.

**Rohm and Haas Company—Philadelphia Plant,** City of Philadelphia, **Philadelphia County.** A. L. Holstrom, Rohm and Haas Company, Engineering Division, P. O. Box 584, Bristol, PA 19007, has submitted a Final Report concerning the remediation of site soil contaminated with resorcinol. The Final Report was submitted within 90 days of the release, demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 3, 2003.

**Former Schmidt's Brewery,** City of Philadelphia, **Philadelphia County.** Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Northern Liberties Development Assoc., LP, Tina Roberts, One Reed St., Philadelphia, PA 19147, has submitted a Work Plan concerning the remediation of site soil contaminated with fuel oil no. 6, inorganics, leaded gasoline, other organics, PAH and PCB; and groundwater contaminated with chlorinated solvents, fuel oil no. 6, leaded gasoline and other organics. The work plan was approved by the Department on February 2, 2001.

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

**Maxine Feltch Property,** East Donegal Township, **Lancaster County.** Marshall Miller Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Maxine Feltch, 14 Kline Road, Kline's Mobile Home Village, Marietta, PA 17547 and Newcomer Oil Company, 101 East Cherry Street, Elizabethtown, PA 17022, submitted a Final Report concerning the remediation of site soils contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 3, 2003.

**Lancaster Malleable Castings Company,** Manheim Township, **Lancaster County.** Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604, on behalf of Lancaster Malleable Castings Corporation, 1046 Manheim Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site groundwater contaminated with benzene, toluene, ethylbenzene and xylene. The final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on June 3, 2003.

**Teledyne Readco Lot 2A,** Spring Garden Township, **York County.** Gannett Fleming, Inc., 1650 Manheim Pike, Lancaster, PA 17601, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17405, submitted a Final Report concerning remediation of site soils contaminated with inorganics. The final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 22, 2003.

**Hass Gorman Inc. Site (formerly Smith's Garage),** Watts Township, **Perry County.** BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Hass Gorman Inc., P. O. Box 308, Bartonsville, PA 18321, submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with BTEX and MTBE. The final report

demonstrated attainment of a combination of the Statewide Health and Site Specific Standards and the combined Remedial Investigation and Final Report was approved by the Department on May 14, 2003.

**Fort Indiantown Gap Former Fire Training Site,** Union Township, **Lebanon County.** Herbert, Rowland, & Grubic, Inc., 116 Baltimore Street, Gettysburg, PA 17325, on behalf of the Department of Military and Veterans Affairs, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with aviation gasoline and diesel fuel. The final report demonstrated attainment of a combination of the Statewide Health and Site Specific Standards and the combined Remedial Investigation and Final Report was approved by the Department on May 27, 2003.

**R. R. Donnelley & Sons Company Lancaster East Facility,** City of Lancaster, **Lancaster County.** Camp Dresser & McKee, Inc., 205 Granite Run Drive, Suite 350, Lancaster, PA 17601, on behalf of R. R. Donnelley & Sons Company, 216 Greenfield Road, Lancaster, PA 17601 submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and solvents. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 4, 2003.

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

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**Permits approved 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. 101590. Beach Lake Transfer Station, Waste Management of Pennsylvania, Inc.,** Box 40, Beach Lake, PA 18405. A permit renewal authorizing the continued operation of this municipal waste transfer facility in Berlin Township, **Wayne County.** This renewal permit will become effective at the time that the existing permit expires on July 2, 2003; July 2, 2003, is the Regional Office's issuance date of this permit with an expiration date of July 2, 2013. This permit does not authorize any change to the facility's construction or operations.

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**Permit revoked under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 602578. Glace Associates, Inc.,** 3705 Trindle Road, Camp Hill, PA 17011, Miller Township, **Perry County,** Larry Fry Farm. The permit was revoked by the Southcentral Regional Office on June 9, 2003.

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

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**Permit modification under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 100345. Delaware County Solid Waste Authority**, 1521 Providence Road, Media, PA 19063, Earl Township, **Berks County**. The permit modification is for the Rolling Hills Landfill Radiation Monitoring Action Plan. The permit was approved by the Southcentral Regional Office on June 3, 2003.

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

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**Permit issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 100592. USA South Hills Landfill, Inc.**, 3100 Hill Road, Library, PA 15129. A major permit modification for revisions to the Waste Analysis Plan, leachate management plan, amendments of the municipal waste regulations and approving the radiation protection monitoring and meteorological monitoring plans for a municipal waste landfill in South Park Township, **Allegheny County** and Union Township, **Washington County** was issued in the Regional Office on June 9, 2003.

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

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**Permit terminated under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 101645. Del-Con Wood Burning Facility, Del-Con Construction**, 100 DeLuca Drive, Saltsburg, PA 15681. Operation of a municipal waste processing facility in Conemaugh Township, **Indiana County**. Permit terminated in the Regional Office on June 9, 2003, as requested by Del-Con Construction.

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## MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

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**Issued applications for municipal and residual waste transporter interim authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.**

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

**Alternative Demo d/b/a Michael L. Paronish**, 472 Oil Tank Hill Road, P. O. Box 131, Northern Cambria, PA 15714. Authorization No. WH4780. Effective June 3, 2003.

**Anwar S. Ahmad**, 1242 Madison Ave., Paterson, NJ 07503. Authorization No. WH4770. Effective June 4, 2003.

**Superior Diesel, Inc.**, 300 East Vine Street, Stowe, PA 19464. Authorization No. WH4391. Effective June 3, 2003.

**Value City Furniture**, 1022 West Erie Plaza, Erie, PA 16505. Authorization No. WH4393. Effective June 3, 2003.

**Brookman Auto Parts, Inc.**, 4 Race Street, Washington, PA 15301. Authorization No. WH4395. Effective June 3, 2003.

**Martin Harrison General Contracting & Roofing, LLC**, 1502 Easton Road, Roslyn, PA 19001. Authorization No. WH4397. Effective June 3, 2003.

**J. W. Hess Site Services**, 13 Colergo Drive, Douglassville, PA 19518. Authorization No. WH4400. Effective June 3, 2003.

**Peck Paving, Inc.**, 40 Keith Valley Road, Horsham, PA 19044-1404. Authorization No. WH4401. Effective June 3, 2003.

**Antonio Origlio, Inc.**, 3000 Meeting House Road, Philadelphia, PA 19154. Authorization No. WH4402. Effective June 3, 2003.

**Carson Trucking**, 49 Primrose Lane, Levittown, PA 19054. Authorization No. WH4404. Effective June 3, 2003.

**Gary Lorenzon Contractor, Inc.**, 2304 Terwood Road, Huntingdon Valley, PA 19006-5509. Authorization No. WH4405. Effective June 3, 2003.

**Scott E. Snyder Paving & Excavating**, 609 Mortimer Street, Bethlehem, PA 18015-4225. Authorization No. WH4406. Effective June 3, 2003.

**M. A. Rife Trucking**, 1001 Marne Highway, Hainesport, NJ 08036. Authorization No. WH4407. Effective June 3, 2003.

**Bill Hood, Inc.**, 110 Swamp Creek Road, Gilbertsville, PA 19525-9210. Authorization No. WH4408. Effective June 3, 2003.

**Richard T. Smith, Jr.**, 2240 Steinsburg Road, Quakertown, PA 18951. Authorization No. WH4411. Effective June 3, 2003.

**Anthony Garbon**, 2513 Woodlawn Drive, Bristol, PA 19007. Authorization No. WH4413. Effective June 3, 2003.

**Stowaway Self Storage, Inc.**, P. O. Box 955, 108 Brown Street, Pittston, PA 18640-3368. Authorization No. WH4414. Effective June 3, 2003.

**Grant's Auto Salvage, Inc.**, P. O. Box 108, 3285 Old Bethlehem Pike, Zion Hill, PA 18981-0108. Authorization No. WH4415. Effective June 3, 2003.

**K. W. Contracting Company, Inc.**, 1138 Clemens Avenue, Roslyn, PA 19001. Authorization No. WH4416. Effective June 3, 2003.

**Mike Silcox & Sons Paving, Inc.**, 636 Somers Avenue, Trevose, PA 19053. Authorization No. WH4418. Effective June 3, 2003.

**Blum Contractors, LLC**, 3080 Old State Road, Telford, PA 18969-1059. Authorization No. WH4419. Effective June 3, 2003.

**Tri-State Transfer Associates Inc.**, 1199 Randall Ave., Bronx, NY 10474-6215. Authorization No. WH2561. Effective June 4, 2003.

**Department of Transportation District 4-3**, 3450 Bear Creek Blvd., P. O. Box 311, Wilkes-Barre, PA 18703-0311. Authorization No. WH4772. Effective June 4, 2003.

**Heavens Express Inc.**, 557 Myrtle Ave., Woodbridge, NJ 07008. Authorization No. WH4773. Effective June 4, 2003.

**Roderick L. Anderson**, Apt. C, 721 E. Front St., Plainfield, NJ 07062. Authorization No. WH4779. Effective June 4, 2003.

**Department of Transportation District 10-1**, P. O. Box 1016, Kittanning, PA 16201-1016. Authorization No. WH4789. Effective June 4, 2003.

**J. Damiani Enterprises Inc.**, 208 Stettler Drive, Clairton, PA 15025. Authorization No. WH4813. Effective June 6, 2003.

**Samuel Feliciano**, Apt. 321, 375 State St., Perth Amboy, NJ 08861. Authorization No. WH4823. Effective June 6, 2003.

**Kuntz Builders d/b/a Brian P. Kuntz**, 10520 State Road, Cranesville, PA 16410-9633. Authorization No. WH4827. Effective June 6, 2003.

**Reading School District**, 800 Washington Street, Reading, PA 19601-3691. Authorization No. WH3190. Effective June 6, 2003.

**Richard T. Scutt**, 51 Laurel Lane, Levittown, PA 19054. Authorization No. WH4420. Effective June 6, 2003.

**OTS NJ LLC**, Suite 4, 640 Herman Road, Jackson, NJ 08527. Authorization No. WH4421. Effective June 6, 2003.

**Neely E. Appleby**, 1015 Old Mountain Road, Dillsburg, PA 17019. Authorization No. WH4422. Effective June 6, 2003.

**Robert A. Erb**, 103A Center Road, Douglassville, PA 19518. Authorization No. WH4423. Effective June 6, 2003.

**Ray Patalsky & Company**, 4750 Old William Penn Highway, Murrysville, PA 15668. Authorization No. WH4424. Effective June 6, 2003.

**Miller Building Inc.**, 311 West Lincoln Avenue, Myerstown, PA 17067. Authorization No. WH4425. Effective June 6, 2003.

**G. L. Adams Excavating Inc.**, 140 Adams Road, Polk, PA 16342. Authorization No. WH4426. Effective June 6, 2003.

**Robert C. Young Inc.**, Second and Fair Streets, P. O. Box K, Mifflinville, PA 18631-0490. Authorization No. WH4427. Effective June 6, 2003.

**L. J. Stopper d/b/a Bentley Construction**, 2045 Bentley Drive, Williamsport, PA 17701. Authorization No. WH4428. Effective June 6, 2003.

**Larry A. Young**, 148 Big Knob Road, Rochester, PA 15074. Authorization No. WH4433. Effective June 6, 2003.

**Shemp Inc.**, P. O. Box 431, Richboro, PA 18954. Authorization No. WH4434. Effective June 6, 2003.

**M. Trout Construction**, 167 B Meadow Brook Lane, Brookhaven, PA 19015. Authorization No. WH4435. Effective June 6, 2003.

**Watkins Builders Inc.**, 9500 Old Route 99, McKean, PA 16426. Authorization No. WH4437. Effective June 6, 2003.

**Maund Industries Inc.**, 866 Wood Street, California, PA 15419. Authorization No. WH4438. Effective June 6, 2003.

**J. A. Lundberg Trucking**, 119 Lakefront Drive, Loretto, PA 15940-9612. Authorization No. WH4439. Effective June 6, 2003.

**Gregory L. Dayhoff d/b/a GLD Transport**, 7110 Old Washington Road, Woodbine, MD 21797. Authorization No. WH4440. Effective June 6, 2003.

**Johnstown City, Cambria County**, 419 6th Avenue, Johnstown, PA 15906. Authorization No. WH4443. Effective June 6, 2003.

**David A. Shirk d/b/a Shirk Excavating**, 216 Forest Drive, Fredericksburg, PA 17026. Authorization No. WH4444. Effective June 6, 2003.

**Aquarius Pool & Patio Inc.**, 170 Pine Street, Williamsport, PA 17701. Authorization No. WH4446. Effective June 6, 2003.

**Craig A. Stine Trucking**, 2 White Road, Belvidere, NJ 07823. Authorization No. WH4832. Effective June 6, 2003.

**American Industrial Contracting Inc.**, 264 East Beaver Street, Sewickley, PA 15143-2212. Authorization No. WH4370. Effective June 2, 2003.

**Rostolsky Recycling**, 1046 Union Street, Lancaster, PA 17603. Authorization No. WH4371. Effective June 2, 2003.

**Disaster Restoration Services of Greater Pittsburgh**, 1195 Third Street, North Versailles, PA 15137-2099. Authorization No. WH4372. Effective June 2, 2003.

**Cherry Hill Construction Company Inc.**, P. O. Box 134, Branford, CT 06405. Authorization No. WH3423. Effective June 2, 2003.

**Twin Eagle Trade Corporation**, 1 Pond Drive, Middle Island, NY 11953. Authorization No. WH4373. Effective June 2, 2003.

**Pennaco Excavating Inc.**, 63 South Hampton Drive, Wyomissing, PA 19610. Authorization No. WH4374. Effective June 2, 2003.

**K A Z Transportation LLC**, 49 View Street, Plainville, CT 06062. Authorization No. WH4375. Effective June 3, 2003.

**Wesley J. Cole**, R. R. 2 Box 328, Middlebury Center, PA 16935. Authorization No. WH4376. Effective June 2, 2003.

**Wills Construction Company**, 1 Broadway Avenue, North Irwin, PA 15642-3304. Authorization No. WH4378. Effective June 2, 2003.

**Suburban Home Care Services**, P. O. Box 394, Point Pleasant, PA 18950. Authorization No. WH4380. Effective June 2, 2003.

**Harry M. Kelly Jr.**, 1131 8th Avenue, Freedom, PA 15042-9706. Authorization No. WH4381. Effective June 2, 2003.

**Field View Transportation Inc.**, P. O. Box 985, Orange, CT 06477. Authorization No. WH4007. Effective June 4, 2003.

**Renninger & Strausser Builders**, 2656 Old Berwick Road, Bloomsburg, PA 17815-3237. Authorization No. WH4347. Effective June 4 2003.

**John Csanyi Landscaping & Trucking**, 74 West Greenbush Road, Tuckerton, NJ 08087. Authorization No. WH4384. Effective June 4, 2003.

**Lachina Brothers, Inc.**, 305 Hazel Street, Reading, PA 19611-2054. Authorization No. WH4387. Effective June 4, 2003.

**Caprioni Sewer Service Inc.**, 188 Head of The River Road, Belleplain, NJ 08270. Authorization No. WH4388. Effective June 4, 2003.

**Ryerson Station State Park**, 361 Bristoria Road, Wind Ridge, PA 15380-1258. Authorization No. WH4389. Effective June 4, 2003.

**Team Construction & Development Inc.**, 50 South 7th Street, Pittsburgh, PA 15203. Authorization No. WH4390. Effective June 4, 2003.

**Don Shonts Construction**, 67 Parker Place, Cyclone, PA 16726-9605. Authorization No. WH4417. Effective June 9, 2003.

**Basal Contracting**, 141 Clappers Lane, Duncansville, PA 16635. Authorization No. WH4447. Effective June 9, 2003.

**Serta Mattress Company**, P. O. Box 4623, 18 Prestige Lane, Lancaster, PA 17604-4623. Authorization No. WH4450. Effective June 9 2003.

**Jazz Hauling & Cleanup Service**, P. O. Box 272, Keasby, NJ 08832. Authorization No. WH4452. Effective June 9, 2003.

**Mirarchi Electric, Inc.**, 1249 Schwab Road, Hatfield, PA 19440-3236. Authorization No. WH4454. Effective June 9, 2003.

**West- More Roofing & Siding Company**, 139 Craig Drive, Greensburg, PA 15601. Authorization No. WH4455. Effective June 9, 2003.

**David Schnellman Remodeling, Inc.**, 4528 Reservoir Hill Road, Macungie, PA 18062. Authorization No. WH4456. Effective June 9, 2003.

**Allegheny Contracting, LLC**, 13374 Boot Jack Road, Ridgway, PA 15853. Authorization No. WH4457. Effective June 9, 2003.

**R. A. Tauber, Inc.**, 6747 North Main Street, Coopersburg, PA 18036-1020. Authorization No. WH4458. Effective June 9, 2003.

**Shallenberger Construction, Inc.**, 2611 Memorial Boulevard, Connellsville, PA 15425. Authorization No. WH4459. Effective June 9, 2003.

**Gutelius Excavating, Inc.**, R. R. 5, Box 155, Mifflinburg, PA 17844. Authorization No. WH4460. Effective June 9, 2003.

**Kerry J. Smith Roofing & Siding Company**, 690 Gouglersville Road, Reading, PA 19608-9229. Authorization No. WH4461. Effective June 9, 2003.

**Deleone, Inc.**, 210 East Montgomery Avenue, Hatboro, PA 19040-4712. Authorization No. WH4462. Effective June 9, 2003.

**Quinby & Sons**, 240 Upper Tinicum Church Road, Upper Black Eddy, PA 18972. Authorization No. WH4467. Effective June 9, 2003.

**Whitehall Township**, 3219 MacArthur Road, Whitehall, PA 18052. Authorization No. WH4468. Effective June 9, 2003.

**Atlas Transport, Inc.**, 32 Rhoda Avenue, Nutley, NJ 07110. Authorization No. WH4469. Effective June 9, 2003.

**Barry Claycomb Remodeling**, 2314 Lovely Road, Alum Bank, PA 15521-9149. Authorization No. WH4472. Effective June 9, 2003.

**Deacon Transportation Corporation**, P. O. Box 200, Avenel, NJ 07001. Authorization No. WH4473. Effective June 9, 2003.

**J. Edward Beck Construction Company, Inc.**, 10658 Church Hill Road, Mercersburg, PA 17236. Authorization No. WH4475. Effective June 9, 2003.

**Tony J. Carosi**, P. O. Box 240, Warminster, PA 18974. Authorization No. WH4476. Effective June 9, 2003.

**Robert T. Merryman Trucking**, P. O. Box 99, 400 Tarrie Street, Philipsburg, PA 16866. Authorization No. WH4103. Effective May 29, 2003.

**John A. Hoffman Trucking**, 1687 Ridge Road, Warriors Mark, PA 16877. Authorization No. WH4104. Effective May 29, 2003.

**Incineration Recycling Services, Inc.**, P. O. Box 563, Blackwood, NJ 08012. Authorization No. WH4212. Effective May 30, 2003.

**A. L. D. Construction, Inc.**, 504B Eagle Road, Springfield, PA 19064. Authorization No. WH4285. Effective May 29, 2003.

**Terra Nova Landscape & Design**, 3 Waterview Road, Downingtown, PA 19335. Authorization No. WH4308. Effective May 29, 2003.

**Town & Country Lawn Care, Inc.**, 177 Red Oak Drive, Lincoln University, PA 19352. Authorization No. WH4315. Effective May 29, 2003.

**Southside Builders**, 138 A Indian Territory Road, Catawissa, PA 17820-9531. Authorization No. WH4332. Effective May 29, 2003.

**Joseph A. Tavianini**, 1381 Church Road, Wind Gap, PA 18091. Authorization No. WH4333. Effective May 29, 2003.

**Rudys A. Luciano**, 348 North 9th Street, Reading, PA 19601. Authorization No. WH4335. Effective May 29, 2003.

**Saint Michaels Corporation**, Suite 2I, 545 West 164th Street, New York, NY 10032. Authorization No. WH4336. Effective May 29, 2003.

**Project Development Group, Inc.**, 102 Technology Lane, Export, PA 15632. Authorization No. WH4337. Effective May 29, 2003.

**Stephen Defazio Trucking**, P. O. Box 178, Canadensis, PA 18325. Authorization No. WH4339. Effective May 29, 2003.

**A. D. McCoy Hauling**, 2524 Route 18, Clinton, PA 15026-1432. Authorization No. WH4343. Effective May 29, 2003.

**East Washington Borough, Washington County**, East Washington Municipal Building, 15 Thayer Street, Washington, PA 15301. Authorization No. WH4344. Effective May 29, 2003.

**Northland Refuse Corporation**, 1083 Park Avenue, Meadville, PA 16335. Authorization No. WH4345. Effective May 29, 2003.

**Ray Gonzales Trucking**, 317 East Union Boulevard, Bethlehem, PA 18018-4210. Authorization No. WH4346. Effective May 29, 2003.

**Nealon Transportation, Inc.**, P. O. Box 459, Binghamton, NY 13902-0459. Authorization No. WH4348. Effective May 29, 2003.

**Intek Auto Leasing, Inc.**, 372 North 7 Street, Newark, NJ 07107. Authorization No. WH4351. Effective May 29, 2003.

**T. Lamonaca General Contracting**, 622 Devonshire Drive, Oxford, PA 19363. Authorization No. WH4352. Effective May 29, 2003.

**Asplundh Tree Expert Company**, 708 Blair Mill Road, Willow Grove, PA 19090. Authorization No. WH4356. Effective May 29, 2003.

**Louis Colarusso Trucking Company**, 323 Damon Street, West Pittston, PA 18643. Authorization No. WH4357. Effective May 29, 2003.

**Craig A. Wenhold**, 2175 Deer Trail Road, Coopersburg, PA 18036. Authorization No. WH4359. Effective May 29, 2003.

**Berti Excavating, Inc.**, 245 Forward Boulevard, Somerset, PA 15501. Authorization No. WH4360. Effective May 29, 2003.

**Sun Rise Landscaping & Property Maintenance**, 1441 Alaine St., Apt. 1, Philadelphia, PA 19111. Authorization No. WH4361. Effective May 29, 2003.

**Mandrik Construction, Inc.**, HC 1, Box 117I, Hawley, PA 18428. Authorization No. WH4362. Effective May 29, 2003.

**E. Schneider and Sons, Inc.**, P. O. Box 908, Allentown, PA 18105. Authorization No. WH4363. Effective May 29, 2003.

**Insight Pipe Contracting L. P.**, 344 Little Creek Road, Harmony, PA 16037-9603. Authorization No. WH4364. Effective May 29, 2003.

**Gaspari Brothers, Inc.**, 2103 Georgia Road, Temple, PA 19560. Authorization No. WH4497. Effective June 2, 2003.

**James Corporation d/b/a James Construction**, 243 East Main Street, Suite 203, Carnegie, PA 15106. Authorization No. WH4622. May 28, 2003.

**E-Z Run Enterprises, Inc.**, 845 Bergen Avenue, Suite 344, Jersey City, NJ 07306. Authorization No. WH4698. Effective May 28, 2003.

**Russell H. Christy**, 217 Neil Road, Shippensburg, PA 17257. Authorization No. WH4757. Effective May 30, 2003.

**Waste Management of Georgetown, Inc.**, 226 South Railroad Avenue, Georgetown, DE 19947. Authorization No. WH4781. Effective June 4, 2003.

**Dennis M. Wile**, 3513 Woodbury Pike, Woodbury, PA 16695. Authorization No. WH4799. Effective June 4, 2003.

## AIR QUALITY

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

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

**GP3-1-05-03013: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on June 5, 2003, to operate a portable nonmetallic mineral processing plant under GP3 in Snake Spring Township, **Bedford County**.

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

**GP3-14-05: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 13, 2003, to construct and operate a mobile soil screening unit equipped with a 97 horsepower diesel engine under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their I-99 Dale Summit site in College Township, **Centre County**.

**GP3-41-02: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 19, 2003, to construct and operate a mobile soil screening unit equipped with an 80 horsepower diesel engine under the General Plan approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Canfield Lane site in Loyalsock Township, **Lycoming County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**30-00146: CORESCO, Inc.** (P. O. Box 1209, Morgantown, WV 26507) on June 1, 2003, to operate their portable nonmetallic mineral processing plant at Gapen Mine in Dunkard Township, **Greene County**.

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

**33-172: Original Fuels, Inc.—Hamilton II Mine** (Township Road 360, Hamilton, PA 15744) on May 31, 2003, to operate a portable mineral processing plant in Perry Township, **Jefferson County**.

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

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

**46-0108B: Highway Materials, Inc.** (1128 Crusher Road, Perkiomenville, PA 18074) on May 15, 2003, to operate a crusher and screen in Marlborough Township, **Montgomery County**.

**15-0069A: Champion Recycling, Inc.** (575 Trestle Place Road, Downingtown, PA 19335) on June 2, 2003, to operate a grinder trommel screen in East Caln Township, **Chester County**.

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

**24-009C: Weyerhaeuser Co.** (100 Center Street, Johnsonburg, PA 15845) on June 2, 2003, to install scrubbers in Johnsonburg, **Elk 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.*

**23-0063A: Department of Corrections** (500 East Fourth Street, Chester, PA 19013) on June 4, 2003, to operate a boiler in City of Chester, **Delaware County**.

**23-0091: Union Packaging, LLC** (5250 Baltimore Avenue, Yeadon, PA 19050) on June 4, 2003, to operate a rotogravure printing press no. 1 in Yeadon Borough, **Delaware County**.

**09-0063A: New Hope Crushed Stone** (6970 Phillips Mill Road, New Hope, PA 18938) on June 5, 2003, to operate a stone crushing plant in Solebury Township, **Bucks County**.

**46-313-147: Cabot Supermetals** (Beaver Run Road, Revere, PA 18953) on June 6, 2003, to operate a refrigerated condenser in Douglass Township, **Montgomery County**.

**46-0037M: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate a large scrubber in Douglass Township, **Montgomery County**.

**46-0037K: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate a dust collector in Douglass Township, **Montgomery County**.

**46-0037H: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate a VOC in Douglass Township, **Montgomery County**.

**46-0037G: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate a boiler house in Douglass Township, **Montgomery County**.

**46-0037E: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate a source building Number 49 in Douglass Township, **Montgomery County**.

**46-0037D: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate production of Ta and Nb products in Douglass Township, **Montgomery County**.

**46-0037C: Cabot Supermetals** (County Line Road, Boyertown, PA 19512) on June 6, 2003, to operate a tantalum scrap digestion in Douglass Township, **Montgomery County**.

**09-0143: Naceville Materials** (2001 Ridge Road, Sellersville, PA 18960) on June 6, 2003, to operate a primary crusher and conveyors in West Rockhill Township, **Bucks County**.

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

**38-05025: Lancaster Aluminum Co., Inc.** (24 Keystone Drive, Lebanon, PA 17042) on May 30, 2003, to construct a secondary aluminum production facility in South Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 63, Subpart RRR—Standards of Performance for Hazardous Air Pollutants for Secondary Aluminum Production. This plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**32-00365A: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201) for installation of a coal screening plant in Washington Township, **Indiana County**. This plan approval was extended.

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

**24-016B: Keystone Powdered Metal Co.** (1935 State Street, St. Marys, PA 15857) on May 31, 2003, to modify temperature requirements for sources 2149 and 3202 in St. Marys, **Elk County**.

**37-023C: Orion Power Midwest, LP—New Castle Plant** (Route 168, New Castle, PA 16101) on May 31, 2003, to install an SNCR in Taylor Township, **Lawrence County**.

**42-176H: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, to modify their MDF plant in Sergeant Township, **McKean County**.

**42-176G: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, to modify their MDF plant in Sergeant Township, **McKean County**.

**42-158E: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, to modify the particleboard plant in Sergeant Township, **McKean County**.

**42-158D: Temple Inland Forest Products Corp.—Mt. Jewett** (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, to modify their particleboard plant in Sergeant Township, **McKean County**.



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

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

**23-00041: ConocoPhillips Co.** (510 Cherry Tree Road, Aston, PA 19014) on June 4, 2003, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Tosco Corporation in Upper Chichester Township, **Delaware County**. The facility's major emission points include storage tanks containing VOCs. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued December 31, 2001.

**46-00006: Allegro MicroSystems, Inc.** (3900 Welsh Road, Willow Grove, PA 19090) on June 5, 2003, Title V Operating Permit Minor Modification under the Air Pollution Control Act and 25 Pa. Code § 127.462 in Upper Moreland Township, **Montgomery County**. Modification to incorporate Emission Reduction Credits filed under 25 Pa. Code §§ 127.206—127.211 due to permanent shut down of major VOC emitting source, Source 101, Manufacturing Operations. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**46-00027: Ortho McNeil Pharmaceuticals** (Welsh and McKean Roads, Spring House, PA 19477) on June 9, 2003, Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450 in Gwynedd Township, **Montgomery County**. The facility's major emission points include manufacturing equipment designed for pharmaceutical preparations, which emit major levels of VOCs. The amendment addresses the changes to the scrubbing system associated with a source at the facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**09-00048: H and K Materials Inc.** (300 Skunk Hollow Road, Chalfont, PA 18914) on June 6, 2003, to operate a Synthetic Minor Operating Permit in Hilltown Township, **Bucks County**.

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

**40-318-052: Allsteel, Inc.** (Valmont Industrial Park, 425 Jaycee Drive, West Hazleton, PA 18202) to operate of two paint booths and associated air cleaning devices at the Title V facility in Hazle Township, **Luzerne County**.

**35-317-003: Preferred Meal Systems, Inc.** (4135 Birney Avenue, Moosic, PA 18507) to operate a convection cooking oven at their facility in Moosic Borough, **Lackawanna County**.

**48-318-133: Milliken Valve Co. Inc.** (1995 Highland Avenue, Suite 500, Bethlehem, PA 18020) to operate a paint spray booth and associated air cleaning device at their facility in Bethlehem Township, **Northampton County**.

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

**38-03028: Brentwood Industries, Inc.** (2101 Lehman Street, Lebanon, PA 17046) on June 3, 2003, to operate two PVC extrusion lines in West Lebanon Township, **Lebanon County**.

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

**42-00147: W. R. Case and Sons Cutlery Co.** (Owens Way, Bradford, PA 16701) on June 4, 2003, for a Natural Minor Operating Permit for a cutlery manufacturing process in Bradford Township, **McKean County**.

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**Operating Permit revisions issued including administrative amendments, minor modifications or transfers of ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**65-00183 Allegheny Ludlum Corp.** (100 River Road, Brackenridge, PA 15014) on June 3, 2003, the Department has administratively amended the permit to require emissions to be quantified on a monthly basis through elaboration of testing and monitoring requirements for their steel manufacturing facility in West Leechburg, **Westmoreland County** and Bagdad, **Armstrong County**.

**GP-65-00902: Pace Industries, Inc.—Airo Die Casting, Inc., West Plant** (450 New Latrobe/Derry Road, Loyalhanna, PA, 15661). This administrative amendment is to correct a typographical error regarding General Operating Permit No. BAQ-GP4 for a burn off oven. The permit was inadvertently issued under the number GP-65-00873 for Pace Industries, Inc.—Airo Die Casting, Inc., Main Plant instead of GP-65-00902 (West Plant). This facility is in Derry Township, **Westmoreland County**.

**65-00598: Citizen General Hospital** (651 Fourth Avenue, New Kensington, PA 15068). On June 6, 2003, the Department administratively amended the permit to change the owner's name from Alle Kiski Medical Center to Citizens General Hospital in New Kensington, **Westmoreland 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

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

**33010105 and NPDES Permit No. PA0242004. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision to an existing bituminous strip and auger operation to add 3.6 acres to the surface mining permit in Young and McCalmont Townships, **Jefferson County**. Receiving streams: Elk Run. Application received January 22, 2003. Permit issued May 29, 2003.

**33020106 and NPDES Permit No. PA0242209. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous strip operation in Union Township, **Jefferson County** affecting 33.8 acres. Receiving streams: unnamed tributary to Little Mill Creek and unnamed tributary to Coder Run. Application received October 7, 2002. Permit issued May 27, 2003.

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

**11970105 and NPDES Permit No. PA0234516. RJC Kohl, Inc.,** P. O. Box 299, Nicktown, PA 15762, permit revision for a land use change from forestland to pastureland or land occasionally cut for hay in West Carroll and Susquehanna Townships, **Cambria County**, affecting 41.0 acres. Receiving streams: unnamed tributaries to Fox Run and Fox Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 14, 2003. Permit issued June 2, 2003.

**56950101 and NPDES Permit No. PA0213012. Action Mining, Inc.,** 1117 Shaw Mines Road, Meyersdale, PA 15552, permit revision for a land use change from woodland to wildlife habitat to cropland in Brothersvalley Township, **Somerset County**, affecting 82.2 acres. Receiving streams: Piney Run and unnamed tributary (CWF) to Piney Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 13, 2003. Permit issued June 2, 2003.

**56970105 and NPDES Permit No. PA0234630, Sherpa Mining Contractors, Inc.,** P. O. Box 4459, 1738 Snowfield Drive, Hidden Valley, PA 15502, permit transfer from Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630 and continued operation of a bitumi-

nous surface mine in Paint Township, **Somerset County**, affecting 171.0 acres. Receiving streams: unnamed tributary to/and Stonycreek River (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek Surface Water Intake. Application received February 6, 2003. Permit issued June 4, 2003.

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

**26020102 and NPDES Permit No. PA0250147. PURCO Coal, Inc.** (22 VanVoorhis Lane, Monongahela, PA 15063). Permit for commencement, operation and reclamation of a bituminous surface mine in North Union Township, **Fayette County**, affecting 76.8 acres. Receiving stream: Gist Run to Dunbar Creek. Application received May 9, 2002. Permit issued June 6, 2003.

**03020113 and NPDES Permit No. PA0250279. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Permit for commencement, operation and reclamation of a bituminous surface mine in Wayne Township, **Armstrong County** affecting 62.5 acres. Receiving streams: unnamed tributaries to Glade Run. Application received November 13, 2002. Permit issued June 6, 2003.

**03960103. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Permit revised to apply ALCOSAN biosolids for mine reclamation at a bituminous surface/auger mine in East Franklin Township, **Armstrong County**, affecting 155 acres. Receiving streams: unnamed tributary to Glade Run. Application received March 28, 2003. Revision issued June 9, 2003.

### Noncoal Permit Actions

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

**58970807T. Joseph A. Decker, Sr.** (R. R. 1 Box 254, Kingsley, PA 18826), transfer and acreage correction of an existing Small Bluestone Quarry in Gibson Township, **Susquehanna County**, affecting 3.0 acres. Receiving stream: Tunkhannock Creek. Application received January 27, 2003. Permit issued June 6, 2003.

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

**Permit No. 4275SM20 and NPDES Permit No. PA0125334. U. S. Silica Company,** P. O. Box 187, Berkeley Springs, WV 25411, renewal of NPDES Permit in Brady Township, **Huntingdon County**. Receiving streams: Juniata River (WWF), Saddler Creek (TSF), unnamed tributary to Shaughnessy Run (HQ-CWF) and unnamed tributary of Flush Run (TSF). There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2003. Permit issued June 3, 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.*

**28034019. Springfield Contractors, Inc.** (290 Seaks Run Road, Glen Rock, PA 17327-9594), construction blasting in Antrim Township, **Franklin County** with an expiration date of May 31, 2008. Permit issued June 3, 2003.

**28034020. Springfield Contractors, Inc.** (290 Seaks Run Road, Glen Rock, PA 17327-9594), construction blasting in Washington Township, **Franklin County** with an expiration date of May 31, 2008. Permit issued June 3, 2003.

**67034028. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Manchester Township, **York County** with an expiration date of June 20, 2004. Permit issued June 3, 2003.

**36034052. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Leacock Township, **Lancaster County** with an expiration date of June 15, 2004. Permit issued June 3, 2003.

**22034012. Mazzuca Enterprises** (14 East Laurel Boulevard, P. O. Box 443, Pottsville, PA 17901) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Derry Township, **Dauphin County** with an expiration date of November 14, 2003. Permit issued June 3, 2003.

**15034008. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in East Bradford Township, **Chester County** with an expiration date of June 20, 2004. Permit issued June 3, 2003.

**06034025. Schlouch Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Wyomissing Borough, **Berks County** with an expiration date of June 15, 2004. Permit issued June 3, 2003.

**22034011. Follmer Construction** (238 Locust Point Road, Mechanicsburg, PA 17055) and **Cumberland Valley Drilling & Blasting** (6820 Wertzville Road, Enola, PA 17025), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of June 15, 2005. Permit issued June 3, 2003.

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

**27034001. Pennsylvania General Energy Corp.** (208 Liberty Street, Warren, PA 16365). Blasting activity permit to establish and maintain access to oil wells in Jenks Township, **Forest County** for 180 days. Application received May 27, 2003. Application issued May 30, 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.*

**E15-646. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, London Britain Township, **Chester County**, ACOE Philadelphia District.

To replace and maintain an existing bridge with a single span reinforced concrete bridge with a clear span of 75 feet and an average under clearance of 6.7 feet. The proposed bridge spans White Clay Creek (CWF) and is along the SR 3034 (London Tract Road), Section 65S, approximately 7,000 feet southeast of the intersection of London Tract Road and Good Hope Road (West Grove, PA-DE Quadrangle N: 0. 80 inch; W: 4.35 inches).

**E09-837. Borough of Sellersville**, 140 E. Church Street, Sellersville, PA 18960, Borough of Sellersville, **Bucks County**, ACOE Philadelphia District.

To construct and maintain 16-feet of two, 48-inch by 76-inch reinforced concrete pipes with associated end-walls and rock, riprap apron in and along an unnamed tributary to the East Branch Perkiomen Creek. To remove existing in-stream retaining walls directly adjacent to Maple Avenue. The retaining walls will be replaced with reinforced concrete retaining walls to the same approximate length and height. The site is 100-feet east of the intersection of Farmers Lane and Maple Avenue in the Borough of Sellersville, Bucks County.

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

**E52-182. David Holbert**, 125 Rocky Riff Farm Road, Lackawaxen, PA 18435. Lackawaxen Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To maintain two tiers of stone retaining walls, approximately 190 feet long and varying in height from 3 to 6 feet each along the right bank in the floodway of the Delaware River (perennial, WWF, MF). The project is at a business known as the Lackawaxen House, approximately 200 feet south of the Roebling Bridge (Shohola, PA-NY Quadrangle N: 19.3 inches; W: 15.1 inches) (Subbasin 1-D).

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

**E22-454: Susquehanna Township**, 1900 Linglestown Road, Harrisburg, PA 17110 in Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a footbridge having a span of 3 feet and an under clearance of 4.12 feet across the channel of an unnamed tributary to Paxton Creek (tributary to Asylum Run) (WWF) at a point immediately downstream of South Circle Drive (Harrisburg West, PA Quadrangle N: 5.9 inches; W: 0.5 inch); a footbridge

having a span of 15.33 feet and an under clearance of 6.5 feet across the channel of an unnamed tributary to Paxton Creek (Asylum Run) at a point just downstream of Sycamore Drive (Harrisburg East, PA Quadrangle N: 6.0 inches; W: 17.1 inches); and a footbridge having a span of 15.75 feet and an under clearance of 6.25 feet across the channel of an unnamed tributary to Paxton Creek (Asylum Run) at a point just upstream of Sycamore Drive (Harrisburg East, PA Quadrangle N: 6.1 inches; W: 17.0 inches) for the purpose of constructing the Capital Area Greenbelt in Susquehanna Township, Dauphin County.

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

**E14-439. RJ Corman Railroad Group**, P. O. Box 788, Nicholasville, KY 40356. Rail Line Abandonment from Federal Surface Transportation System in Philipsburg Borough and Rush Township, **Centre County**, ACOE Baltimore District (Philipsburg, PA Quadrangle N: 4.75 inches; W: 14.32 inches to Houtzdale, PA Quadrangle N: 15.31 inches; W: 7.15 inches).

To operate and maintain the following stream crossings, associated with a abandoning a railroad line from the Federal Surface Transportation System, partially or fully within Centre County:

| <i>Crossing No.</i> | <i>Municipality</i> | <i>Stream</i>       | <i>Structure Type</i>   | <i>Opening Size</i>  | <i>Chapter 93</i> | <i>Location Lat.-Long.</i> |
|---------------------|---------------------|---------------------|-------------------------|----------------------|-------------------|----------------------------|
| 14                  | Philipsburg Borough | Moshannon Creek     | Double Span Bridge      | 54.67' by 7.5' each  | TSF               | N 40-54-04<br>W 78-13-45   |
| 15                  | Philipsburg Borough | Moshannon Creek     | Double Span Bridge      | 54.67' by 11.5' each | TSF               | N 40-53-34<br>W 78-13-19   |
| 17                  | Rush Township       | Moshannon Creek     | Double Span Bridge      | 52' by 12' each      | TSF               | N 40-52-51<br>W 78-14-09   |
| 18                  | Rush Township       | UNT Moshannon Creek | Stone Culvert           | 54" diameter         | CWF               | N 40-52-26<br>W 78-14-07   |
| 19                  | Rush Township       | UNT Moshannon Creek | Culvert                 | 36" diameter         | CWF               | N 40-51-56<br>W 78-14-51   |
| 20                  | Rush Township       | UNT Moshannon Creek | Twin Cast Iron Culverts | 36" diameter each    | CWF               | N 40-51-34<br>W 78-14-43   |
| 21                  | Rush Township       | UNT Moshannon Creek | Concrete Culvert        | 54" diameter         | CWF               | N 40-51-14<br>W 78-15-05   |
| 22                  | Rush Township       | UNT Moshannon Creek | Stone Box Culvert       | 4' by 2'             | CWF               | N 40-51-01<br>W 78-15-41   |
| 23                  | Rush Township       | Moshannon Creek     | Three Span Bridge       | 65' by 11' each span | TSF               | N 40-50-58<br>W 78-16-03   |
| 27                  | Rush Township       | Moshannon Creek     | Steel Girder Bridge     | 5' by 59'            | TSF               | N 40-50-03<br>W 78-18-07   |

The permittee shall routinely maintain all the listed hydraulic structures to ensure the maximum, unobstructed flow capacity. Since crossings 14, 15, 17, 23 and 27 are in trout stocked fisheries, no work shall be done in or along these crossings between March 1 and June 15 without the prior written approval of the Fish and Boat Commission. The railroad right-of-way subject to this permit is along the south side of Moshannon Creek between Philipsburg and Osceola Mills plus one crossing in the headwaters of Moshannon Creek (Philipsburg, PA Quadrangle N: 4.75 inches; W: 14.32 inches to Houtzdale, PA Quadrangle N: 15.31 inches; W: 7.15 inches) in Philipsburg Borough and Rush Township, Centre County. This permit does not authorize any tem-

porary or permanent impact to wetlands that maybe along the railroad right-of-way.

**E18-350. Scott E. Lafrome**, 732 Rockey Road, Loganton, PA, Lafrome Pond in Green Township, **Centre County**, ACOE Baltimore District (Loganton, PA Quadrangle N: 10.6 inches; W: 4.5 inches).

To construct and maintain a grass covered earthen dam around three sides of a 100-foot by 200-foot on-stream pond, the dam will have a maximum height of 7 feet and the pond will have a maximum depth of 10 feet, directly downstream of an existing spring house at the headwaters of an unnamed tributary to Mill Creek on the south side of Rockey Road, 1.5 miles east of SR 477. This

project will directly impact 200 linear feet of an unnamed tributary to Mill Creek (HQ-CWF).

**E18-361. Bing and Debra Smith**, 712 West Brown Street, Castanea, PA 17726. Pavilion Construction in Castanea Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 21.98 inches; W: 9.65 inches).

To construct and maintain a 16-foot by 24-foot by 10-foot high open sided lumber pavilion using 6-inch by 6-inch columns for vertical support in the floodway of the south side of Bald Eagle Creek (CWF) off Route 220 about 0.5 mile south west of the Route 220 Lock Haven interchange in Castanea Township, Clinton County. The project will not impact wetlands or waterways. This permit was issued under section 105.13(e) "Small Projects."

**E60-158. Department of Transportation**, 315 Jordan Avenue, Montoursville, PA 17754. SR 0192/018 Bridge Replacement in Buffalo Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 14.9 inches; W: 1.7 inches).

To: (1) remove an existing functionally obsolete bridge; (2) construct and maintain an 86.9-foot clear span prestressed concrete adjacent box beam bridge with R-7 riprap abutment protection and a maximum underclearance of 10-foot 7-inch across Buffalo Creek (CWF) on SR 192, 175 feet from SR 3009 in the Village of Cowan. The Department of Transportation proposes to permanently impact 90 linear feet of Buffalo Creek due to the riprap and wingwalls of the bridge.

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

**E02-1389. Phillips Spring Properties, Inc.**, 2708 Phillips Avenue, Glenshaw, PA 15116. Elmwood Terrace No. 9 Wetland Fill in Shaler Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 8.5 inches; W: 14.7 inches). To place and maintain fill in 0.11 acre of wetlands adjacent to unnamed tributaries to Little Pine Creek (TSF) for the purpose of providing access to the Elmwood Terrace No. 9 Residential Development on the west side of Elmwood Drive just southwest from the intersection of Elmwood Drive and Dorothy Drive. This permit also authorizes the construction and maintenance of an off-site sanitary sewer line. The applicant proposes to construct and maintain 0.24 acre of offsite replacement wetlands on block and Lots 354-L-160 and 51A. This project will also culvert approximately 750 feet of stream channels. These channels qualify for authorization under the Department's waiver 105.(a)(2).

**E02-1418. Township of Robinson**, 1000 Church Hill Road, Pittsburgh, PA 15205-9006. Coketown Road Gabion Basket Wall in Robinson Township, **Allegheny County**, Pittsburgh ACOE District (Oakdale, PA Quadrangle N: 22.4 inches; W: 3.0 inches). To construct and maintain a gabion basket retaining wall 60.0 feet in length and 15.0 feet in height in the channel of and along the right bank of Montour Run for the purpose of preventing erosion to Coketown Road. The project is on the north side of Coketown Road, approximately 500 feet west from the intersection of Coketown Road and Petrie Road and will permanently impact 60.0 linear feet of Montour Run (TSF).

**E26-304. Fayette County Commissioners**, Court House, 61 East Main Street, Uniontown, PA 15401. Fayette County Bridge No. 162 in Georges Township, **Fayette County**, Pittsburgh ACOE District (Smithfield,

PA Quadrangle N: 6.08 inches; W: 8.55 inches). To remove the existing County Bridge No. 162 and to construct and maintain a bridge having a normal clear span of 36.0 feet and an underclearance of 7.0 feet across Mountain Creek (CWF). Also, to place and maintain rock riprap for stream bank protection at the bridge. The project will impact 0.04 acre of wetlands permanently. The structure is on T-500 (Ringer Road) approximately 350 feet south of T-345.

**E65-819. Norwin Public Library**, 299 Third Street, Irwin, PA 15642. Norwin Public Library retaining wall in Irwin Borough, **Westmoreland County**, Pittsburgh ACOE District (Irwin, PA Quadrangle N: 13.8 inches; W: 10.42 inches). To place and maintain fill in 0.02 acre of wetlands and along the right bank of an unnamed tributary to Tinkers Run (TSF) and to construct and maintain a 50-foot long, 5-foot high wall and stream bank protection and two outfall structures on the right bank of said stream for the purpose of construction of a library and parking facilities. The project is along the west side of Caruthers Lane, approximately 0.2 mile south of SR 30.

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

**E10-373. Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066. T-313 Garvin Road Across Wolfe Run in Cranberry Township, **Butler County**, ACOE Pittsburgh District.

To remove the existing structure and to install and maintain a 168-foot long concrete arch stream enclosure having a span of 12 feet and a rise of 6 feet or an aluminumized steel arch having a span of 14 feet and a rise of 7.25 feet in Wolfe Run and fill a total of 0.129 acre of adjoining wetlands associated with the increase in roadway elevation to improve the roadway grade on T-313 Garvin Road approximately 1 mile east of Ehrman Road (Mars, PA Quadrangle N: 20.1 inches; W: 10.8 inches). Project includes creation of 0.162 acre of replacement wetland adjacent to Wolfe Run and existing wetlands onsite.

**E16-122. Licking Township**, P.O. Box 111, Calensburg, PA 16213. T-374 Morris Road Across Licking Creek in Licking Township, **Clarion County**.

To remove the existing bridge and to construct and maintain a composite steel I-beam bridge having a clear span of 20.610 meters and a minimum underclearance of 3.618 meters on a 74 degree skew across Licking Creek and impacting a de minimis area (0.03 acre) of wetland (PEM) on T-374 Morris Road (Rimersburg, PA Quadrangle N: 20.9 inches; W: 1.5 inches).

**E61-260. Department of Transportation, District 1-0**, 255 Elm Street, P.O. Box 398, Oil City, PA 16301-1412. SR 0036 Bridge Across Pithole Creek in Allegheny Township, **Venango County** (Pleasantville, PA Quadrangle: 10.1 inches; W: 5.1 inches).

The applicant proposes to remove the existing structure and: (1) construct and maintain a prestressed concrete spread box beam bridge having a clear span of 87.75 feet and an underclearance of 6.71 feet on a 60 degree skew across Pithole Creek (CWF, perennial) on SR 0036, Section B00, Segment 0040, Offset 1142 approximately 1,000 feet east of the intersection of SR 0036 and SR 1006 (Bailey Road); and (2) place R-7 rock riprap for scour protection around the left and right abutments and wingwalls.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-007: Lancaster County Conservation District**, 1383 Arcadia Road, Room 6, Lancaster, PA 17601 in Fulton Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 4-inch outfall conveying groundwater from a foundation drain to an UNT to Conowingo Creek (HQ-CWF) on the Daniel K. Miller farm (Wakefield, PA Quadrangle N: 10.4 inches; W: 4.0 inches) in Fulton Township, Lancaster County.

#### DAM SAFETY

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

**D06-506. City of Reading—Department of Public Works**, 815 Washington Street, Reading, PA 19601. To reconstruct, operate and maintain Angelica Lake Dam across Angelica Creek (CWF), for the purpose of reconstructing Angelica Lake in its previous location. The former Angelica Lake Dam overtopped and failed as a result of a major storm event in June 2001. The reconstructed dam is redesigned to meet current Dam Safety regulations and design standards. The new dam's normal pool will be at the former dam's historic, normal pool elevation. This dam is (Reading, PA Quadrangle N: 11.0 inches; W: 6.85 inches) in Cumru Township, **Berks County**.

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### SPECIAL NOTICES

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#### BUREAU OF DEEP MINE SAFETY

##### Request for Variance

The Department of Environmental Protection, Bureau of Deep Mine Safety (Bureau) has received a request for variance from Maple Creek Mining, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Paul L. Hummel, Acting Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Pennsylvania Bituminous Coal Mine Act (act) (52 P. S. §§ 701-702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 268(b) of the act (52 P. S. §§ 701-268(b)) states that shelter holes shall be provided on the clearance side along designated travelingways, which are also used as haulage entries, other than belt conveyor haulage entries. Shelter holes shall be spaced not more than 80 feet apart.

*Summary of the Request:* Maple Creek Mining, Inc. requests a variance to exceed the 80 feet spacing at the

High Quality Mine. The requested shelter hole spacing is not to exceed 120 feet in the mains and submains and 140 feet in the gate-road development.

[Pa.B. Doc. No. 03-1187. Filed for public inspection June 20, 2003, 9:00 a.m.]

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#### Extension of General Permits for the Beneficial Use of Sewage Sludge by Land Application (PAG-7, PAG-8, PAG-9)

In accordance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) issues a 6 month time extension of its current three general permits for the beneficial use of sewage sludge by land application.

The current general permits are scheduled to expire June 23, 2003. The proposed extension will extend the current general permits, in their entirety, until December 23, 2003. The extension will be effective on June 24, 2003, and shall expire midnight on December 23, 2003. On or before June 23, 2003, the Department will redate the permits as Amendment No. 3. No other changes will be made to the permits under Amendment No. 3.

The extended permit documents package will continue to be available from the Department's regional and central offices until it is replaced or updated.

The permit document package is available from Department's Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us).

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

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1188. Filed for public inspection June 20, 2003, 9:00 a.m.]

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#### Stream Redesignation Evaluation; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation of a portion of the stream listed in this notice will be conducted. Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream are encouraged to make it available to the Department for consideration in the assessment.

Data should be submitted by July 21, 2003, to Robert F. Frey, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467,

rofrey@state.pa.us. Questions concerning this evaluation should be directed to Robert F. Frey at (717) 787-9637.

| <i>Stream Name</i>  | <i>Counties</i> | <i>Tributary to</i> |
|---------------------|-----------------|---------------------|
| Little Lehigh Creek | Lehigh, Berks   | Lehigh River        |

The study area includes the entire main stem of the Little Lehigh Creek. The main stem is currently designated High Quality-Cold Water Fishes and is being evaluated for possible redesignation to Exceptional Value Waters in response to a petition submitted to the Environmental Quality Board (Board) by the Mid-Atlantic Environmental Law Center on behalf of the Little Lehigh Watershed Coalition. This assessment may lead to a recommendation to the Board for redesignation.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Robert F. Frey at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1189. Filed for public inspection June 20, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allied Services Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Allied Services Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1190. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Community Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Community Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 143.4, 143.7, 107.61 and 107.62.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1191. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Geisinger Wyoming Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Geisinger Wyoming Valley Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1192. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Healthsouth Rehabilitation Hospital for Special Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Healthsouth Rehabilitation Hospital for Special Services has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1193. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.15.A5, 10.24.A9 and 10.24.A13 (relating to hand washing stations; windowsills; and patient toilet grab bars).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous numbers or for speech and/or hearing impaired persons, V/TT: (717)783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Acting Secretary

[Pa.B. Doc. No. 03-1194. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Kindred Hospital Wyoming Valley for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Kindred Hospital Wyoming Valley has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1195. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.4.A11 (relating to housekeeping/ environmental services).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the 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. 03-1196. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of The Mercy Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Mercy Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1197. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Mercy Jeannette Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Jeannette Hospital has requested an exception to the requirements of 28 Pa. Code §§ 51.23 and 107.62 (relating to positron emission tomography; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1198. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Mercy Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Providence Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be



reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1199. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Mercy Special Care Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mercy Special Care Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1200. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Moses Taylor Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Moses Taylor Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1201. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1202. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Temple University Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Temple University Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1203. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Tyler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Tyler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.2, 107.61 and 107.62 (relating to medical staff membership; written orders; and oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1204. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Westmoreland Regional Hospital and Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Westmoreland Regional Hospital and Frick Hospital have requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1205. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Application of Wyoming Valley Health Care System Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Wyoming Valley Health Care System Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 109.61 (relating to written orders; and medication or treatment).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number 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. 03-1206. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, July 16, 2003, and Thursday, July 17, 2003.

The meetings will be held from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel a meeting without prior notice.

For additional information or persons with a disability who wish to attend the meetings and require an auxiliary aid, service or other accommodation to do so, contact Thomas M. DeMelfi, (717) 783-0572 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services, (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-1207. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Beverly Healthcare Meadville  
14714 Park Avenue Extension  
Meadville, PA 16335

Trinity Living Center  
400 Hillcrest Avenue  
Grove City, PA 16127

Valley Crest Nursing Home  
1551 East End Blvd.  
Wilkes-Barre, PA 18711-0575

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services):

Jeanette District Memorial Hospital Skilled  
Nursing Center  
600 Jefferson Avenue  
Jeanette, PA 15644

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone numbers or for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-1208. Filed for public inspection June 20, 2003, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Innovation and Expansion Grant to Provide Outreach Support for and Coordination of OVR/BBVS-Supported NEWSLINE Services; OVR RFP 2002-14—Reissue

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973, as amended in 1992, announces that competing applications to establish, expand or improve community rehabilitation programs serving persons with significant or most significant disabilities will be accepted.

Funding for this competition is under the auspice of the State Board of Vocational Rehabilitation and the OVR, which will serve as administrator and fiscal agent for the grant awarded under this competition.

Applications will be written to accomplish the following:

- To recruit newspapers throughout this Commonwealth to participate in OVR/BBVS NEWSLINE services.
- To provide coordination, technical assistance and support to newspapers participating in the NEWSLINE service.
- To recruit persons who are blind, visually impaired or are otherwise disabled in their use of print media as users of the NEWSLINE service.
- To provide user-friendly customer support to users of the NEWSLINE service.

#### *Service Information*

This competition will result in one award and funding for a 4-year period, beginning October 1, 2003, subject to annual renewal, satisfactory performance and availability of funds.

For purposes of this competition, an eligible applicant is an individual or organization with demonstrated experience working collaboratively with or in information media, such as print media, broadcast media, mixed media, and the like. Substantive experience concentrated in areas of circulation development and management will be favorably considered.

A successful applicant will also have demonstrated experience working collaboratively with persons who are blind, visually impaired or otherwise disabled in their ability to use print media. The successful applicant will be familiar with NEWSLINE and its related components and services.

Written endorsement of an applicant's credentials, experience and expertise in the areas noted is required.

Activities associated with the NEWSLINE service, as requested in this Request for Proposals, include, but are not limited to, successful marketing of NEWSLINE services and features; public awareness and education of NEWSLINE; development of a user-friendly system for customer registration, customer service, customer input and customer satisfaction; and program evaluation, trouble-shooting and modification.

#### *Application Information*

Applications received by 5 p.m. on Friday, August 8, 2003, which are complete and conform to established specifications will be accepted for review. Applications submitted after this date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose.

The effective dates for the contract will be October 1, 2003, through September 30, 2004. Final awards made through this competition are subject to the approval of the Executive Director of the OVR.

A complete application package, which includes more detailed information, is available by contacting Jacqueline B. Lucas, Office of Vocational Rehabilitation, Contracts and Grants Management Section, 1521 North Sixth Street, Harrisburg, PA 17102, (717) 787-7016, fax (717) 705-9345, TDD (717) 783-8917.

#### *Preproposal Conference*

A preproposal conference to deal specifically with technical questions regarding applications will be held for applicants at 10 a.m. on Wednesday, July 9, 2003, at the Office of Vocational Rehabilitation Central Office, 1521 North Sixth Street, Harrisburg, PA. Copies of the application package will also be available at this conference. Persons planning to attend the conference who have special needs that should be considered to participate fully in the conference should contact Jacqueline B. Lucas at (717) 787-7016 at least 1 week in advance of the conference date.

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 03-1209. Filed for public inspection June 20, 2003, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments for the Period of July 1, 2002 through June 30, 2003

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments), the Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

*A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units and rehabilitation units of acute care general hospitals, rehabilitation hospitals and private psychiatric hospitals eligible for disproportionate share payments for the period July 1, 2002, through June 30, 2003, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

#### **Payment period July 1, 2002, to June 30, 2003, disproportionate share payment percentages:**

##### **Acute Care General Hospitals**

|  |        |
|--|--------|
| ALBERT EINSTEIN MED CTR                  | 4.45%  |
| ALFRED I. DUPONT INSTITUTE               | 9.41%  |
| BARNES KASSON HOSPITAL                   | 4.59%  |
| CHARLES COLE MEMORIAL HOSPITAL           | 4.83%  |
| CHILDREN'S HOSPITAL OF PHILADELPHIA      | 8.47%  |
| CHILDREN'S HOSPITAL OF PITTSBURGH        | 9.27%  |
| CLEARFIELD HOSPITAL                      | 4.78%  |
| DIVINE PROVIDENCE-WILLIAMSPORT           | 5.96%  |
| DUBOIS REGIONAL MED CTR                  | 10.00% |
| FRICK COMMUNITY                          | 4.89%  |
| HIGHLAND HOSPITAL                        | 3.08%  |
| INDIANA HOSPITAL                         | 3.45%  |
| KENSINGTON HOSPITAL                      | 4.66%  |
| LANCASTER GENERAL-SUSQ. DIV.             | 3.99%  |
| MAGEE WOMEN'S                            | 6.23%  |
| MEMORIAL HOSPITAL-TOWANDA                | 5.46%  |
| MERCY HOSP OF PHILA                      | 4.75%  |
| MONSOUR MEDICAL CENTER                   | 6.04%  |
| NPHS-GIRARD                              | 1.00%  |
| NPHS-ST. JOE'S                           | 7.44%  |
| PRESBYTERIAN MED CTR OF UPHS             | 2.96%  |
| PUNXSUTAWNEY AREA HOSPITAL               | 4.04%  |
| ST. FRANCIS HOSPITAL OF NEW CASTLE       | 1.00%  |
| TEMPLE EAST                              | 3.99%  |
| TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR | 15.00% |
| TEMPLE UNIVERSITY HOSPITAL               | 6.29%  |
| THS-HAHNEMANN UNIV HOSPITAL              | 3.58%  |
| THS-MED COLL OF PA HOSP                  | 4.71%  |
| THS-PARKVIEW                             | 4.46%  |
| THS-ST. CHRISTOPHER'S                    | 14.00% |
| TITUSVILLE AREA HOSP                     | 4.81%  |
| UPMC-BEDFORD                             | 9.00%  |
| VALLEY FORGE                             | 6.05%  |

|                                    |       |
|------------------------------------|-------|
| WAYNE COUNTY MEMORIAL              | 5.54% |
| WEST VIRGINIA UNIV HOSPITALS, INC. | 5.48% |

**Private Psychiatric Hospitals**

|                                      |        |
|--------------------------------------|--------|
| BELMONT CENTER                       | 3.92%  |
| CLARION PSYCHIATRIC CENTER           | 6.33%  |
| DEVEREAUX-MAPLETON PSYCH CTR         | 10.00% |
| EUGENIA HOSPITAL                     | 2.97%  |
| FAIRMOUNT BHS                        | 3.00%  |
| FIRST HOSPITAL WYOMING VALLEY        | 5.60%  |
| FOUNDATIONS BEHAVIORAL HEALTH        | 7.49%  |
| FRIENDS HOSPITAL                     | 2.60%  |
| HORSHAM PSYCHIATRIC HOSPITAL         | 4.59%  |
| MEADOWS PSYCHIATRIC CENTER           | 7.44%  |
| MONTGOMERY COUNTY MH/MR ER SVS       | 4.85%  |
| NATIONAL HOSPITAL FOR KIDS IN CRISIS | 9.00%  |
| NORTHWESTERN INSTITUTE OF PSYCHIATRY | 6.51%  |
| PHILHAVEN                            | 5.60%  |
| SOUTHWOOD PSYCHIATRIC HOSPITAL       | 7.25%  |

**Psychiatric Units of Acute Care Hospitals**

|                                       |       |
|---------------------------------------|-------|
| ALBERT EINSTEIN                       | 2.97% |
| DIVINE PROVIDENCE-WILLIAMSPORT        | 3.83% |
| DUBOIS REGIONAL MEDICAL CENTER        | 3.02% |
| HIGHLAND HOSPITAL                     | 2.19% |
| INDIANA HOSPITAL                      | 2.03% |
| MERCY HOSP OF PHILADELPHIA            | 3.14% |
| MONSOUR MEDICAL CENTER                | 3.88% |
| NPHS-GIRARD                           | 1.00% |
| PRESBYTERIAN MED CNTR OF UPHS         | 2.12% |
| ST FRANCIS HOSP OF NEW CASTLE         | 1.65% |
| TEMPLE UNIVERSITY HOSP                | 4.02% |
| THS-HAHNEMANN UNIV HOSP               | 2.47% |
| THS-MEDICAL COLLEGE OF PA HOSP (EPPI) | 3.12% |
| THS-PARKVIEW HOSPITAL                 | 2.98% |

**Drug and Alcohol Units of Acute Care Hospitals**

|                               |       |
|-------------------------------|-------|
| LANCASTER GEN HOSP-SUSQUE DIV | 3.80% |
| NPHS-ST JOSEPHS               | 9.00% |
| PRESBYTERIAN MED CNTR OF UPHS | 2.24% |
| VALLEY FORGE                  | 6.91% |

**Private Drug and Alcohol Hospitals**

|                     |       |
|---------------------|-------|
| EAGLEVILLE HOSPITAL | 3.57% |
|---------------------|-------|

**Medical Rehab Units of Acute Care Hospitals**

|                                |       |
|--------------------------------|-------|
| ALBERT EINSTEIN                | 4.50% |
| DUBOIS REGIONAL MEDICAL CENTER | 4.63% |
| MONSOUR MEDICAL CENTER         | 6.89% |
| ST FRANCIS HOSP OF NEW CASTLE  | 1.00% |
| TEMPLE UNIVERSITY HOSP         | 7.26% |

**Freestanding Rehab Hospitals**

|                                   |        |
|-----------------------------------|--------|
| CHILDRENS INSTITUTE OF PITTSBURGH | 6.75%  |
| CHILDRENS SEASHORE HOUSE          | 10.00% |

**B. Additional Disproportionate Share Payments**

Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1% which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's general assistance program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients under 65 years of age but over 21 years of age for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

**Acute Care General Hospitals**

|                                     |
|-------------------------------------|
| ABINGTON MEMORIAL HOSPITAL          |
| ALBERT EINSTEIN MED CTR             |
| ALFRED I. DUPONT INSTITUTE          |
| ALTIQUIPPA COMMUNITY HOSP           |
| ALLEGHENY GENERAL HOSPITAL          |
| ALLEGHENY KISKI                     |
| ALTOONA HOSPITAL                    |
| AMERICAN ONCOLOGIC                  |
| ARMSTRONG COUNTY MEMORIAL           |
| ASHLAND REGIONAL                    |
| BARNES KASSON HOSPITAL              |
| BLOOMSBURG HOSPITAL                 |
| BON SECOURS                         |
| BRADFORD REGIONAL                   |
| BRANDYWINE HOSPITAL                 |
| BROOKVILLE HOSPITAL                 |
| BROWNSVILLE GENERAL HOSPITAL        |
| BUCKTAIL MEDICAL CENTER             |
| BUTLER COUNTY MEMORIAL              |
| BYRN MAWR HOSPITAL                  |
| CANONSBURG GENERAL HOSPITAL         |
| CARLISLE HOSPITAL                   |
| CENTRAL MONTGOMERY HOSP             |
| CENTRE COMMUNITY                    |
| CHAMBERSBURG HOSPITAL               |
| CHARLES COLE MEMORIAL HOSPITAL      |
| CHESTER COUNTY HOSPITAL             |
| CHESTNUT HILL HOSPITAL              |
| CHILDREN'S HOSPITAL OF PHILADELPHIA |
| CHILDREN'S HOSPITAL OF PITTSBURGH   |
| CHS-BERWICK HOSPITAL                |
| CLARION HOSPITAL                    |
| CLEARFIELD HOSPITAL                 |
| COMMUNITY HOSPITAL OF LANCASTER     |
| COMMUNITY MED CTR-SCRANTON          |
| CONEMAUGH VALLEY HOSP               |
| CORRY MEMORIAL                      |
| CROZER CHESTER MEDICAL CENTER       |
| DELAWARE COUNTY MEMORIAL            |
| DIVINE PROVIDENCE-WILLIAMSPORT      |
| DOYLESTOWN HOSPITAL                 |
| DUBOIS REGIONAL MED CTR             |
| EASTON HOSPITAL                     |
| ELK REGIONAL                        |
| ELLWOOD CITY                        |
| ENDLESS MTS. HLTH SYS               |
| EPHRATA COMMUNITY                   |
| EVANGELICAL COMMUNITY               |
| FORBES REGIONAL HOSPITAL            |
| FRANKFORD HOSPITAL                  |
| FRICK COMMUNITY                     |
| FULTON COUNTY MEDICAL CENTER        |
| GEISINGER MEDICAL CENTER            |
| GEISINGER WYOMING VALLEY            |
| GETTYSBURG HOSPITAL                 |
| GNADEN HUETTEN MEMORIAL             |
| GOOD SAMARITAN-LEBANON              |
| GOOD SAMARITAN-POTTSVILLE           |
| GRAND VIEW HOSPITAL                 |
| GREENE COUNTY MEMORIAL              |
| HAMOT MED CTR                       |
| HANOVER HOSPITAL                    |
| HAZLETON GENERAL HOSPITAL           |
| HIGHLAND HOSPITAL                   |
| HOLY REDEEMER                       |
| HOLY SPIRIT HOSPITAL                |

HOSPITAL OF THE UNIVERSITY OF PENNA  
 INDIANA HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JC BLAIR NO MA 366 FOR 9900  
 JEANES HOSPITAL  
 JEANNETTE DISTRICT MEMORIAL HOSPITAL  
 JEFFERSON HOSPITAL  
 JENNERSVILLE REGIONAL HOSP  
 JERSEY SHORE HOSPITAL  
 KANE COMMUNITY  
 KENSINGTON HOSPITAL  
 LANCASTER GENERAL  
 LANCASTER GENERAL-SUSQ. DIV.  
 LANCASTER REGIONAL MED CTR  
 LANKENAU HOSPITAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSP-MUHLENBERG  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN HOSPITAL  
 LIFECARE HOSPITALS OF PITTSBURGH  
 LOCK HAVEN HOSP  
 M S HERSHEY MEDICAL CENTER  
 MAGEE WOMEN'S  
 MARIAN COMMUNITY  
 MEADVILLE MED CTR  
 MEDICAL CENTER, BEAVER. PA  
 MEMORIAL HOSP-YORK  
 MEMORIAL HOSPITAL-TOWANDA  
 MERCY CATHOLIC FITZGERALD  
 MERCY HOSP-NANTICOKE  
 MERCY HOSP-PGH  
 MERCY HOSP-WILKES-BARRE  
 MERCY HOSP OF PHILA  
 MERCY HOSPITAL-SCRANTON  
 MERCY PROVIDENCE-PGH  
 MERCY SUBURBAN-NORRISTOWN  
 METRO HEALTH CENTER  
 MEYERSDALE COMMUNITY HOSPITAL  
 MID VALLEY HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MINERS HOSPITAL OF N CAMBRIA  
 MINERS MEMORIAL MEDICAL CENTER  
 MONONGAHELA VALLEY  
 MONSOUR MEDICAL CENTER  
 MONTGOMERY HOSPITAL MED CTR  
 MOSES TAYLOR  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NORTHWEST MED CTR  
 NPHS-GIRARD  
 NPHS-ST. JOE'S  
 OHIO VALLEY GENERAL  
 PALMERTON HOSPITAL  
 PAOLI MEMORIAL HOSPITAL  
 PENNSYLVANIA HOSPITAL OF UPHS  
 PHILIPSBURG AREA HOSPITAL  
 PHOENIXVILLE HOSPITAL OF UPHS  
 PINNACLE HEALTH HOSPITALS  
 POCONO MED CTR  
 POTTSTOWN MEMORIAL  
 POTTSVILLE HOSPITAL  
 PRESBYTERIAN MED CTR OF UPHS  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL AND MED CTR  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSP  
 ROXBOROUGH MEMORIAL  
 SACRED HEART-ALLENTOWN  
 SAINT JOSEPH MED CTR-HAZLETON

SEWICKLEY VALLEY HOSPITAL  
 SHAMOKIN AREA COMMUNITY HOSPITAL  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL  
 SOMERSET HOSPITAL  
 ST. AGNES MED CTR  
 ST. CLAIR MEMORIAL  
 ST. FRANCIS-CRANBERRY  
 ST. FRANCIS HOSPITAL OF NEW CASTLE  
 ST. JOSEPH MED CTR-READING  
 ST. LUKE'S-BETHLEHEM  
 ST. LUKE'S-QUAKERTOWN  
 ST. MARY'S-LANGHORNE  
 ST. VINCENT HLTH CTR  
 SUBURBAN GENERAL HOSPITAL-PGH  
 SUNBURY COMMUNITY  
 TEMPLE EAST  
 TEMPLE LOWER BUCKS HOSPITAL  
 TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIV HOSPITAL  
 THS-ELKINS PARK HOSPITAL  
 THS-GRADUATE HOSPITAL  
 THS-HAHNEMANN UNIV HOSPITAL  
 THS-MED COLL OF PA HOSP  
 THS-PARKVIEW  
 THS-ST. CHRISTOPHER'S  
 THS-WARMINSTER  
 TITUSVILLE AREA HOSP  
 TROY COMMUNITY  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNITED COMMUNITY HOSPITAL  
 UPMC-BEDFORD  
 UPMC-BRADDOCK  
 UPMC-HORIZON  
 UPMC-LEE REGIONAL  
 UPMC-MCKEESPORT  
 UPMC-PASSAVANT  
 UPMC-PRESBYTERIAN UNIV HOSP  
 UPMC-SHADYSIDE  
 UPMC-SOUTH SIDE  
 UPMC-ST. MARGARET  
 VALLEY FORGE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL  
 WAYNE COUNTY MEMORIAL  
 WAYNESBORO HOSPITAL  
 WEST VIRGINIA UNIV HOSPITALS, INC.  
 WESTERN PENNSYLVANIA  
 WESTMORELAND REGIONAL  
 WILLIAMSPORT HOSPITAL & MED CTR  
 WILLS EYE HOSPITAL  
 WINDBER MED CTR  
 WYOMING VALLEY HLTH CARE SYS  
 YORK HOSPITAL

**Private Drug and Alcohol Hospitals**

EAGLEVILLE HOSPITAL

**Freestanding Rehab Hospitals**

ALLIED SERVICES REHAB HOSPITAL  
 BRYN MAWR REHAB HOSPITAL  
 CHESTNUT HILL SPRINGFIELD CENTER  
 CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE  
 CHILDREN'S SEASHORE HOUSE  
 GOOD SHEPHERD REHAB HOSPITAL  
 H/S HARMARVILLE  
 H/S MECHANICSBURG REHAB

H/S READING REHAB HOSPITAL  
 H/S REHAB HOSPITAL OF ERIE  
 H/S REHAB HOSPITAL OF YORK  
 H/S REHAB OF ALTOONA  
 H/S REHAB OF NITTANY VALLEY  
 H/S REHAB OF SEWICKLEY  
 H/SOUTH REHAB OF GREATER PGH  
 JOHN HEINZ INSTITUTE  
 MAGEE MEMORIAL REHAB HOSPITAL  
 PENN STATE GEISENGER REHAB HOSP  
 UPMC REHABILITATION HOSPITAL

#### Private Psychiatric Hospitals

BELMONT CENTER FOR COMP TREATMENT  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX-MAPLETON PSYCH CTR  
 EUGENIA HOSPITAL  
 FAIRMOUNT BHS  
 FIRST HOSPITAL  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS HOSPITAL  
 HORSHAM CLINIC  
 KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICE, INC  
 NATIONAL HOSPITAL FOR KIDS IN CRISIS  
 NORTHWESTERN INSTITUTE OF PSYCHIATRY  
 PHILHAVEN  
 SOUTHWOOD PSYCH HOSPITAL

#### Medical Rehab Units of Acute Care Hospitals

ABINGTON MEMORIAL HOSP  
 ALBERT EINSTEIN  
 BON SECOURS HOLY FAMILY REG H. S.  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 COMMUNITY HOSP-LANCASTER  
 CONEMAUGH VALLEY HOSP  
 CROZER-CHESTER MED CNTR  
 DELAWARE CNTY MEM HOSP  
 DOYLESTOWN HOSPITAL  
 DUBOIS REG MED CNTR  
 EASTON HOSPITAL  
 FRANKFORD  
 GEISINGER-WYOMING VALLEY  
 GNADEN HUETTEN MEMORIAL HOSP-MRU  
 GOOD SAMARITAN HOSPITAL-LEBANON  
 HAZELTON GENERAL HOSPITAL MRU  
 HOSP OF THE UNIV OF PA  
 JAMESON MEMORIAL  
 JEANNETTE DIST MEM HOSP  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSP  
 LANCASTER REGIONAL MEDICAL CENTER  
 MERCY CATHOLIC-FITZGERALD  
 MERCY HOSPITAL-PITTSBURGH  
 MERCY PROVIDENCE-PGH  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY HOSP  
 NAZARETH  
 PINNACLE HEALTH HOSPITALS  
 POTTSVILLE HOSPITAL  
 PRESBYTERIAN UNIV-PGH  
 SEWICKLEY VALLEY HOSPITAL  
 ST AGNES MEDICAL CNTR  
 ST MARY HOSP-LANGHORNE  
 ST VINCENT HEALTH CNTR  
 SUBURBAN GENERAL HOSPITAL-PGH  
 THS-ELKINS PARK  
 THS-WARMINSTER HOSPITAL  
 TEMPLE UNIVERSITY HOSP

THOMAS JEFFERSON UNIV HOSP  
 UPMC-HORIZON  
 UPMC-LEE HOSP  
 UPMC-MCKEESPORT  
 UPMC-NORTHWEST MED CTR  
 UPMC-SOUTHSIDE  
 UPMC-ST MARGARET  
 WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL

#### Drug and Alcohol Units of Acute Care Hospitals

BUTLER COUNTY MEMORIAL  
 HAMOT MEDICAL CENTER  
 LANCASTER GEN HOSP-SUSQU DIV  
 MEADVILLE MED CNTR  
 MONSOUR MEDICAL CENTER D&A  
 NPHS-ST JOSEPHS HOSP  
 PRESBY MED CTR OF UNIV OF PA HLTH SYST  
 UPMC-HORIZON-SHENANGO VALLEY  
 VALLEY FORGE  
 WESTMORELAND

#### Psychiatric Units of Acute Care Hospitals

ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALIQUIPPA COMMUNITY HOSPITAL  
 ALLEGHENY GENERAL  
 ALLEGHENY KISKI  
 ALTOONA  
 ARMSTRONG COUNTY MEMORIAL  
 BERWICK HOSP CENTER  
 BLOOMSBURG HOSP  
 BON SECOURS HOLY FAM REG H. S.  
 BRADFORD  
 BRANDYWINE HOSPITAL  
 BROWNSVILLE  
 BRYN MAWR HOSP  
 BUTLER COUNTY MEMORIAL  
 CENTRE COMMUNITY  
 CHAMBERSBURG HOSPITAL  
 COMMUNITY MEDICAL CENTER  
 CONEMAUGH VALLEY  
 CORRY MEMORIAL  
 CROZER CHESTER  
 DIVINE PROVIDENCE-WMSPT  
 DUBOIS REGIONAL MED CNTR  
 ELK REGIONAL HEALTH CENTER  
 EPHRATA COMMUNITY  
 FORBES REG HOSP  
 FRANKFORD HOSP-BUCKS CO CAMPUS  
 GEISINGER MEDICAL CENTER  
 GNADEN HUETTEN  
 GRANDVIEW  
 HAMOT MEDICAL CENTER  
 HAZELTON GEN HOSP  
 HIGHLAND HOSPITAL  
 HOLY SPIRIT  
 HOSP-UNIVERSITY OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL HOSP  
 JEFFERSON HEALTH SERV  
 LANCASTER REGIONAL MED CTR  
 LANCASTER GENERAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSPITAL  
 LEHIGH VALLEY HOSP-MUHLENBERG  
 LEWISTOWN  
 MARIAN COMMUNITY HOSPITAL  
 MEADVILLE MED CNTR  
 MEDICAL CENTER, BEAVER PA., THE

MEMORIAL HOSP-YORK  
 MERCY CATHOLIC-FITZGERALD  
 MERCY HOSPITAL OF PHILADELPHIA  
 MERCY HOSPITAL-PGH  
 MERCY HOSPITAL-WILKES-BARRE  
 MERCY PROVIDENCE HOSP-PGH  
 MERCY SPECIAL CARE HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY  
 MONSOUR MED CNTR  
 MONTGOMERY  
 MOSES TAYLOR GEROPSYCH UNIT  
 NAZARETH  
 NPHS-GIRARD  
 PAOLI MEMORIAL  
 PENNSYLVANIA HOSPITAL/UPHS  
 PINNACLE HEALTH HOSPITALS  
 POCONO HOSPITAL  
 POTTSTOWN MEMORIAL MED CTR  
 POTTSVILLE HOSPITAL  
 PRESBYTERIAN MED CNTR OF UPHS  
 PRESBYTERIAN UNIV HOSP-PGH  
 READING HOSPITAL  
 ROBERT PACKER  
 SACRED HEART HOSP-ALLENTOWN  
 SEWICKLEY VALLEY HOSP  
 SHAMOKIN AREA COMM HOSP  
 SHARON REGIONAL HLTH SYST  
 SOLDIERS AND SAILORS  
 SOMERSET HOSP CNTR FOR HEALTH  
 ST CLAIR MEMORIAL  
 ST JOSEPH MED CTR-READING  
 ST LUKES OF BETHLEHEM  
 ST LUKES-QUAKERTOWN  
 ST VINCENT  
 TEMPLE UNIVERSITY HOSPITAL  
 TEMPLE-LOWER BUCKS  
 THOMAS JEFFERSON  
 THS-HAHNEMANN UNIV HOSP  
 THS-MEDICAL COL OF PA HOSP (EPPI)  
 THS-PARKVIEW HOSPITAL  
 THS-WARMINSTER HOSPITAL  
 UNIV OF PITT MED CTR-BRADDOK  
 UNIV OF PITT MED CTR-MCKEESPORT  
 UNIV OF PITT MED CTR-SOUTHSIDE PSY  
 UPMC-NORTHWEST MED CTR  
 WARREN GENERAL  
 WASHINGTON  
 WESTERN PENN  
 WESTMORELAND  
 YORK HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department revised its previously established new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined

advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT  
 ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALLEGHENY GENERAL  
 ALLIQUIPPA COMMUNITY  
 BARNES KASSON  
 BRADDOCK MEDICAL CENTER  
 CHARLES COLE MEMORIAL  
 CHILDRENS HOSP OF PHILA  
 CLARION OSTEOPATHIC  
 CLEARFIELD  
 CROZER CHESTER MED CTR  
 DOYLESTOWN  
 DUBOIS REGIONAL MED CTR  
 EAGLEVILLE  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY  
 FRANKFORD  
 FULTON COUNTY MEDICAL CTR  
 GEISINGER MEDICAL CENTER  
 GRADUATE HOSPITAL  
 HAHNEMANN HOSPITAL  
 HAMOT MEDICAL CENTER  
 HOSP OF THE UNIV OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL  
 JEANNETTE DIST MEMORIAL  
 LANKENAU  
 LEHIGH VALLEY  
 LOCK HAVEN  
 MAGEE WOMENS  
 MEADVILLE MED CTR  
 MED COLL HOSP-MAIN  
 MEMORIAL HOSP. BEDFORD  
 MEMORIAL HOSP. TOWANDA  
 MERCY CATHOLIC-FITZGERALD  
 MERCY CATHOLIC-MISERICORDIA  
 MERCY HOSPITAL-PGH  
 MILTON S. HERSHEY MED CTR  
 NORTH PHILA HEALTH SYSTEM  
 NPHS-GIRARD  
 PARKVIEW HOSPITAL  
 PRESBYT MED CTR OF PHILA  
 PRESBYT UNIV HOSPITAL-PGH  
 PUNXSUTAWNEY  
 READING HOSPITAL  
 SHADYSIDE  
 SOLDIERS AND SAILORS  
 ST AGNES  
 ST FRANCIS NEW CASTLE  
 ST FRANCIS-PITTSBURGH  
 ST LUKES OF BETHLEHEM  
 TEMPLE UNIVERSITY HSP  
 TEMPLE/EPISCOPAL  
 THOMAS JEFFERSON  
 TITUSVILLE  
 UPHS-PENNSYLVANIA HOSPITAL  
 VALLEY FORGE  
 WAYNE COUNTY MEMORIAL  
 WEST VIRGINIA  
 WESTERN PENN  
 YORK HOSPITAL



*Public Comment*

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-364. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 03-1210. Filed for public inspection June 20, 2003, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

Under with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 03-1211. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Pennsylvania Jazz Cat/Rockin' Cat/Blues Cat/ Classical Cat/Country Cat Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Jazz Cat/Rockin' Cat/Blues Cat/Classical Cat/Country Cat. The name appearing on the tickets will be one of the following

on a consecutive basis: Jazz Cat, Rockin' Cat, Blues Cat, Classical Cat or Country Cat. There is no difference in game play method. For readability, this notice will use a generic title, Musical Cats, to represent the five different game names.

2. *Price:* The price of a Pennsylvania Musical Cats instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Musical Cats instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$3<sup>.00</sup> (THR DOL), \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$1,000 (ONE THO).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$40, \$100 and \$1,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 13,920,000 tickets will be printed for the Pennsylvania Musical Cats instant lottery game.

6. *Determination of Prize Winners:*

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

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

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

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

(h) Holders of tickets with three matching play symbols of \$3<sup>.00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2<sup>.00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with three matching play symbols of \$1<sup>.00</sup> (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

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

| <i>Get</i>  | <i>Win</i> | <i>Approximate Odds</i> | <i>Approximate No. of Winners Per 13,920,000 Tickets</i> |
|-------------|------------|-------------------------|--|
| 3-\$1's     | \$1        | 1:7.06                  | 1,972,000  |
| 3-\$2's     | \$2        | 1:18.75                 | 742,400  |
| 3-\$3's     | \$3        | 1:150                   | 92,800   |
| 3-\$5's     | \$5        | 1:100                   | 139,200  |
| 3-\$10's    | \$10       | 1:50                    | 278,400  |
| 3-\$15's    | \$15       | 1:600                   | 23,200   |
| 3-\$20's    | \$20       | 1:3,000                 | 4,640  |
| 3-\$40's    | \$40       | 1:40,000                | 348  |
| 3-\$100's   | \$100      | 1:120,000               | 116  |
| 3-\$1,000's | \$1,000    | 1:240,000               | 58   |

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

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Musical Cats, prize money from winning Pennsylvania Musical Cats instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Musical Cats instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Musical Cats or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 03-1212. Filed for public inspection June 20, 2003, 9:00 a.m.]

## DEPARTMENT OF STATE

### State Plan Advisory Board Meeting

On Monday, June 23, 2003, the State Plan Advisory Board (Board) will meet from 9:30 a.m. to 3 p.m. in Room 303, North Office Building, Harrisburg. The Board is responsible for submitting recommendations to the Secretary of the Commonwealth relating to development of the State Plan, which details how the Commonwealth will use grants from the Federal government to meet the requirements of the Federal Help America Vote Act of 2002 and to carry out other activities to improve the administration of elections. Persons who wish to attend

should contact Barbara Smotherman, (717) 787-3796, bsmotherma@state.pa.us.

PEDRO A. CORTES,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 03-1213. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Voting Standards Development Board Public Hearing

On Tuesday, June 24, 2003, the Voting Standards Development Board (Board) will hold a public hearing at 10 a.m. in Room 303, North Office Building, Harrisburg. The Board is responsible for developing uniform and nondiscriminatory standards that define what constitutes a valid vote cast through a paper ballot and through each type of electronic voting system, in accordance with section 204 of the Pennsylvania Election Code (25 P. S. § 2624).

Persons wishing to testify must contact Barbara Smotherman of the Department of State (Department) at bsmotherma@state.pa.us or (717) 787-3796 by Monday June 23, 2003. The Board strongly encourages those testifying to submit a written copy of their testimony by June 23, 2003, to Barbara Smotherman at bsmotherma@state.pa.us or at the Department of State, 302 North Office Building, Harrisburg, PA 17120. Persons who testify must bring 20 printed copies of their testimony to the hearing. Persons testifying are strongly encouraged to briefly summarize their testimony and to be prepared to respond to questions from the Board. Individuals testifying on their own behalf will be allocated 5 minutes and individuals testifying on behalf of groups will be allocated 10 minutes in which to make their presentation to the Board.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Smotherman by June 23, 2003. Text telephone users should contact the Department through the Pennsylvania Relay Center.

PEDRO A. CORTES,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 03-1214. Filed for public inspection June 20, 2003, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Jefferson County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning the replacement of the bridge that carries Township Road (T-380) over Hadden Run in Oliver Township, Jefferson County. The project will require the acquisition of approximately 0.004% or 0.08 hectare (0.21 acre) of right-of-way from State Game Land No. 31, which 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), Items 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.

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 the effects.

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

[Pa.B. Doc. No. 03-1215. Filed for public inspection June 20, 2003, 9:00 a.m.]

## Finding Venango 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 Department of Transportation plans to replace the existing Fetterman's Bridge carrying SR 4009 over the East Branch of Sugar Creek in State Game Lands (SGL) No. 96, Venango County. The bridge replacement will use land in SGL No. 96. The effect of this project on SGL No. 96 will be mitigated by the following measures to minimize harm to the resources.

1. The proposed embankment slopes have been steepened from a rate of 2:1 to a rate of 1.5:1 to lessen the amount of land required from SGL No. 96.

2. Where possible, the wingwalls of the bridge abutments will be constructed parallel to the roadway to lessen the amount of land required from SGL No. 96.

3. Disturbed areas will be graded and revegetated with noninvasive plant species after replacement of the existing bridge.

4. Crushed gravel will be placed in the parking area at the southwest corner of the reconstructed bridge to aid in solving a current problem with erosion into the creek during wet weather.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

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

[Pa.B. Doc. No. 03-1216. Filed for public inspection June 20, 2003, 9:00 a.m.]

## Finding York County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) plan to replace the SR 2041 bridge over Otter Creek in Chanceford Township, York County.

The subject project will require use of the National Register eligible Centennial Mill and Miller's House property. The project will require acquisition of 0.77 hectare (1.91 acre) of land from the Centennial Mill and Miller's House property.

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 the effects. A Memorandum of Agreement (MOA) has been prepared and signed by all appropriate agencies for the proposed action to take into account the effect of the proposed undertaking on historic properties. Mitigation measures have been stipulated in the MOA. As stipulated in the MOA that was prepared for this project, the Department will ensure that the design of the proposed bridge is compatible with the historic and architectural qualities of the Centennial Mill and Miller's House to minimize the visual impact of the project on the historic property. The design of the new bridge will incorporate muted tones in the color of the concrete and the use of form liners on the abutments to give the appearance of stone.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and

prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effect.

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

[Pa.B. Doc. No. 03-1217. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Specifications for Onboard Diagnostics-Inspection/ Maintenance Equipment

On April 5, 2001, the United States Environmental Protection Agency (EPA) published its final rulemaking revising the Onboard Diagnostics (OBD)-Inspection/Maintenance Equipment (I/M) requirements for state emissions testing programs. See 66 FR 18156 for amendments to vehicle I/M program requirements incorporating the OBD check; final rule.

To integrate the OBD-I/M check into the I/M program, the Department of Transportation (Department), Bureau of Motor Vehicles, under 75 Pa.C.S. §§ 4351, 4701, 4706, 4707 and 4721, previously announced its intention to amend 67 Pa. Code (relating to transportation) and provide equipment specifications to be used for OBD testing in this Commonwealth's enhanced vehicle emissions inspection program and solicited comments on draft equipment and software specifications.

Final technical specifications for any qualifying party that wishes to provide "stand alone" OBD testing equipment for use in this Commonwealth's OBD testing program have been developed and are available from the Department.

All OBD-I/M check equipment must be certified by the Department to be in compliance with these specifications. Manufacturers should submit a written request for certification to the Department by September 2, 2003. Manufacturers must supply the Department (or make available to the Department) the equipment with the PAS software loaded, any user documentation for certification and any other information necessary for certification requested by the Department. Manufacturers may not deliver/upgrade any equipment to any certified emissions test stations without written confirmation of certification from the Department.

Questions concerning these specifications should be directed to Peter Gertz, Vehicle Inspection Divisions, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, pgertz@state.pa.us.

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

[Pa.B. Doc. No. 03-1218. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Specifications for Visual-Inspection/Maintenance Check Equipment

To integrate the Visual-Inspection/Maintenance (I/M) check into the I/M program, the Department of Transportation (Department), Bureau of Motor Vehicles, under 75 Pa.C.S. §§ 4351, 4701, 4706, 4707 and 4721, intends to amend 67 Pa. Code (relating to transportation) to provide equipment specifications to be used for visual testing in this Commonwealth's enhanced vehicle emissions inspection program.

Final technical specifications for any qualifying party that wishes to provide "stand alone" visual testing equipment for use in this Commonwealth's visual testing program have been developed and are available from the Department.

All visual-I/M check equipment must be certified by the Department to be in compliance with these specifications. Manufacturers should submit a written request for certification to the Department by September 2, 2003. Manufacturers must supply the Department (or make available to the Department) the equipment with the PAS software loaded, any user documentation for certification and any other information necessary for certification requested by the Department. Manufacturers may not deliver/upgrade any equipment to any certified emissions test stations without written confirmation of certification from the Department.

Questions concerning the specifications should be directed to Peter Gertz, Vehicle Inspection Divisions, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, pgertz@state.pa.us.

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

[Pa.B. Doc. No. 03-1219. Filed for public inspection June 20, 2003, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Acceptance of Rulemaking Petitions for Study

On May 21, 2003, the Environmental Quality Board (EQB) accepted two rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

James Stuhltrager, Esq., on behalf of the Little Lehigh Watershed Coalition, submitted the first petition reviewed and accepted for study by the EQB. The petition requests the redesignation of the main stem of the Little Lehigh Creek in Lehigh County from High Quality-Cold Water Fishes (HQ-CWF) to an Outstanding National Resource Water (ONRW), a Federal category of special protection provided in the Federal antidegradation policy (40 CFR 131.32 (relating to Pennsylvania)). While ONRW is a category that is not included in 25 Pa. Code Chapter 93 (relating to water quality standards), it is a part of a broader Exceptional Value Water (EV) category, which is a longstanding State category of protection included in Chapter 93; therefore, the Department of Environmental Protection (Department) recommended that the petition be evaluated in accordance with the criteria for EV waters.

Maxine M. Woelfling submitted the second petition that was reviewed and accepted for study by the EQB. She submitted the petition on behalf of Heidelberg Township to redesignate Hammer Creek as Trout Stocking Fishes (TSF) from its sources in Lebanon County to the Speedwell Forge Lake Dam in Lancaster County. Heidelberg Township believes that the water use classification of this segment of Hammer Creek was incorrectly designated, first as Conservation Area, CWF in 1973 and then as HQ-CWF in 1979.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department publishes a notice of intent to assess candidate waters before performing survey work. The Department's assessment notice for Hammer Creek was published at 33 Pa.B. 2712 (June 7, 2003). The Department's assessment notice for the Little Lehigh Creek published at 33 Pa. B. 2933 (June 21, 2003).

The petitions are available from the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and on the Department's website at <http://www.dep.state.pa.us>, DirectLINK: EQB (May 21, 2003, meeting).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 03-1220. Filed for public inspection June 20, 2003, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 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 Commonwealth waters. 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 [ra-pfbcregs@state.pa.us](mailto: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, 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>                  |
|------------------|---------------------|----------------------------|---|---|
| Camp Cayuga      | Lake at Camp Cayuga | Dyberry Twp., Wayne County | 10 acre lake which discharges to unnamed tributary to Dyberry Creek | Leafy pondweed<br>Filamentous algae, including <i>Nitella</i> |

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-1221. Filed for public inspection June 20, 2003, 9:00 a.m.]

### 2003 Changes to the List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the changes to the list of Class A Wild Trout Streams as set forth at 33 Pa.B. 1685 (March 29, 2003). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-1222. Filed for public inspection June 20, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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<br/>Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--|---|-----------------------------|
| 6-283           | State Board of Education<br>Academic Standards and Assessment for Career<br>Education and Work<br>(33 Pa.B. 1847 (April 12, 2003)) | 5/12/03                                       | 6/11/03                     |

**State Board of Education Regulation No. 6-283  
Academic Standards and Assessment for Career  
Education and Work**

**June 11, 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 Education (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 12, 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. Standard 13.1. Career Awareness and Planning—Clarity.**

Standard 13.1.5.F. requires students to “identify the components of a career plan.” The Board could improve clarity by listing the components of the plan in the standard or defining the term (including the components) in the Glossary.

**2. Standard 13.3. Career Retention (Keeping a Job)—Clarity.**

Standard 13.3.3.F. requires students to “identify changes impacting the workplace.” Clarity would be improved by including examples of changes in the standard.

**3. Standard 13.4. Entrepreneurship—Clarity.**

Standard 13.4.8.D. refers to the “components of an intervention plan.” Although “intervention plan” is defined in the Glossary, the components are not included in the definition. For clarity, the components should be listed in either the definition or Standard 13.4.8.D.

Standard 13.4.11.B. requires students to “apply business principles to the development of an entrepreneurial business plan.” What is a student obligated to do to meet this standard? The final-form regulation should clarify what is required by this standard. The Board should also consider defining “business principles” and “entrepreneurial business plan” in the Glossary.

**4. XXXIX. Glossary—Clarity.**

We have identified the following terminology used in the Glossary which does not match the terminology used in the text of the standards:

- The term “decision making” is defined in the Glossary, but the term used in Standard 13.1.11.F. is “decision-making skills.”

- The term “employment trends” is defined in the Glossary, but the terms used in Standards 13.1.5.D., 13.1.8.C. and 13.1.8.D. are “employment opportunity” and “employment opportunities.”

- The term “manipulate” is defined in the Glossary, but the term used in Standards 13.2.3.G., 13.2.8.G. and 13.2.11.G. is “manipulative.”

- The term “mediating” is defined in the Glossary, but the term used in Standard 13.3.8.B. is “mediation.”

- The term “negotiating” is defined in the Glossary, but the term used in Standard 13.3.8.B. is “negotiation.”

The terms defined in the Glossary should match the terms used in the text of the standards.

Also, the term “networking” is defined in the Glossary but does not appear to be used in the text of the standards. If this term is not included in the text of the standards, it should be deleted from the Glossary.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-1223. Filed for public inspection June 20, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Exxon Mobil Oil Corporation Mobil No. 15 KWR;  
Hearing**

**Appeal of Exxon Mobil Oil Corporation Mobil No. 15  
KWR under the Storage Tank and Spill Prevention  
Act; Underground Storage Tank Indemnification  
Fund; USTIF File No. 99-248; Doc. No. UT03-05-037**

A prehearing telephone conference shall occur on July 24, 2003 at 1:30 p.m. A hearing shall occur on August 26, 2003, at 10:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. The hearing shall be only for the reception of evidence relative to the timeliness of the claimant’s request for review, without prejudice to either party on the merits of the claim. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previous address on or before August 12, 2003. Answers to petitions to intervene, if any, shall be filed on or before August 19, 2003.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1224. Filed for public inspection June 20, 2003, 9:00 a.m.]

**David Foss, M.D., et al.; Prehearing****Appeal of David Foss, M.D., et al. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-05-025**

On or before July 1, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 10, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for July 22, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

On or before July 8, 2003, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 19, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 26, 2003.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1225. Filed for public inspection June 20, 2003, 9:00 a.m.]

**Sioban McDermott, M.D.; Prehearing****Appeal of Sioban McDermott, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-06-001**

On or before July 2, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for her disagreement with MCARE's May 6, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for July 23, 2003, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 23, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 14, 2003.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1226. Filed for public inspection June 20, 2003, 9:00 a.m.]

**Pennsylvania Compensation Rating Bureau; Workers' Compensation Experience Rating Plan Filing**

On June 5, 2003, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing that proposed changes to the existing Workers' Compensation Experience Rating Plan. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The PCRB requests these changes to be effective April 1, 2004, on a new and renewal basis.

In broad terms, the filing proposes to retain the existing qualification standards for experience rating and to continue the existing arithmetic formula for the promulgation of experience modifications. Changes are proposed for assigning credibility weights to employers' reported data and in the limitations applicable to the amounts that can be charged against an employer's record on account of any individual claim or loss occurrence. In addition, a proposal is made to limit year-to-year swings in experience modifications to a specified range about the expiring modification, indications otherwise derived from the Experience Rating Plan notwithstanding.

Requests for copies of the filing materials should be directed to Michael J. Doyle, ACAS, Chief Actuary of the PCRB, (215) 568-2371, [mdoyle@pcrb.com](mailto:mdoyle@pcrb.com).

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [kcreighton@state.pa.us](mailto:kcreighton@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1227. Filed for public inspection June 20, 2003, 9:00 a.m.]

**Penn Treaty Network America Insurance Company;  
Rate Increase Filing for Long Term Care Policy  
Form LTC91**

Penn Treaty Network America is requesting approval to increase the premium 15% for the Long Term Care Policy Form LTC91 and the associated riders. The average premium will increase from \$1,661 to \$1,910 and will affect 1,993 policyholders in this Commonwealth.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1228. Filed for public inspection June 20, 2003, 9:00 a.m.]

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. 03-1229. Filed for public inspection June 20, 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 and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Joseph E. McAndrew; file no. 03-182-05330; Kansas City Fire & Marine Insurance Company; doc. no. P03-05-043; July 15, 2003, 10:30 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Thomas and Maria Jones, Jr.; file no. 03-280-01790; AMEX Assurance Company; doc. no. P03-06-002; July 25, 2003, 10 a.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,

**UPMC Health Plan; Rate Filing**

On June 6, 2003, UPMC Health Plan submitted base rate filing no. A70876001 (including pharmacy) requesting approval of a composite rate increase of 17.5% relative to the approved October 1, 2002, rates. The proposed rate increase will be effective October 1, 2003. Approximately 450,000 members will be affected by the increase. The proposed increase will produce additional revenue of approximately \$5.5 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 Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1230. Filed for public inspection June 20, 2003, 9:00 a.m.]

**LEGISLATIVE  
REFERENCE BUREAU**

**Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a



statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Manual M110.2—2003-04 Rebudget Instructions, Dated April, 2003.

Administrative Circular No. 03-12—Photos of the Governor and Lieutenant Governor in Commonwealth Office Buildings, Dated April 29, 2003.

Administrative Circular No. 03-13—Closing Instruction No. 2, 2002-03 Fiscal Year, Preclosing at May 30, 2003, Dated May 1, 2003.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 03-1231. Filed for public inspection June 20, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0906, Pennsbury Plaza Shopping Center, 229 Plaza Boulevard, Morrisville, PA 19067.

*Lease Expiration Date:* June 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Grove and Trenton Roads in Morrisville Borough.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe #0929, 4275 County Line Road, Chalfont, PA 18914.

*Lease Expiration Date:* September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,500 net useable square feet of new or existing retail commercial space within a 1 mile radius of Route 202 and County Line Road in New Britain Township.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe #0931, 341 Dublin Pike, Perkasie, PA 18944.

*Lease Expiration Date:* September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 3,000 to 5,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of the intersection of Routes 313 and 113 in Bedminster Township.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Chester County, Wine & Spirits Shoppe #1505, Depot Shoppes, 24 Plank Avenue, Paoli, PA 19301.

*Lease Expiration Date:* February 29, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1 1/2 mile radius of the intersection of Routes 30 and 252.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

Bucks County, Wine & Spirits Shoppe #4604, 315 High Street, Pottstown, PA 19464.

*Lease Expiration Date:* July 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 5,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of Route 663 and High Street, Pottstown.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4627, Garys Plaza Shopping Center, 517 S. Broad Street, Lansdale, PA 19446.

*Lease Expiration Date:* January 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 7,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of Main and Broad Streets in the Borough of Lansdale.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5134, 32 South 2nd Street, Philadelphia, PA 19106.

*Lease Expiration Date:* February 29, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1/4 mile radius of 2nd and Market Streets in Philadelphia.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Greene County, Wine & Spirits Shoppe #3001, 675 E. High Street, Waynesburg, PA 15370-1707.

*Lease Expiration Date:* August 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,800 to 3,000 net useable square feet of new or existing retail commercial space with capability for loading by tractor trailer serving the Waynesburg area. Free parking preferred.

*Proposals due:* July 11, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 03-1232. Filed for public inspection June 20, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Service

**A-111200F5000. Wellsboro Electric Company.** Application of Wellsboro Electric Company for approval of the acquisition of its parent corporation, Wilderness Area Utilities, Inc., by C & T Enterprises, Inc., and subsequent transfer of Wellsboro's stock from Wilderness to C & T.

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 of the 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. 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:* Wellsboro Electric Company

*Through and by Counsel:* David M. Kleppinger, Esquire; Pamela C. Polacek, Esquire; Karen S. Miller Orner, Esquire; McNees, Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1233. Filed for public inspection June 20, 2003, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-113.6, Flush, Test and

Repair Sprinkler System, Packer Ave. Marine Terminal (PAMT), until 2 p.m. on Thursday, July 10, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 24, 2003. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 1, 2003, at 11 a.m. at Packer Ave. Marine Terminal (Pier entrance gate, south of Walt Whitman Bridge on Service Road, South Gate), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-1234. Filed for public inspection June 20, 2003, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-088.1, Crane Rail Repairs, Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Thursday, July 10, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 24, 2003. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 1, 2003, at 11 a.m. at PAMT (Pier entrance gate, south of the Walt Whitman Bridge on Service Road, South Gate), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-1235. Filed for public inspection June 20, 2003, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has 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 account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

September 10, 2003 Allen M. Cook (D) 1 p.m.  
(Death Benefit)

Persons with a disability who wish to attend the listed hearing 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. 03-1236. Filed for public inspection June 20, 2003, 9:00 a.m.]

## STATE BOARD OF NURSING

### Petition for Reinstatement of the Professional Nursing License of Deatra Patterson, R.N.; Doc. No. 1386-51-02

Deatra Patterson, of Newark, DE, had her petition for reinstatement of her professional nursing license dismissed based on findings she failed to prove at a hearing that she is no longer dependent on alcohol or other drugs and that she can resume the practice of professional nursing with reasonable skill and safety to patients (May 1, 2003).

Individuals may obtain a copy of the adjudication by writing to Teresa Lazo-Miller, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

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

[Pa.B. Doc. No. 03-1237. Filed for public inspection June 20, 2003, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### Realty Transfer Tax; 2002 Common Level Ratio Real Estate Valuation Factors

The State Tax Equalization Board (Board) has established a common level ratio for each county in this Commonwealth for the calendar year 2002. The ratios were mandated by the act of December 13, 1982 (P. L. 1158, No. 267).

The law requires the Board to use statistically acceptable techniques to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the chief assessor of each county each year.

The statistical technique which the Board used for the 2002 common level ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2002.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the common level ratio for each county for 2002.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2002 of 100% will utilize valid sales from 1% to 200%.

#### 2002 Common Level Ratios

| <i>County</i> | <i>Ratio</i> | <i>County</i> | <i>Ratio</i> | <i>County</i>  | <i>Ratio</i> |
|---------------|--------------|---------------|--------------|----------------|--------------|
| Adams         | 37.7         | Elk           | 20.0         | *Montgomery    | 76.7         |
| *Allegheny    | 97.5         | Erie          | 7.8          | Montour        | 9.7          |
| Armstrong     | 42.4         | *Fayette      | 25.8         | Northampton    | 42.6         |
| Beaver        | 34.8         | Forest        | 21.2         | Northumberland | 13.9         |
| *Bedford      | 22.3         | *Franklin     | 15.5         | *Perry         | 93.4         |
| *Berks        | 90.4         | *Fulton       | 50.7         | Philadelphia   | 29.5         |
| Blair         | 8.4          | Greene        | 23.8         | Pike           | 24.4         |
| Bradford      | 45.4         | Huntingdon    | 16.7         | *Potter        | 42.0         |
| Bucks         | 3.5          | Indiana       | 14.1         | Schuylkill     | 45.0         |
| Butler        | 11.2         | Jefferson     | 19.7         | Snyder         | 17.5         |
| Cambria       | 15.9         | Juniata       | 13.2         | Somerset       | 42.7         |
| Cameron       | 35.4         | *Lackawanna   | 21.3         | Sullivan       | 24.4         |

## NOTICES

| <i>County</i> | <i>Ratio</i> | <i>County</i> | <i>Ratio</i> | <i>County</i> | <i>Ratio</i> |
|---------------|--------------|---------------|--------------|---------------|--------------|
| Carbon        | 45.0         | *Lancaster    | 85.9         | Susquehanna   | 45.3         |
| Centre        | 39.6         | Lawrence      | 15.5         | *Tioga        | 94.8         |
| *Chester      | 74.0         | Lebanon       | 8.4          | Union         | 16.2         |
| Clarion       | 20.1         | Lehigh        | 44.7         | *Venango      | 94.3         |
| Clearfield    | 20.5         | Luzerne       | 7.2          | Warren        | 37.0         |
| Clinton       | 28.2         | Lycoming      | 65.9         | Washington    | 16.2         |
| Columbia      | 34.3         | McKean        | 22.7         | Wayne         | 9.1          |
| Crawford      | 35.3         | *Mercer       | 27.5         | *Westmoreland | 22.2         |
| *Cumberland   | 95.4         | Mifflin       | 51.0         | Wyoming       | 25.2         |
| *Dauphin      | 93.5         | Monroe        | 20.2         | *York         | 85.8         |
| *Delaware     | 87.2         |               |              |               |              |

\*Counties with a predetermined assessment ratio of 100%

DANIEL G. GUYDISH,  
*Chairperson*

[Pa.B. Doc. No. 03-1238. Filed for public inspection June 20, 2003, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

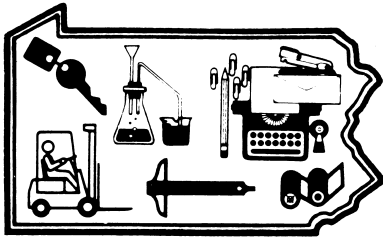
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

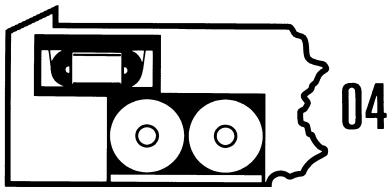


### Commodities

**SU-02-38** SU-02-38; Shippensburg University is seeking a vendor to supply 4,000 tons of 2A Modified Stone. Anticipated delivery mid July. Vendors interested in receiving a bid package MUST fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Anticipated delivery mid July 2003.  
**Contact:** Mona M. Holtry, (717) 477-1386

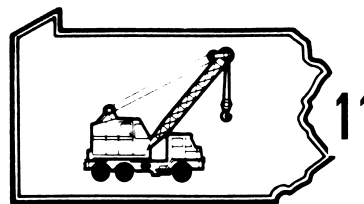
## SERVICES



### Audio/Video

**CN00003669** VISION STIMULATION: Contractor shall provide on site assessment and instruction for programs designed for multi-handicapped individuals with vision impairment at the Polk Center. Each session shall consist of six (6) hours.

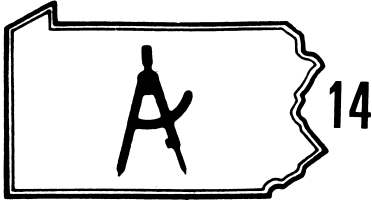
**Department:** Public Welfare  
**Location:** POLK CENTER, Main Street, P. O. Box 94, Polk, PA 16342  
**Duration:** September 1, 2003 through August 31, 2006  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229



### Demolition—Structural Only

**064096** Demolition and removal of all structures on 3 parcels.

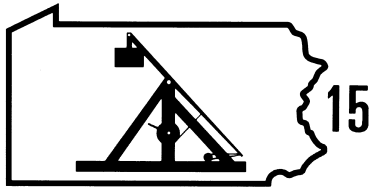
**Department:** Transportation  
**Location:** Welsh Road and Dekalb Pike, North Wales, PA and 930 Bethlehem Pike, PA.  
**Duration:** OPEN  
**Contact:** Linda Bunt, (610) 205-6784



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



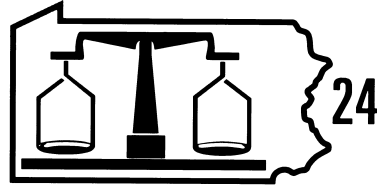
### Environmental Maintenance Service

**BOGM 02-12B** Cleaning Out and Plugging Two (2) Abandoned Gas Wells, (Mr. and Mrs. Jay Girman and Luck 3 Company Properties). The principal items of work include the cleaning-out and plugging of two (2) abandoned gas wells to Department specifications, prepare and restore the well sites and mobilize and demobilize plugging equipment. The wells are estimated to be between 2,200 to 2,500 feet in depth. This project issues on June 20, 2003 and bids will be opened July 15, 2003 at 2:00 p.m. A pre-bid conference for this job has been set but a date has not been determined. Please use the contact information included in this advertisement to find out more about the pre-bid conference. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Jefferson Hills Borough and Forward Township, Allegheny County, PA  
**Duration:** 45 calendar days after notice to proceed.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 02-27** Cleaning Out and Plugging Fifteen (15) Abandoned Oil Wells, (Ms. Ruth A. Sparks and Oil Creek State Park Properties). The principal items of work and approximate quantities include cleaning out and plugging fifteen (15) abandoned oil wells to Department specifications, preparing and restoring wells sites and mobilizing and demobilizing plugging equipment. The wells are estimated to be approximately 600 feet each in depth. A pre-bid conference is planned for this project; however, a date has not been set. Please use the contact information provided in this advertisement to find out more about the pre-bid conference. This project issues on June 20, 2003 and bids will be opened on July 17, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

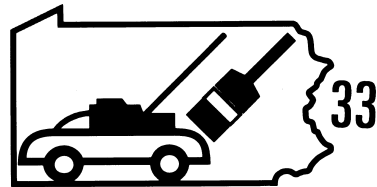
**Department:** Environmental Protection  
**Location:** Oil Creek Township, Venango County, PA  
**Duration:** 70 calendar days after notice to proceed.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Laboratory Services

**100232** Qualified vendor needed to provide laboratory testing services for soil, rock and water testing as related to drilling and construction activities. Please fax requests for bid packages to Diane Spence at 724-357-2872 or email [dspence@state.pa.us](mailto:dspence@state.pa.us).

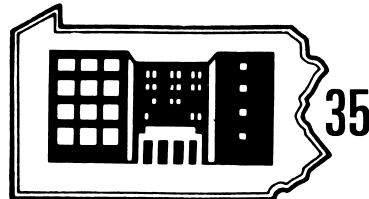
**Department:** Transportation  
**Location:** Transportation Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701 (District 10 includes Armstrong, Butler, Clarion, Indiana and Jefferson Counties)  
**Duration:** 1 year with 4 options to renew by mutual consent; each renewal period is for 1 year  
**Contact:** Diane Spence, (724) 357-7987



### Property Maintenance

**10932** Furnish and install two sets of toilet compartments in the downstairs bathrooms of Cottages 24 and 26. Toilet compartments will be solid plastic manufactured by Comtec Industries.

**Department:** Military Affairs  
**Location:** Scotland School for Veterans' Children, 3583 Scotland Rd., Scotland, PA 17254-0900  
**Duration:** July 1, 2003—July 31, 2003  
**Contact:** Marion E. Jones, (717) 264-7187, x661



### Real Estate Services

**93585** LEASE HANGER/OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA State Police with 6,676 useable square feet of hanger/office space in Blair County, PA with minimum parking for 10 vehicles to be located in the Altoona/Blair County Airport. For more information on SFP #93585, which is due on July 28, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) under "Real Estate" to download an SFP package or call (717) 787-4394.

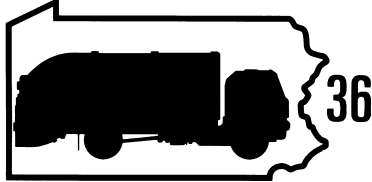
**Department:** State Police  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396

**93592** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 66,623 useable square feet of office space within the City limits of Wilkes-Barre, Luzerne County, PA with a minimum parking for 250 vehicles. Downtown locations will be considered. For more information on SFP #93592, which is due on July 28, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) under "Real Estate" to download an SFP package or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings Ward, (717) 787-7412

**93594** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 4,982 useable square feet of office space within the City limits of Uniontown, Fayette County, PA with minimum parking for 25 vehicles. Downtown locations will be considered. For more information on SFP #93594 which is due on August 11, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) under "Real Estate" to download an SFP package or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Jennings Ward, (717) 787-7412



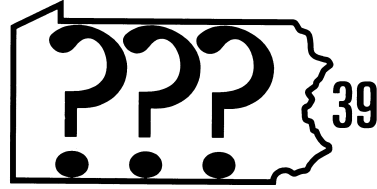
### Sanitation

**CN00003668** "Roll Off" Rectangular Dumpster, 30 cubic yard, to be used at the Polk Center. Estimate: 17 loads yearly.

**Department:** Public Welfare  
**Location:** POLK CENTER, Main Street, P. O. Box 94, Polk, PA 16342  
**Duration:** September 1, 2003 through August 31, 2006  
**Contact:** Patty Frank, Purchasing Agent, (814) 432-0229

**064026** The contractor shall provide refuse and trash removal services at six different PennDOT locations. The contractor will provide dumpsters to be picked up according to a schedule provided by PennDOT.

**Department:** Transportation  
**Location:** Skippack, Plymouth, Sanatoga, Black Rock, Red Hill and Rt. 309 stockpiles.  
**Duration:** This will be a 2 year contract. It will begin on 10/01/03 and end on 09/30/05.  
**Contact:** Tom Carroll, (610) 275-2368



### Miscellaneous

**SU-02-39** Shippensburg University is seeking vendors interested in submitting bids for a PCI/Slow Scan Version 5.1 (PCI Bus) provides digital image acquisition from any analog slow scan SEM or other slow scan instrument. Included in bid should be installation and (1) one license for PCI Network Pack. Please fax your request to be added to bidders list to Pam King at (717) 477-1350 or email at [paking@wharf.ship.edu](mailto:paking@wharf.ship.edu). All responsible bidders are invited to participate, including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** 6/11/03—10-11-03  
**Contact:** Pamela A. King, (717) 477-1386

**SP#2** The contractor shall provide adult CPR certification, Basic First Aid certification and AED orientation for all DOC basic training participants. Adult CPR re-certification and Basic First Aid re-certification shall be provided to all DOC employees on an as needed basis. Instructor and participant certification/re-certification must meet nationally recognized standards for certification/re-certification. In addition, AED certification/re-certification and Professional Medical Rescuer training to include Bag-Valve-Mask (two man CPR) certification/re-certification for health care workers must be supplied by the vendor.

**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022  
**Duration:** Expiration date of contract: 06/30/06  
**Contact:** Sgt. Sandra Leonowicz, (717) 361-4304

**2207** Refractory Repair Sawdust Boiler No. 1 at Warren State Hospital.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 07/01/03—09/30/03  
**Contact:** Ms. Roberta D. Muntz, PA III, (814) 726-4496

**MI-831E** Upgrade fire alarm system at a minimum to include providing components, conduit and wiring; maintain existing system; remove existing system; patching; and all other work as needed for a complete and workable system.

**Department:** State System of Higher Education  
**Location:** Millersville University  
**Duration:** 6 months, anticipated start December 2003  
**Contact:** Bernadette Wendler, (717) 871-3570

[Pa.B. Doc. No. 03-1239. Filed for public inspection June 20, 2003, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*





