

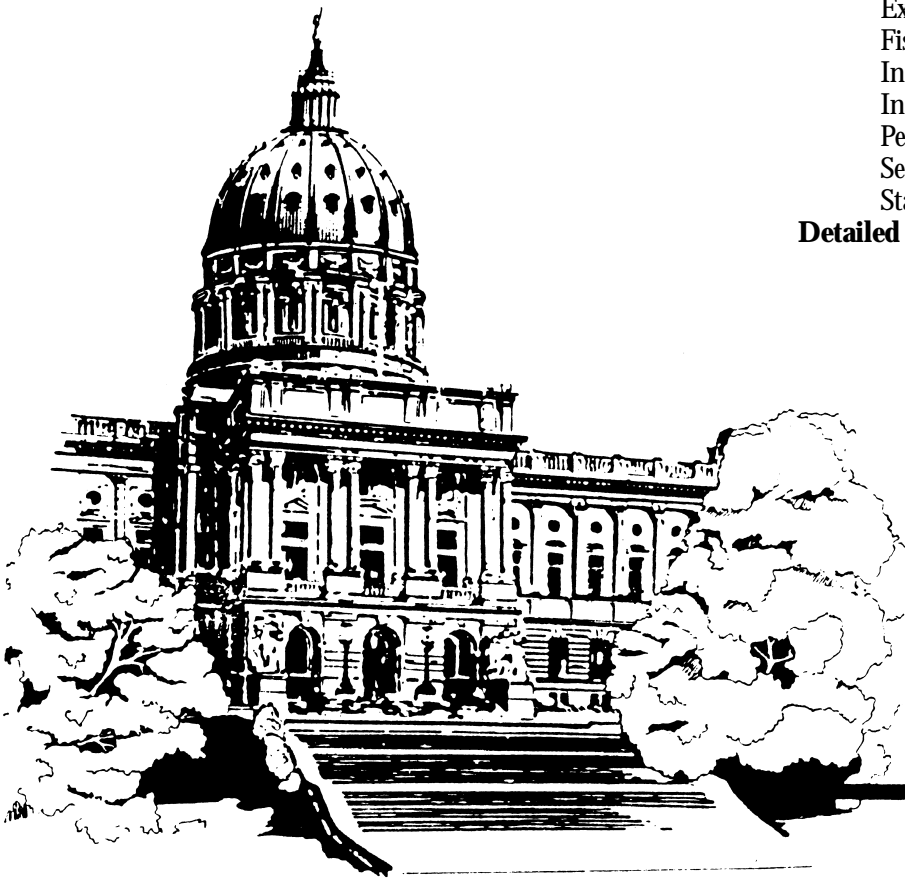
PENNSYLVANIA BULLETIN

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Agencies in this issue:

The Courts
Department of Banking
Department of Community and Economic
Development
Department of Environmental Protection
Department of Health
Department of Public Welfare
Department of Transportation
Executive Board
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Securities Commission
State Employees' Retirement System

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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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THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL [246 PA. CODE CH. 200] Design of Forms

Introduction

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt an entirely new Pa. R.C.P.D.J. No. 212 to provide for the design of forms used in district justice proceedings. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed rule precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Michael F. Krimmel, Counsel, Supreme Court of Pennsylvania, Minor Court Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055, or e-mail to: minorcourt.rules@supreme.court.state.pa.us no later than Thursday, January 24, 2002.

By the Minor Court Rules Committee:

FRED A. PIERANTONI, III
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 212. Design of Forms.

The Court Administrator of Pennsylvania, in consultation with the Minor Court Rules Committee, shall design and publish forms necessary to implement these rules.

Adopted _____, effective _____.

REPORT

Proposed Pa. R.C.P.D.J. No. 212

Design of Forms

Proceedings in district justice courts, more so than in other courts, rely heavily on the use of preprinted standard forms. Forms are used for basic pleadings, notices, and virtually all other case-related documents. Most forms used in district justice proceedings are computer generated, produced by the District Justice Automated System (DJS). Traditionally, when individual rules have specified that a form is to be used for a certain document, the rules have made reference to "a form prescribed by the State Court Administrator." In drafting proposed new rules and amendments to existing rules, the Committee has decided that the use of this language in individual rules is cumbersome and unnecessary.

As an alternative, the Committee proposes an entirely new Pa. R.C.P.D.J. No. 212 to be a general rule regarding the design of forms. In proposing such a rule, the Committee contemplates that references to forms in individual rules could be eliminated, except where the content of a form is to be expressly dictated by the rule.

The proposed new rule, which is modeled after Pa.R.Crim.P. 104, would provide that "[t]he Court Administrator of Pennsylvania, in consultation with the Minor Court Rules Committee, shall design and publish forms necessary to implement these rules."

[Pa.B. Doc. No. 01-2318. Filed for public inspection December 28, 2001, 9:00 a.m.]

PART I. GENERAL

[246 PA. CODE CHS. 200—500]

Definitions; Subpoenas to Attend and Testify in Civil and Landlord/Tenant Matters

Introduction

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa. R.C.P.D.J. Nos. 202 and 421; adopt an entirely new Pa. R.C.P.D.J. No. 213; and rescind Pa. R.C.P.D.J. Nos. 317 and 510 to further provide for definitions and to provide for subpoenas to attend and testify in civil and landlord/tenant matters and to make other technical or "housekeeping" amendments. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Michael F. Krimmel, Counsel, Supreme Court of Pennsylvania, Minor Court Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055 or e-mail to: minorcourt.rules@supreme.court.state.pa.us no later than Thursday, January 24, 2002.

By the Minor Court Rules Committee:

FRED A. PIERANTONI, III
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 202. Definitions.

As used in these rules, **the following words and phrases shall have the following meanings unless**

the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

[(1) *District justice*—The district justice before whom the action or proceeding is pending.

(2) *Sheriff*—Includes a deputy sheriff.

(3) *Constable*—Means a certified constable or a certified deputy constable.

(4) *Prothonotary*—Includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary.]

“Constable” means a certified constable or a certified deputy constable.

“District justice” means the district justice before whom the action or proceeding is pending.

“Prothonotary” includes any officer exercising the powers and performing the duties of the office of prothonotary as set forth in the Judicial Code, and includes the analogous officer in those counties which do not have a prothonotary.

“Sheriff” includes a deputy sheriff.

“Subpoena” means an order of the district justice commanding a person to attend and testify at a particular time and place. It may also require the person to produce documents or things which are under the possession, custody, or control of that person.

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

Note

Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended July 16, 2001, effective August 1, 2001; amended _____, effective _____.

(Editor’s Note: This is a new rule and is being printed in regular type to enhance readability.)

Rule 213. Subpoena to Attend and Testify.

A. District justices may issue subpoenas throughout the Commonwealth.

B. A subpoena may be used to command a person to attend and to produce documents or things only at a trial or hearing in an action or proceeding pending before the district justice.

C. A subpoena may not be used to compel a person to appear or to produce documents or things ex parte before an attorney, a party, or a representative of the party.

Note

See Rule 202 for definition of “subpoena.” Compare Pa.R.C.P. No. 234.1. The district justice has the discretion to limit the production of documents or things to those that are relevant to the cause of action before the district justice. As to Subdivision C, see Rule 325¹.

Adopted _____, effective _____.

¹ Recommendation No. 3 Minor Court Rules 2001 includes a recommendation to renumber existing Rule 325 as new Rule 210.

CHAPTER 300. CIVIL ACTION

Rule 317. [Subpoena of Witnesses] (Rescinded).

[A district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses in any cause of action triable before the district justice. The subpoena may also require the person to produce at the time of hearing documents or things that are under the possession, custody or control of that person.]

Note

See Rule 213 governing subpoenas.

[Amended] Former Rule 317 amended June 30, 1982, effective 30 days after July 17, 1982; May 3, 1999, imd. effective; rescinded _____, effective _____.

[Explanatory Comment—1999]

[DELETE ENTIRELY]

CHAPTER 400. EXECUTION OF JUDGEMENTS FOR THE PAYMENT OF MONEY

Rule 421. Time for Hearing and Determination; [Subpoenas;] Effective Date of Orders and Determination.

A. The district justice shall hold hearings on matters to be determined [by him] under Rule 420 not later than five [(5)] days after they are filed [in his office], and [he] shall notify all parties in interest of the date and time of the hearing by telephone or other timely means of communication. [He] The district justice shall [make his] enter a determination not later than three [(3)] days after the hearing.

B. [At the time of the entry of the determination, the] The district justice shall promptly give or mail to the parties written notice of the determination. [If a] The written notice shall be given or mailed to all parties in interest, but if any party has an attorney of record the written notice shall be given or mailed to the attorney of record instead of to the party. Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

C. [The district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses] (Rescinded).

D. Any stay of the whole or part of the execution proceedings ordered by the district justice shall be effective immediately. All other orders and determinations with respect to the whole or part of the execution proceedings shall not take effect until after the expiration of ten [(10)] days from [their] the date of entry of the order or determination.

Note

* * * * *

Subdivision [C] D provides that, except for stays, determinations and orders of the district justice concerning the execution proceedings shall not take effect until after the expiration of ten days from [their] the date of entry of the determination or order. This will give any aggrieved party in interest a chance to obtain a stay

by filing a statement of objection in the court of common pleas during that period of time. [See Rule 1016B.] See Rule 1016.

Amended June 1, 1971; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line"]; amended _____, effective _____.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 510. [Subpoena of Witnesses] (Rescinded).

[A district justice may issue subpoenas throughout the Commonwealth to require the attendance of witnesses in any cause of action triable before the district justice. The subpoena may also require the person to produce at the time of hearing documents or things that are under the possession, custody or control of that person.]

Note

[This rule is the same as Rule 317 governing subpoenas in civil actions.] See Rule 213 governing subpoenas.

[Amended] Former Rule 510 amended June 30, 1982, effective 30 days after July 17, 1982; amended December 15, 2000, effective January 1, 2001; rescinded _____, effective _____.

Report

Proposal to Amend Pa. R.C.P.D.J. Nos. 202 and 421; Adopt an Entirely New Pa. R.C.P.D.J. No. 213; and Rescind Pa. R.C.P.D.J. Nos. 317 and 510

DEFINITIONS; SUBPOENAS TO ATTEND AND TESTIFY IN CIVIL AND LANDLORD/TENANT MATTERS

I. Background

The Committee undertook a review of Rule 421 when it came to the Committee's attention that Rule 421C, that provides for the issuance of subpoenas in determination of property claims hearings (Rule 420 hearings), was not consistent with Rule 317 (relating to subpoena of witnesses in civil actions) and Rule 510 (relating to subpoena of witnesses in landlord/tenant actions). The Supreme Court had previously approved amendments to Rules 317 and 510 to provide for the issuance of subpoenas duces tecum. In recommending these amendments the Committee apparently overlooked the subpoena provision in Rule 421. The Committee had initially proposed that Rule 421 be amended to provide for the issuance of subpoenas duces tecum in Rule 420 hearings to make it consistent with the other subpoena rules. See 31 Pa.B. 2920 (June 9, 2001).

Upon consideration of comments received in response to that initial proposal, however, the Committee has revised its proposal. The Committee received comments indicating that three separate rules governing subpoenas caused unnecessary duplication and confusion. The Committee agreed. Accordingly, the Committee now proposes the addition of a new general rule governing subpoenas in the 200 Series (RULES OF CONSTRUCTION; GENERAL

PROVISIONS). Further, the Committee proposes that Rules 317 and Rule 510 be rescinded, and that Rule 421 be amended to delete the references to subpoenas.

Further, the Committee proposes amendments to Rule 202 (Definitions) to add two new definitions. First, relating to the rule changes discussed above, the Committee proposes that the word "subpoena" be defined in Rule 202. The Committee proposes that substantially the same definition for "subpoena" as is used in Pa.R.C.P. No. 234.1 be adopted in Pa. R.C.P.D.J. No. 202. The definition provides for subpoenas to attend and testify as well as subpoenas duces tecum. Secondly, the Committee noted that the word "verified" was used in the rules but was not defined. Upon review of the three instances where the word currently is used in the rules, the Committee determined that it also should be defined in Rule 202. The Committee proposes that the same definition for "verified" as is used in Pa.R.C.P. No. 76 be adopted in Pa. R.C.P.D.J. No. 202.²

Finally, in conjunction with the proposed amendments to Rules 202 and 421, the Committee also recognized the need for several technical or "housekeeping" amendments to these rules.

II. Discussion of Rule Changes

A. Rule 202

In conjunction with the proposed amendment to the rule to add the words "subpoena" and "verified" as described above, the Committee also recognized the need for two technical amendments to this rule. First, the Committee proposes that the introductory language in the rule be amended to more closely mirror that in Pa.R.C.P. No. 76 so as to more clearly state how terms in the rules are to be defined and construed. Also, the Committee proposes that the rule be restructured to remove the numbered list of definitions and to list the definitions in alphabetical order. The Committee believes that this technical change will present the list of defined terms in a more logical order and will better facilitate future additions to or deletions from the list.

B. New Rule 213

As noted above, the Committee proposes an entirely new rule, Pa. R.C.P.D.J. No. 213, to generally provide for subpoenas in civil and landlord and tenant matters.

Subdivision A makes clear that district justices may issue subpoenas throughout the Commonwealth. Subdivisions B and C of the proposed rule impose limitations on the use of subpoenas. Subdivision B makes clear that subpoenas may be used to command a person to attend and to produce documents or things only at a trial or hearing in an action or proceeding pending before the district justice. Subdivision C makes clear that subpoenas may not be used to compel a person to appear or produce documents or things ex parte.

The proposed Note cross references Pa.R.C.P. No. 234.1 and Pa. R.C.P.D.J. Nos. 202 and 325³. It also makes clear

² A proposal to add the word "verified" to the Rule 202 definitions, and to make other format changes to Rule 202, was previously published at 31 Pa.B. 5938 (October 27, 2001). The Committee is not making any changes to that proposal, however it is now being incorporated into the subpoena rule proposal as both proposals affect Rule 202.

³ Recommendation No. 3 Minor Court Rules 2001 includes a recommendation to renumber existing Rule 325 as new Rule 210.

that the district justice has the discretion to limit the production of documents or things to those that are relevant to the cause of action before the district justice. This same note was included in Rule 317.

C. Rules 317 and 510

In light of the Committee's proposed new Rule 213, the Committee further proposes that Rule 317 (relating to subpoena of witnesses in civil actions) and Rule 510 (relating to subpoena of witnesses in landlord and tenant actions) be rescinded.

D. Rule 421

The Committee proposes a number of amendments to Rule 421. First, regarding subpoenas, the Committee proposes that subdivision C, relating to subpoenas in determination of property claim hearings, be rescinded.

Secondly, in subdivision B, the Committee proposes minor changes to make the notice of determination requirement consistent with the notice requirement in Rule 324 relating to notice of judgment in civil actions.

Third, in subdivision D, the Committee proposes that the time period for filing a Statement of Objection run from "the date of entry of the order or determination" to make this time period consistent with the general appeal periods in civil and landlord/tenant actions that run from the date of entry of the judgment.

Finally, the Committee proposes minor changes to the rule to address gender neutrality issues, to correct cross-references in the Note, and to conform to modern drafting style.

[Pa.B. Doc. No. 01-2319. Filed for public inspection December 28, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Jeffrey C. Keith having been disbarred from the practice of law in the State of Ohio, the Supreme Court of Pennsylvania issued an Order dated December 13, 2001 Disbarring Jeffrey C. Keith from the practice of law in this Commonwealth.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 01-2320. Filed for public inspection December 28, 2001, 9:00 a.m.]

RULES AND REGULATIONS

Title 64—SECURITIES

SECURITIES COMMISSION

[64 PA. CODE CHS. 202, 203, 301—304 AND 606]

National Securities Markets Improvement Act of 1996 Amendments

Statutory Authority

The Securities Commission (Commission), under the authority contained in sections 202(i), 203(r), 301(b), 302(f), 303(a), (c) and (d), 304(a), (d) and (e), 606(d) and 609(a) of the Pennsylvania Securities Act of 1972 (act) (70 P. S. §§ 1-202(i), 1-203(r), 1-301(b), 1-302(f), 1-303(a), (c) and (d), 1-304(a), (d) and (e), 1-606(d) and 1-609(a)) amends and adopts regulations concerning the subject matter of the act.

Publication of Notice of Proposed Rulemaking

Notice of proposed rulemaking appeared at 31 Pa.B. 4174 (August 4, 2001).

Public Comments

Section 606.031(c)(3)(i)(G) (relating to advertising literature). Although the Commission received no public comments during the 30-day public comment period, it did receive a verbal comment after the close of the public comment period concerning this provision. As proposed, this provision would require a highly specific legend to be placed on all advertisements for securities that had an effective registration statement with the Commission under section 206 of the act (70 P. S. § 1-206) which offering was being made under section 3(a)(4) or (11) of the Securities Act of 1933 (15 U.S.C.A. § 77c(a)(4) and (11)) or Rule 504 (17 CFR 230.504) adopted thereunder. Since Rule 504 and section 3(a)(4) of the Securities Act of 1933 offerings often are made in several states simultaneously, a specific legend requirement may run counter to the Mid-Atlantic Regional Review Protocol of which the Commission is a signatory. The proposal also creates a higher compliance requirement than what currently exists in § 606.031(e)(8). The Commission has no evidence that the existing legend requirement is inadequate and therefore adopted a provision which reflects the current legend requirement.

Comments of the Independent Regulatory Review Commission (IRRC)

Section 303.041 (relating to broker-dealer capital requirements). This new regulation provides that, when Commission representatives are conducting an examination under section 304(d) of the act of the offices of a broker-dealer or investment adviser registered with the Commission, the Commission representatives are to have physical access to all areas where files routinely are kept. By letter dated October 4, 2001, IRRC suggested, that for clarity, the Commission provide examples of the types of files that its representatives would be reviewing during the examination.

In response to IRRC's comments, the Commission, in adopting these final-form regulations, added subsection (b) which describes, without limitation, the types of files that would be subject to review during an examination. These files included all documents required to be kept by Chapter 304 (relating to postregistration provisions), rules of the United States Securities and Exchange

Commission or the National Association of Securities Dealers and any documents relating to these required records.

Persons Affected by the Final-Form Regulations

Nonprofit organizations are affected by the changes to regulations relating to pooled income funds and charitable gift annuities. Another regulation affects Canadian issuers who issue securities to persons covered by certain tax advantaged plans which transactions are effected by Canadian broker-dealers eligible to rely on an exemption from broker-dealer registration in § 302.065 (relating to Canadian broker-dealer exempt). Auctioneers licensed by the State Auctioneer Board are affected by the regulation exempting them from broker-dealer and agent registration. Broker-dealers and agents are affected by the amendments impacting on registration requirements, examination requirements, required books and records retention and net capital requirements. The final-form regulations on advertising affect issuers of securities which may publish an advertisement in this Commonwealth in connection with a securities offering.

Fiscal Impact

The final-form regulations impose no new compliance costs and reduce compliance costs by expanding exemptions, eliminating required filings with the Commission and reducing the amount of information which must be maintained by registrants.

Paperwork

The final-form regulations repeal Forms 302-F1, AU-1 and AU-2 required for auctioneers to claim an exemption from broker-dealer and agent registration for the occasional auctioning of securities. As previously indicated, paperwork will be reduced further by elimination of filing of currently mandated reports and information with the Commission and permitting storage of required records in electronic form.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 13, 2001, the Commission submitted a copy of proposed rulemaking published at 31 Pa.B. 4174 to IRRC and the Chairpersons of the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance for comment and review. In accordance with section 5(b) of the Regulatory Review Act, the Commission provided IRRC and the Committees with a copy of a detailed Regulatory Analysis form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available upon request.

By letter dated October 4, 2001, IRRC provided the Commission with its comments on the proposed rulemaking. The Commission's response to those comments is contained in this Preamble.

In preparing the final-form regulations, the Commission considered all comments received from the public and IRRC. The final-form regulations were submitted on October 30, 2001, to the House Committee on Commerce and Economic Development, the Senate Committee on Banking and Insurance and IRRC. Final-form regulations were deemed approved by the House Committee on Commerce and Economic Development and the Senate Committee on Banking and Insurance on November 20, 2001. IRRC met on December 6, 2001, and approved the final-form regulations.

Availability in Alternative Formats

The final-form regulations may be made available in alternative formats upon request. TDD users should use the AT&T Relay Center (800) 854-5984. To make arrangements for alternative formats, contact Joseph Shepherd, ADA Coordinator, at (717) 787-6828.

Contact Person

The contact person for an explanation of these final-form regulations is G. Philip Rutledge, Chief Counsel, Securities Commission, Eastgate Building, 1010 N. Seventh Street, 2nd Floor, Harrisburg, PA 17102-1410, (717) 783-5130.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 64 Pa. Code Chapters 202, 203, 301, 302, 303, 304 and 606 are amended by amending §§ 202.093, 202.095, 301.020, 302.061, 302.064, 303.011, 303.013, 303.031, 303.041, 304.011, 304.021, 304.051 and 606.041; by deleting §§ 302.062 and 606.032—606.034; and adding § 203.202 to read as set forth at 31 Pa.B. 4174; and by adding § 304.041 and by amending § 606.031 to read as set forth in Annex A.

(b) The Secretary of the Commission shall submit this order, 31 Pa.B. 4174 and Annex A to the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary of the Commission shall certify this order, 31 Pa.B. 4174 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*.

M. JOANNA CUMMINGS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6998 (December 22, 2001).)

Fiscal Note: Fiscal Note 50-116 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 64. SECURITIES

PART I. SECURITIES COMMISSION

**Subpart C. REGISTRATION OF
BROKER-DEALERS, AGENTS, INVESTMENT
ADVISERS AND INVESTMENT ADVISER
REPRESENTATIVES AND NOTICE FILINGS BY
FEDERALLY COVERED ADVISERS**

CHAPTER 304. POSTREGISTRATION PROVISIONS

§ 304.041. Examinations of broker-dealers and investment advisers.

(a) In the conduct of an examination authorized under section 304(d) of the act (70 P. S. § 1-304(d)), every broker-dealer and investment adviser registered under the act shall honor all requests by representatives of the Commission to have physical access to all areas of the office which is the subject of the examination and, upon request, shall permit them to review and examine the files in the physical place where the files routinely are maintained. In complying with a request, a representative of the broker-dealer or investment adviser may accompany the representatives of the Commission.

(b) Files referred to in subsection (a) include, but are not limited to, books, ledgers, accounts, records, and electronic files required to be kept by broker-dealers and investment advisers in accordance with this chapter, rules of the United States Securities and Exchange Commission or rules of a National Securities Exchange or National securities association registered with the United States Securities and Exchange Commission, and any document reasonably related to these required records.

Subpart F. ADMINISTRATION

**CHAPTER 606. MISCELLANEOUS POWERS OF
COMMISSION**

§ 606.031. Advertising literature.

(a) *Advertisements.* Except as permitted by section 606(c) of the act (70 P. S. § 1-606(c)), a person may not publish any advertisement concerning any security in this Commonwealth unless all of the following are met:

(1) The advertisement is either:

(i) Permitted by this section and complies with any requirements imposed by this section.

(ii) Specifically excluded from application of this section by subsection (f).

(2) The character and composition of the statements and graphics contained in the advertisement do not exaggerate the investment opportunity, overemphasize any aspect of the offering, minimize the risks of the enterprise or predict revenues, profits or payment of dividends (including financial projections or forecasts).

(3) The advertisement does not contain any statement that is false or misleading in any material respect or omits to make any material statement necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

(b) *Registered offerings: permitted advertisements after filing but prior to effectiveness.* The following apply with respect to publication of advertisements in this Commonwealth in connection with an offering of securities in this Commonwealth for which a registration statement has been filed with the Commission under section 205 or 206 of the act (70 P. S. § 1-205 or § 1-206) that has not yet become effective.

(1) In connection with a registration statement filed with the Commission under section 205 or 206 of the act for the sale of securities in this Commonwealth which also are the subject of a registration statement filed under section 5 of the Securities Act of 1933 (15 U.S.C.A. § 77e), a person may publish any of the following in this Commonwealth prior to effectiveness of the registration statement under the act:

(i) Advertisements which comply with section 2(a)(10)(b) of the Securities Act of 1933 (15 U.S.C.A. § 77b(a)(10)(b)).

(ii) Advertisements which comply with Rule 134 (17 CFR 230.134)(relating to communications not deemed a prospectus) promulgated by the United States Securities and Exchange Commission (SEC).

(iii) A preliminary prospectus which is part of a registration statement that has been filed with the SEC under section 5 of the Securities Act of 1933 which complies with Rule 430 (17 CFR 230.430) (relating to prospectus for use prior to effective date) promulgated by the SEC.

(iv) A summary prospectus which is part of a registration statement that has been filed with the SEC under

section 5 of the Securities Act of 1933 which complies with Rule 431 (17 CFR 230.431) (relating to summary prospectus) promulgated by the SEC.

(2) In connection with an offering circular for the offer and sale of securities in this Commonwealth filed with the SEC under Regulation A (17 CFR 230.251—230.263), relating to conditional small issues exemption, promulgated under section 3(b) of the Securities Act of 1933 (15 U.S.C.A. § 77c(b)) and with the Commission under section 205 or 206 of the act, a person may publish an advertisement in this Commonwealth that complies with Rule 251(d)(1)(ii)(C) (17 CFR 230.251(d)(1)(ii)(C)) (relating to scope of exemption) promulgated by the SEC prior to effectiveness of the offering circular under the act if the advertisement is filed with the Commission 10 days before publication in this Commonwealth and, prior to the expiration of the 10-day period, the Commission does not issue a letter disallowing its publication in this Commonwealth.

(3) In connection with a registration statement filed with the Commission under section 206 of the act for the offer and sale of securities in this Commonwealth for which no registration statement has been filed with the SEC in reliance on section 3(a)(4) or (11) of the Securities Act of 1933 and regulations promulgated thereunder or Rule 504 (17 CFR 230.504) (relating to exemption for limited offerings and sales of securities not exceeding \$1,000,000) promulgated by the SEC under section 3(b) of the Securities Act of 1933, a person may publish an advertisement in this Commonwealth prior to effectiveness of the registration statement under the act if all of the following are met:

(i) The advertisement contains no more than the following:

(A) The name and address of the issuer of the security.

(B) The title of the security, the number of securities being offered, the total dollar amount of securities being offered, yield, and the per unit offering price to the public.

(C) A brief, generic description of the issuer's business.

(D) A statement, if applicable, that completion of the offering is subject to receipt of subscriptions meeting a stated minimum offering amount.

(E) A statement providing the name and address of the underwriter or where a prospectus may be obtained.

(F) A statement in the following form: "A registration statement has been filed with the Pennsylvania Securities Commission but has not yet become effective. These securities may not be sold nor may offers to buy be accepted prior to the time the registration statement becomes effective. This advertisement does not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities in the Commonwealth of Pennsylvania prior to registration of the securities under the Pennsylvania Securities Act of 1972."

(ii) The advertisement is filed with the Commission 10 days before publication in this Commonwealth and, prior to the expiration of the 10-day period, the Commission does not issue a letter disallowing its publication in this Commonwealth.

(c) *Registered offerings: permitted advertisements after effectiveness.* The following apply with respect to publication of advertisements in this Commonwealth in connection with an offering of securities in this Commonwealth for which a registration statement has become effective under section 205 or 206 of the act.

(1) In connection with a registration statement filed with the Commission under section 205 or 206 of the act for the offer and sale of securities in this Commonwealth which also are the subject of a registration statement filed under section 5 of the Securities Act of 1933 which has become effective, a person may publish an advertisement in this Commonwealth if it is preceded or accompanied by a copy of the final prospectus.

(2) In connection with an offering circular for the offer and sale of securities in this Commonwealth that has been filed with the SEC under Regulation A (17 CFR 230.251—230.263) promulgated under section 3(b) of the Securities Act of 1933 and with the Commission under section 205 or 206 of the act and has been qualified by the SEC under Regulation A and has become effective under section 205 or 206 of the act, a person may publish an advertisement in this Commonwealth if the advertisement is accompanied or preceded by a copy of the final offering circular.

(3) In connection with a registration statement filed with the Commission under section 206 of the act for the offer and sale of securities in this Commonwealth for which no registration statement has been filed with the SEC in reliance on section 3(a)(4) or 3(a)(11) of the Securities Act of 1933 and regulations promulgated thereunder or Rule 504 (17 CFR 230.504) promulgated by the SEC under section 3(b) of the Securities Act of 1933 that has become effective under the act, a person may publish in this Commonwealth an advertisement if all of the following are met:

(i) The advertisement contains no more than the following:

(A) The name and address of the issuer of the security.

(B) The title of the security, the number of securities being offered, the total dollar amount of securities being offered, yield, and the per unit offering price to the public.

(C) A brief, generic description of the issuer's business.

(D) A statement, if applicable, that completion of the offering is subject to receipt of subscriptions meeting a stated minimum offering amount.

(E) A statement, if applicable, that funds accompanying the subscription agreement are subject to escrow and the terms of the escrow.

(F) The name and address where the final prospectus may be obtained if delivery of the final prospectus does not precede or accompany the advertisement.

(G) A statement in the following form: "This advertisement does not constitute an offer to sell nor a solicitation of an offer to buy any of the securities. The offering is made only by the prospectus."

(ii) The advertisement is filed with the Commission 5 days before publication in this Commonwealth and, prior to the expiration of the 5-day period, the Commission does not issue a letter disallowing publication in this Commonwealth.

(4) A person may not publish an advertisement in this Commonwealth in connection with the offer and sale of any security registered under section 205 or 206 of the act at any time after the expiration of the effective period of the registration statement relating to that security as determined by section 207 of the act (70 P. S. § 1-207).

(d) *Exempt securities.* The following apply:

(1) *Exempt securities other than sections 202(a) and 202(i).* Except as provided in paragraphs (2) and (3), a

person may publish an advertisement in this Commonwealth in connection with the offer or sale of a security in this Commonwealth which is exempt under section 202 of the act (70 P. S. § 1-202).

(2) *Section 202(a)*. In connection with the offer or sale of any security in this Commonwealth made in reliance on section 202(a) of the act which is issued by the Commonwealth, any political subdivision, or any agency or corporate or instrumentality thereof and which security represents less than a general obligation of the issuer, a legend adequately describing the limited nature of the obligation shall appear prominently in bold face type of at least 12 points in size on the face page of any preliminary offering statement, official offering statement or advertisement published in this Commonwealth.

(3) *Section 202(i)*. A person may publish an advertisement in this Commonwealth in connection with the offer or sale of a security in this Commonwealth which is exempt under section 202(i) of the act except where the Commission, by rule or order, has prohibited use of advertisements as a condition of the availability of the exemption.

(e) *Exempt transactions*. The following apply:

(1) *Advertisements permitted*. Except as provided in paragraph (2), a person may publish any advertisement in this Commonwealth in connection with a securities transaction in this Commonwealth which is exempt from registration under section 203 of the act.

(2) *Advertisements prohibited*. A person may not publish any advertisement in this Commonwealth in connection with the following securities transactions which are effected in this Commonwealth:

(i) A sale of a security made in reliance on section 203(d) of the act.

(ii) An offer of a security made in reliance on section 203(e) of the act which results in a sale under section 203(d) of the act.

(iii) An offer or sale of a security made in reliance on section 203(j) of the act.

(iv) An offer or sale of a security made in reliance on section 203(s) of the act.

(v) An offer or sale of a security made in reliance on § 203.187 (relating to small issuer exemption).

(vi) An offer or sale of a security made in reliance on § 203.189 (relating to isolated transaction exemption).

(vii) An offer or sale of a security which is exempt under section 203(r) of the act when the Commission, by rule or order, has prohibited use of advertisements as a condition of the availability of the exemption.

(f) *Excluded advertisements*. The following apply.

(1) This section does not apply to advertisements described in paragraph (2) if all of the following are met:

(i) The character and composition of the statements and graphics contained in the advertisement do not

exaggerate the investment opportunity, overemphasize any aspect of the offering, minimize the risks of the enterprise or predict revenues, profits or payment of dividends (including financial projections or forecasts).

(ii) The advertisement does not contain any statement that is false or misleading in any material respect or omits to make any material statement necessary to make the statements made, in the light of the circumstances under which they are made, not misleading.

(2) The following advertisements are excluded from the provisions of this section if the requirements of paragraph (1) have been met:

(i) The use of general solicitation in connection with the offer or sale of a security in reliance on section 203(t) of the act.

(ii) Advertisements which comply with Rule 135 promulgated by the SEC (17 CFR 230.135) (relating to notice of proposed registered offering).

(iii) Advertisements which comply with Rule 135c promulgated by the SEC (17 CFR 230.135c) (relating to notice of certain proposed unregistered offerings).

(iv) Advertisements in connection with an offer of a security in reliance on § 203.190 (relating to certain Internet offers exempt) which comply with the legend requirement of § 203.190(a)(1).

(g) *Definitions*. For purposes of this chapter, the following terms have the following meanings:

Advertisement—The meaning in section 102(a) of the act (70 P. S. § 1-102(a)). The term “communication” as used in that definition includes, without limitation, letters, brochures, pamphlets, displays, sales literature and any form of electronic communication, including e-mail, which is used in connection with a sale or purchase or an offer to sell or purchase a security. The term “publicly disseminated” as used in that definition means that the communication has been directed to or, in fact, communicated to more than 50 persons in this Commonwealth.

Publish—The meaning in section 102(p) of the act and includes any form of electronic communication, including Internet and e-mail.

(h) *SEC interpretive advice on use of electronic media*. A person who uses electronic media to publish an advertisement in this Commonwealth in connection with a security which is the subject of a registration statement filed with the Commission under section 205 or 206 of the act and with the SEC under section 5 of the Securities Act of 1933 (15 U.S.C.A. § 77e) may rely on the interpretive advice of the SEC in SEC Release No. 33-7856 (April 28, 2000) and subsequent advice given pursuant to that release. To the extent that the interpretive advice contradicts any requirement in subsection (a)(1) or (b)(1), the Commission will not take any enforcement action if the person complies with the interpretive advice.

[Pa.B. Doc. No. 01-2321. Filed for public inspection December 28, 2001, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

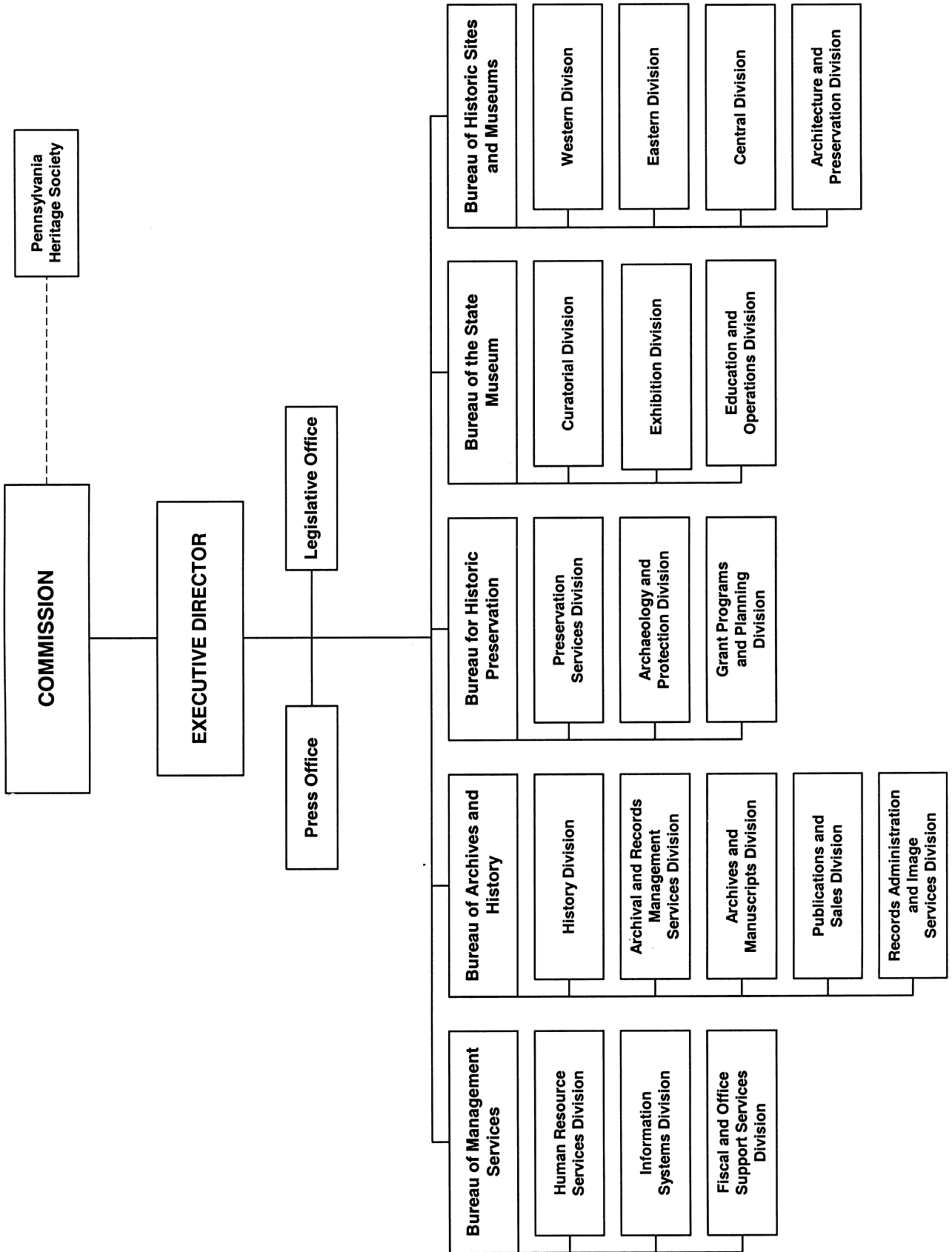
Reorganization of the Historical and Museum Commission

The Executive Board approved a reorganization of the Historical and Museum Commission effective December 14, 2001.

The following organization chart at 31 Pa.B. 7037 (December 29, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

[Pa.B. Doc. No. 01-2322. Filed for public inspection December 28, 2001, 9:00 a.m.]

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION



NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 18, 2001.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-3-01	Brentwood Bank Bethel Park Allegheny County	Bethel Park Retirement Living Center 2960 Bethel Church Rd. Bethel Park Allegheny County (Limited Service Facility)	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-14-01	Sharon Savings Bank Darby Delaware County	<i>To:</i> 420 Bainbridge St. Philadelphia Philadelphia County <i>From:</i> 1730 Snyder Avenue Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2323. Filed for public inspection December 28, 2001, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Amendment to the Consolidated Plan Strategy

The Commonwealth's Consolidated Plan for FFY 2000-2004 contains strategy, priorities and a list of action steps for Federal housing and community development programs that will be pursued during this 5-year period. The action steps to be pursued in 2002 include the items listed in the Five Year Consolidated Plan for Federal Fiscal Years (FFY) 2000—2004. These action steps entail a broad range of activities including but not limited to, activities for the homeless, special needs groups and other actions that will address critical housing and community development needs in this Commonwealth. The 2002 Action Plan does not have a repetitious listing of those activities.

The Commonwealth is providing public notice of the following amendment to its 2002 Action Plan.

CDBG Changes

The Department of Community and Economic Development (Department) will no longer include Dauphin County and Borough of Steelton as members of its United States Department of Housing and Urban Development (HUD) nonentitlement areas participating in the State Small Cities Program, since the areas have qualified to participate as direct Federal recipients. Therefore, the allocation to be received by the Commonwealth from HUD will be reduced by the amount determined by HUD's funding formula.

The 2000 Census population figures have also affected a number of State entitlement entities, as provided for in the act of October 11, 1984 (P. L. 906, No. 179). Six new entitlement boroughs or townships have been created by virtue of their having achieved the required population threshold of 4,000 persons. They are:

Blair Township, Blair County
Franklin Township, Carbon County
Upper Nazareth Township, Northampton County
Wayne Township, Schuylkill County
Cresson Borough, Cambria County
Wharton Township, Fayette County

In addition, three municipalities that have slipped below 4,000 in population have lost their State entitlement status. They are:

Portage Township, Cambria County
Mahoning Township, Carbon County
Conewango Township, Warren County

The State entitlement status of two municipalities is also in dispute since their census population has not been finalized. One of these, Green Township in Indiana County is an existing State entitlement whose 2000 population figures have fallen below 4,000. There is presently a dispute over boundary lines. If a census correction increases their population to 4,000 or above, they will be reinstated to State entitlement status.

The second municipality whose population is in dispute is Brothersvalley Township in Somerset County, where the 2000 population is above 4,000, which would grant State entitlement status. Official census figures will determine if this township becomes an entitlement community or remains a nonentitlement entity.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 01-2324. Filed for public inspection December 28, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080349	Chesapeake Estates of Thomasville 585 Martin Road Gettysburg, PA 17325	York County Jackson Township	Little Conewago Creek/ 7-F	Yes
PA0084794	Ashbury Pointe, Ltd. 135 North George Street York, PA 17401-1132	York County East Manchester Township	Codorus Creek/WWF	Yes
PA0020834	Greencastle-Franklin County General Authority 60 North Washington Street Greencastle, PA 17225	Franklin County Antrim Township	UNT Conococheague Creek/13-C	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114715 Sewerage	Hemlock Municipal Sewer Cooperative P. O. Box 243 Bloomsburg, PA 17851	Columbia County Montour Township	Fishing Creek 5-C	Yes

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

PA0238678, Sewage, **Arnold L. Becker**, 16944 St. Route 18, Conneautville, PA 16406. This proposed facility is located in Summerhill Township, **Crawford County**.

Description of Proposed Activity: a new discharge.

The receiving stream, unnamed tributary to Conneaut Creek, is in watershed 15 and classified for: Warm Water Fishes, Migratory Fishes and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of .0005 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
Ultraviolet intensity		As required	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0222208, Sewage, **Frank Fiamella Subdivision**, 3949 Knoyle Road, Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Activity: treatment of sanitary waste from a three-lot subdivision.

The receiving stream, unnamed tributary to Four Mile Creek, is in watershed 15FM and classified for: WWF and MF. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to be considered during the evaluation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0015 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Phosphorus as "P"	1.0		
Dissolved Oxygen		minimum of 3.0 mg/l at all times	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.2
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

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

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

No. PA0056545, Industrial Waste, **Huhtamaki Flexible, Inc.**, 2400 Continental Boulevard, Malvern, PA 19355. This application is for renewal of an NPDES permit to discharge stormwater from Huhtamaki Flexible, Inc. in Tredyffrin Township, **Chester County**. This is an existing discharge to Little Valley Creek.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001—003 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor/Report
Total Suspended Solids			Monitor/Report
Oil and Grease			Monitor/Report
Temperature			Monitor/Report
pH			Monitor/Report
COD			Monitor/Report
Total Kjeldahl Nitrogen			Monitor/Report
Total Phosphorus			Monitor/Report
Iron (dissolved)			Monitor/Report

Other Conditions:

The EPA Waiver is in effect.

No. PA0058394, Sewage, **Carousel Village at Indian Walk**, 631 Penn Park Road, Newtown, PA 18940. This application is for issuance of an NPDES permit to discharge treated sewage from sewage treatment plant in Wrightstown Township, **Bucks County**. This is a new discharge to an unnamed tributary to Neshaminy Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1,880 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N)	3.0	6.0
Oil and Grease	15	30
Total Nitrogen	10	20
Total Residual Chlorine	0.02	0.04
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

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

Application No. PA 0086151, Sewage, **P. C. S. Chadaga, M.D.**, 110 Inverness Drive, Blue Bell, PA 19422. This facility is located in North Middleton Township, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for a new discharge of treated sewage.

The receiving stream an unnamed tributary to Conodoquinet Creek is in Watershed 7-B and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Borough of Carlisle is located on Conodoquinet Creek, approximately 3.33 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.016 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
NH ₃ -N	2.5	5.0
Total Phosphorus (4-1 to 10-31)	1.0	2.0
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	3,300/100 ml as a geometric average	

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

The EPA waiver is in effect.

Application No. PA 0087891, SIC Code 5191, Stormwater, **Agway, Inc. (Andgrow Fertilizer Facility)**, P. O. Box 4741, Syracuse, NY 13221. This application is for issuance of an NPDES permit for a new discharge of stormwater to Mud Run in Watershed 7-F, in Latimore Township, **Adams County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Wrightsville Water Supply Co. located in York County. The discharge is not expected to impact any potable water supply.

The proposed stormwater monitoring requirements for Outfalls 001–004 involve sampling and analyses for the following parameters: pH, conductivity, ammonia-nitrogen, nitrate-nitrogen, total phosphorus, potassium, sulfate, chloride, alachlor, atrazine, cyanazine and metolachlor. The draft permit includes site-specific Best Management Practices.

The EPA waiver is in effect.

Application No. PA 0088986, **Hostetter Management Co. (Owl Creek Farm)**, 974 Albright Road, Newmanstown, PA 17073.

Hostetter Management Co. submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Owl Creek Farm, located on Albright Road in Heidelberg Township, **Lebanon County**. The CAFO is situated near Mill Creek, which is classified for Trout Stocking (TSF). The CAFO is designed to maintain an animal population of 392 animal equivalent units (AEUs) consisting of 638 gestating sows, 112 sows with litter, 7 boars, 2,052 nursery pigs and 63 replacement gilts.

Manure generated at the existing barn is collected and conveyed to an HDPE lined lagoon with a storage capacity of 2 million gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations including the Final CAFO Strategy, the De-

partment has made a tentative determination to issue an individual NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

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

The Environmental Protection Agency permit review waiver provision under 40 CFR 123.24(e) does not apply to this individual NPDES permit.

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

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

Application No. PA 0246344, **Hostetter Management Co. (Penn Valley Pork, Inc.)**, Box 32, Phillips Lane, Mohrsville, PA 19541.

Hostetter Management Co. submitted an application for an individual NPDES permit for an existing concentrated animal feeding operation (CAFO) known as Penn Valley Pork Inc., located on Phillips Lane in Upper Bern Township, **Berks County**. The CAFO is situated near Leshner Run, which is classified for Warm Water Fishes (WWF). The CAFO is designed to maintain an animal population of 776 animal equivalent units (AEUs) consisting of 1,176 gestating sows, 224 sows with litter, 10 boars, 3,650 nursery pigs and 560 replacement gilts.

Manure generated at the existing barn is collected and conveyed to an HDPE lined lagoon with a storage capacity of 2,000,000 gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the prelimi-

nary review and application of lawful standards and regulations including the Final CAFO Strategy, the Department has made a tentative determination to issue an individual NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the draft permit.

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

The Environmental Protection Agency permit review waiver provision under 40 CFR 123.24(e) does not apply to this individual NPDES permit.

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

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

PAG123527, CAFO, **Taylor E. Miller**, R. R. 1, Box 144C, Ickesburg, PA 17037. This proposed facility is located in Northeast Madison Township, **Perry County**.

Description of Proposed Activity: The Taylor "Ted" E. Miller, III Hog Farm is an existing operation with total AEU's of 479.1. The farm currently is comprised of four swine finishing barns housing 3,600 hog. All the barns are confinement buildings with no external storage. A total of 1,398,960 gallons of liquid swine manure is produced per year, with the manure stored in pits of varying depths ranging from 3 to 8 feet. Approximately 25% of the manure is agriculturally land applied on the Ted Miller farm with the remainder exported to two neighboring farms.

The receiving stream, UNT to Bixler Run, is in the State Water Plan watershed 7-A and is classified for: CWF.

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

PA0246492, CAFO, **Hostetter Management Company**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-0526. This proposed facility is located in Warren Township, **Franklin County**.

Description of Proposed Activity: Little Cove Partnership is an existing operation with total AEU's of 820.32. The farm comprises a 1,400 head sow operation with 88

tillable acres. All manure generated at this facility is stored in a two million gallon HDPE lined lagoon. The farm also has a composter for disposing of dead animals. A total of 5,719,479 gallons of liquid swine manure is produced per year. Approximately 1,874,400 gallons is used on the farm and 3,845,079 gallons is exported from the farm.

The receiving stream, Little Cove Creek, is in the State Water Plan watershed 13-B and is classified for: WWF.

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

PA0246514, CAFO, **Hostetter Management Company**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-0526. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Activity: The Swatara Swine Farm is an existing operation with total AEU's of 809.2. The farm comprises a 5,740 swine-farrowing unit. All manure generated at this facility is stored in a manure lagoon and then exported to neighboring farms. A total of 9,304 tons of liquid swine manure is produced per year.

The receiving stream, Swatara Creek, is in the State Water Plan watershed 7-D and is classified for: CWF.

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

PA0246506, CAFO, **Hostetter Management Company**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-0526. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Activity: The Laurel Ridge Farms is an existing swine operation with total AEU's of 743.4. The farm comprises a 3,040 swine-farrowing unit. All manure generated at this facility is stored in a manure lagoon and then exported to neighboring farms. A total of 8,547 tons of liquid swine manure is produced per year.

The receiving stream, Little Cocalico Creek, is in the State Water Plan watershed 7-J and is classified for: TSF.

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

PAG123528, CAFO, **Clair H. Wenger**, 67 New Schaeferstown Road, Bernville, PA 19506-9212. This proposed facility is located in Tulpehocken Township, **Berks County**.

Description of Proposed Activity: The Clair H. Wenger farm is an existing swine and beef operation with total AEU's of 497. Clair H. Wenger proposes to expand the present swine operation from 1,100 finishing pigs to 2,200 finishing pigs and downsizing the steer operation. Presently the farm is operating with two manure storage facilities—a 440,000 gallon under house storage for the finishing floor and a 1 million gallon clay lined manure storage serving the sow farrow facilities. Plans include building an identical finishing floor facility aside the existing finishing floor. All manure will be land applied on 226 acres of owned or leased farmland.

The receiving stream, Northkill Creek, is in the State Water Plan watershed 3-C and is classified for: CWF.

The proposed effluent limits for the operation/activity include: except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Fed-

eral effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

Application No. PA 0084646, Sewage, **Southern Fulton School District (Southern Fulton Elementary School)**, 13083 Buck Valley Road, Warfordsburg, PA 17267. This facility is located in Bethel Township, **Fulton County**.

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

The receiving stream, an unnamed tributary to White Oak Run, is in Watershed 13-B and classified for trout stocking, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on Potomac River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.010 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	XXX	50
Suspended Solids	30	XXX	60
NH ₃ -N			
(5-1 to 10-31)	3.5	XXX	7
(11-1 to 4-30)	10.5	XXX	21
Total Residual Chlorine			
(Interim)	Monitor and Report	Monitor and Report	Monitor and Report
(Final)	0.4	XXX	1.4
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,500/100 ml as a geometric average	

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

The EPA waiver is in effect.

Application No. PA 0246425, Sewage, **Dublin Township Board of Supervisors**, 29195 Great Cove Road, Fort Littleton, PA 17223. This facility is located in Dublin Township, **Fulton County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream Little Aughwick Creek is in Watershed 12-C and classified for trout stocking fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on Juniata River, approximately 100 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.045 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		12,400/100 ml as a geometric average	

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

The EPA waiver is in effect.

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

PA0026239, Sewage, SIC 4952, **University Area Joint Authority, Spring Creek Pollution Control Facility**, 1576 Spring Valley Road, State College, PA 16801-8499. This proposed facility is located in Benner Township, **Centre County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Spring Creek, is in the State Water Plan watershed 9C and is classified for: HQ-CWF.

The nearest downstream public water supply intake for Pennsylvania-American Water Company is located at Milton, PA on the West Branch Susquehanna River is 87.0 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.0 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Not greater than 6.0 MGD as an Annual Average		
CBOD ₅	10.0	15.0	20.0
Total Suspended Solids	10.0	15.0	20.0
Total Dissolved Phosphorus	0.13	XX	0.26
Dissolved Oxygen	Minimum of 5.0 mg/l at all times		
Total Chlorine Residual	Provide Effective Dechlorination		
pH	6.0 to 9.0 at all times		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			
NH ₃ -N			
(1-1 to 1-31)	4.5	6.7	9.0
(2-1 to 2-29)	5.0	7.5	10.0
(3-1 to 3-31)	5.5	8.2	11.0
(4-1 to 4-30)	4.0	6.0	8.0
(5-1 to 5-31)	3.0	4.5	6.0
(6-1 to 6-30)	2.5	3.7	5.0
(7-1 to 11-30)	1.0	1.5	2.0
(12-1 to 12-31)	4.0	6.0	8.0
Total Cadmium		Monitor and Report	
Total Copper		Monitor and Report	
Total Lead		Monitor and Report	
Total Silver		Monitor and Report	
Total Cyanide		Monitor and Report	
Free Cyanide		Monitor and Report	
Effluent Temperature		Monitor and Report	
Total Dissolved Solids		Monitor and Report	

Considerations for Stormwater Outfalls SW-01—SW-05:

Best Management Practices and Implementation of PPC Plan

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

1. Dechlorination or Alternate Disinfection Required
2. Operation of a Pretreatment Program
3. Minimum Required Discharge Volume to Spring Creek
4. Biannual In-Stream Biological Studies for Continued 316(b) Variance
5. Effluent Temperature Monitoring and Annual Report Required

PA0027171, Sewerage, SIC 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. This existing facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Activity: This proposed action is for the issuance of an NPDES permit amendment for an existing discharge of treated sewage wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 5D and classified for: Warm Water Fishes (WWF).

The nearest downstream public water supply intake for Danville Municipal Water Authority is located on the Susquehanna River is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.29 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Daily Maximum (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40		50
TSS	30	45		60
Total Cl ₂ Residual	0.78			4
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

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

Part C 8—Permit Condition for the Development, Operation and Implementation of a Pretreatment Program.

WATER QUALITY MANAGEMENT PERMITS CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER APPLICATIONS UNDER THE CLEAN STREAMS LAW PART II PERMITS

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

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

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

WQM Permit No. 4601416, Sewerage, **Upper Hanover Authority**, P. O. Box 205, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation to expand the Macoby wastewater treatment plant.

WQM Permit No. 1501424, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and forcemain to serve the proposed Eagleview Village Shopping Center.

WQM Permit No. 1501425, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to install gravity sewers, two pumping stations and a low-pressure sewer system.

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

WQM Permit No 4301425, Sewerage, **Eric. D. and Lori A. Gaust**, 26 Snyder Road, Greenville, PA 16125. This proposed facility is located in Otter Creek Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

NPDES Stormwater Individual Permit

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations

regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

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

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

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

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

NPDES Permit PAS101717, Stormwater, **Michael Malloy**, 211 Chester St., Clearfield, PA 16830 has applied to discharge stormwater associated with a construction activity located in Lawrence and Pike Townships, **Clearfield County** to unnamed tributary to Montgomery Run.

Clearfield County Conservation District, 650 Leonard St., Clearfield, PA 16830.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>
PAS101717	Michael Malloy 211 Chester St. Clearfield, PA 16830

<i>County & Municipality</i>	<i>Receiving Water/Use</i>
Lawrence and Pike Townships Clearfield County	UNT Montgomery Run CWF

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability that 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).

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

Permit No. 1501507, Public Water Supply.

Applicant	Phoenixville Borough Water Department
Borough	Phoenixville
Responsible Official	Andrew J. Fabian 140 Church Street Phoenixville, PA 19460
Type of Facility	Water Treatment Plant
Consulting Engineer	Philadelphia Suburban Water Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Application Received Date	December 13, 2001
Description of Action	Construction of an ammonium sulfate feed system into existing clearwell to switch to chloramines for distribution system disinfectant residual.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or 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 under 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:

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

Louise Jones Residence, West Cornwall Township, **Lebanon County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 (on behalf of John Bittner, 830 East Main Street, Larksville, PA 18651 and CRL Holdings, LP, c/o Earth Tech, Two Market Plaza Way, Mechanicsburg, PA 17055) has submitted a Notice of Intent to Remediate site soils contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on November 15, 2001.

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

Dominion Transmission—Leidy Compressor Station, Leidy Township, **Clinton County**. SE Technologies, Inc., on behalf of its client Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301, has submitted a Notice of Intent to Remediate soil contaminated with BTEX and groundwater contaminated with PCBs and BTEX. The applicant proposes to remediate the site to meet the Site-Specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Williamsport Sun-Gazette*.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 100592, USA South Hills Landfill, Inc., 1550 Coraopolis Heights Road, West Pointe Corporation Center I, Moon Township, PA 15108. South Hills Landfill, 3100 Hill Road, Library, PA 15129. An application for a major permit modification for changes made to the regulations on December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in South Park and Union Townships, **Allegheny and Washington Counties** was received in the Regional Office on December 10, 2001.

Permit Application No. 100434, Evergreen Landfill Inc., P. O. Box 195, Coral, PA 15731. Evergreen Landfill, P. O. Box 195, Coral, PA 15731. An application for a major permit modification for changes made to the regulations on December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in Center and Brush Valley Townships, **Indiana County** was received in the Regional Office on December 10, 2001.

Permit Application No. 101421, Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924. Shade Landfill, 1176 No. 1 Road, Cairnbrook, PA 15924. An application for a major permit modification for changes made to the regulations on December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in Shade Township, **Somerset County** was received in the Regional Office on December 10, 2001.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101397, Superior Greentree Landfill, 635 Toby Road, Kersey, PA 15846,

Fox Township, **Elk County**. Major permit modification application for liner system subgrade, final cover layer, low permeability soil layer modifications and an enhanced recirculation project. The application was received by the Northwest Regional office on December 10, 2001.

Comments concerning the application should be directed to A. Patrick Boyle, Manager, Waste Management, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

General Permit Application No. WMGR002D005, Garden State Paper Company, LLC, 950 River Drive, Garfield, NJ 07026-3580. The beneficial use of wastewater treatment sludge generated by paper mills as a soil additive to establish or reestablish agricultural productivity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mine sites. The application for determination of applicability was deemed administratively complete by the Division of Municipal and Residual Waste on November 20, 2001.

Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (DEP) 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 DEP, 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.

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support mate-

rials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

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

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

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

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

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

48-309-114: Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18064-8928) for modification to the coal/clinker/gypsum handling systems and the clinker/gypsum silos which includes two additional clinker conveyors and a fabric collector in Lower Nazareth Township, **Northampton County**. The particulate emissions from the fabric collector will not exceed the Best Available Technology standard of 0.01 grain/DSCFT. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

04-711A: AES Hoytdale, LLC (394 Frankfort Road, Monaca, PA, 15061) for construction of the Hoytdale Energy Facility in Big Beaver Borough, **Beaver County**.

The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127 (related to con-

struction, modification, reactivation and operation of sources, including the nonattainment New Source Review provisions of Subchapter E), 40 CFR 52.21 (related to Prevention of Significant Deterioration), 40 CFR Part 60, Subparts Da, Dc and Gg (related to standards of performance for small and large steam generating units and turbines), 40 CFR Parts 72, 73, 75 and 77 (related to acid rain), 25 Pa. Code §§ 123.102–123.120 (related to NOx Allowance Requirements) and 25 Pa. Code Chapter 145 (related to the NOx budget program). The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. The facility is to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Upon completion of the construction of the facility, an operating permit must be obtained. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

3. This Plan Approval authorizes AES Hoytdale, LLC to construct an 850 MW (nominal) electrical generation facility at their Hoytdale Power Facility located in Big Beaver Borough, Beaver County. (25 Pa. Code § 127.12b)

4. The main sources at this facility will be either three General Electric (GE) 7 FA turbines or three Mitsubishi Heavy Industries (MHI) turbines. Each turbine is rated at a nominal 176 MW and will be equipped with its own heat recovery steam generator (HRSG) equipped with duct burners. The steam from the three HRSGs will feed a single generator that will produce an additional 322 MW (nominal). (25 Pa. Code § 127.12b)

5. Turbines shall be equipped with dry low NOx combustors for use during the combustion of natural gas. (25 Pa. Code § 127.12b)

6. Turbine exhaust gases shall be treated with selective catalytic reduction (SCR) for NOx control and oxidation catalyst (OC) for VOC and CO control. (25 Pa. Code § 127.12b)

7. Supporting equipment at this site will include an auxiliary boiler (116 mmBtu/hr), a fuel supply heater (16.2 mmBtu/hr), a diesel-fired emergency generator (20 mmBtu/hr), a diesel-fire fire pump (2.5 mmBtu/hr) and a cooling tower. (25 Pa. Code § 127.12b)

8. Emission rates from each GE turbine, with the operation of SCR and OC, during the combustion of natural gas, shall not exceed the following, based on a 3-hour, rolling average: (25 Pa. Code § 127.12b)

Hourly Emission Rate—GE Turbine

<i>Pollutant</i>	<i>ppmvd @ 15% O₂</i>	<i>Lb/mmBtu</i>	<i>Pound/Hr</i>
With Duct Firing			
NOx	3.5	0.013	30.5
CO	3.0	0.006	14.7
PM/PM ₁₀		0.017	21.85
VOC		0.003	5.48
SO ₂		0.003	6.89
H ₂ SO ₄		0.0003	0.689
NH ₃	10.0	0.014	32.2
Without Duct Firing			
NOx	2.5	0.009	17.6
CO	2.5	0.005	10.4
PM/PM ₁₀		0.017	18.0
VOC		0.002	2.58
SO ₂		0.003	5.74
H ₂ SO ₄		0.0003	0.574
NH ₃	10.0	0.014	26.1

9. Emission rates from each MHI turbine, with the operation of SCR and OC, during the combustion of natural gas, shall not exceed the following, based on a 3-hour, rolling average: (25 Pa. Code § 127.12b)

Hourly Emission Rate—MHI Turbine

<i>Pollutant</i>	<i>ppmvd @15% O₂</i>	<i>Lb/mmBtu</i>	<i>Pound/Hr</i>
With Duct Firing			
NOx	3.5	0.014	30.8
CO	4.0	0.009	22.1
PM/PM ₁₀		0.014	21.85
VOC		0.003	6.17
SO ₂		0.003	7.14
H ₂ SO ₄		0.0003	0.714
NH ₃	10.0	0.015	32.5
Without Duct Firing			
NOx	2.5	0.010	17.9
CO	4.0	0.009	17.4
PM/PM ₁₀		0.010	18.0

Hourly Emission Rate—MHI Turbine
Pollutant

	<i>ppmvd @15% O₂</i>	<i>Lb/mmBtu</i>	<i>Pound/Hr</i>
VOC		0.002	3.54
SO ₂		0.003	5.99
H ₂ SO ₄		0.0003	0.599
NH ₃	10.0	0.015	26.5

10. The hourly emission limits established in Conditions 8, 9 and 35 do not apply during Startup and Shutdown. For purposes of this condition, a Startup shall be considered either a Cold Start (turbine down for more than 48 hours, startup duration 3.1 hours), a Warm Start (turbine down between 48 and 8 hours, startup duration 2.0 hours) or a Hot Start (turbine down less than 8 hours, startup duration 1.2 hours).

11. Based on installation of the GE turbines, total emissions from the Hoytdale Power Facility shall not exceed the following, on a 12 consecutive month rolling average basis: (25 Pa. Code § 127.12b)

Annual Emission Rate—GE Turbines

<i>Pollutant</i>	<i>Combustion Turbines w/Duct Firing</i>	<i>Natural Gas Supply Heater</i>	<i>Cooling Towers</i>	<i>Fire Pump</i>	<i>Diesel Generator</i>	<i>Total</i>
Tons/Year						
NO _x	305.82	4.69		1.62	10.38	322.51
CO	276.8	3.85		0.09	1.03	281.74
PM/PM ₁₀	248.07	0.39	3.62	0.07	0.50	252.65
VOC	55.28	0.48		0.02	0.30	58.08
SO ₂	71.59	0.21		0.03	0.29	72.12

12. Based on installation of the MHI turbines, total emissions from the Hoytdale Power Facility shall not exceed the following, on a 12 consecutive month rolling average basis: (25 Pa. Code § 127.12b)

Annual Emission Rate—MHI Turbines

<i>Pollutant</i>	<i>Combustion Turbines w/Duct Firing</i>	<i>Natural Gas Supply Heater</i>	<i>Cooling Towers</i>	<i>Fire Pump</i>	<i>Diesel Generator</i>	<i>Total</i>
Tons/Year						
NO _x	341.4	4.69		1.62	10.38	358.08
CO	545.85	3.85		0.09	1.03	550.82
PM/PM ₁₀	248.07	0.39	3.62	0.07	0.50	252.65
VOC	96.46	0.48		0.02	0.30	99.26
SO ₂	75.27	0.21		0.03	0.29	75.80

13. The fire pump and the emergency diesel generator shall operate no more than 500 hours per year. The auxiliary boiler shall operate no more than 1,000 hours per year.

14. The proposed construction is subject to 25 Pa. Code § 127.206(d)(1) and (2) and other applicable sections of 25 Pa. Code Chapter 127, Subchapter E for nonattainment New Source Review. In accordance with 25 Pa. Code § 127.205(3), each modification to a facility shall offset in accordance with 25 Pa. Code §§ 127.201 and 127.211, the total of the net increase in potential to emit.

15. Based on the installation of GE turbines, the potential to emit from this new facility is established at 322.5 tons NO_x and 58.08 tons VOC per year and in accordance with 25 Pa. Code § 127.210 shall be offset with Emission Reduction Credits (ERCs) at a ratio of 1.15:1.0.

16. Based on the installation of GE turbines, owner/operator shall secure 371 tons of NO_x ERCs and 67 tons of VOC ERCs. ERCs shall be properly generated, certified by the Department and processed through the registry in accordance with 25 Pa. Code § 127.206(d)(1).

17. Based on the installation of MHI turbines, the potential to emit from this new facility is established at 358.08 tons NO_x and 99.26 tons VOC per year and in accordance with 25 Pa. Code § 127.210 shall be offset with ERCs at a ratio of 1.15:1.0.

18. Based on the installation of MHI turbines, owner/operator shall secure 411.8 tons of NO_x ERCs and 114 tons of VOC ERCs. ERCs shall be properly generated, certified by the Department and processed through the registry in accordance with 25 Pa. Code § 127.206(d)(1).

19. Upon procurement of the required ERCs, owner/operator shall provide the Department with documentation clearly specifying the details of the ERC transaction. This Plan Approval may then be modified to indicate Departmental approval of the transfer and use of said ERCs in accordance with 25 Pa. Code § 127.208(2).

20. The combustion turbines are subject to the applicable requirements of the 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

21. The heat recovery steam generators are subject to the applicable requirements of 40 CFR 60, Subpart Da—Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978.

22. The auxiliary boiler is subject to the applicable requirements of 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

23. In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the Environmen-

tal Protection Agency (EPA) and the Department at the following addresses, unless otherwise noted: Director, Air, Toxics and Radiation Protection, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; and Department of Environmental Protection, Regional Air Quality Manager, Office of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

24. Owner/operator shall comply with the applicable reporting requirements of 40 CFR 60.7, 60.49a, 48c and 60.334(c).

25. In accordance with 40 CFR 60.334(a), owner/operator shall install and operate a continuous monitoring system to monitor and record the fuel consumption at all times and the ratio of water to fuel being fired in the turbines. This system shall be accurate to within $\pm 5\%$ and must be approved by the Department.

26. Owner/operator shall monitor the sulfur content and nitrogen content of the fuel being fired in each turbine in accordance with 40 CFR 60.334(b)(2). (25 Pa. Code § 127.12b)

27. Owner/operator shall install, certify, maintain and operate continuous emission monitoring systems in accordance with 25 Pa. Code Chapter 139, the Department's *Continuous Source Monitoring Manual*, 40 CFR Part 75 and applicable requirements of 40 CFR 60, Subparts Da, Dc and Gg. At a minimum the systems shall measure and record the following for each turbine:

- Nitrogen Oxide emissions (as NO₂)
- Sulfur Dioxide
- Opacity
- % Oxygen or Carbon Dioxide
- Fuel Flow Monitor

28. Owner/operator shall record the hours of operation of each of the turbines and the amount and type of fuel consumed, on a daily basis. (25 Pa. Code § 127.12b)

29. In accordance with 40 CFR 60.334(c), owner/operator shall record daily and shall report semi-annually, in accordance with 40 CFR 60.7(c), any 1-hour period during which the average water-to-fuel ratio, as measured by the continuous water and fuel measuring system, falls below the ratio that was determined during the stack test to demonstrate compliance with NO_x emission limitations. Owner/operator shall also report any period during which the actual fuel-bound nitrogen content exceeds the fuel-bound nitrogen content determined during the stack test to demonstrate compliance with the NO_x emission limitations.

Substitute recordkeeping and reporting program may be utilized as an alternative to the monitoring requirements of 40 CFR 60.334(a) and 60.335(c)(2) upon approval from the EPA.

30. Compliance with the turbine emission limitations for NO_x, CO, SO₂, VOC, PM₁₀ and NH₃ shall be demonstrated through performance stack testing on each turbine. (25 Pa. Code § 127.12b)

A. In accordance with 40 CFR 60.335(c)(2), the monitoring device required by 40 CFR 60.334 shall be used to determine the fuel consumption and the water-to-fuel ratio necessary to comply with turbine NO_x emission limitations at 30, 50, 75 and 100% of peak load or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations as supplied by the turbine manufacturer.

B. Upon approval by the EPA, the following alternative testing requirement shall be used: the performance test-

ing for nitrogen oxides shall only be required to be conducted at or near the maximum load of each turbine. The alternative is for each turbine to be monitored by a CEMS for nitrogen oxides, which is required by 40 CFR 75.

C. All stack testing shall be performed in accordance with 40 CFR 60.8 and 60.335, 25 Pa. Code Chapter 139 regulations and the most recent version of the Department's *Source Testing Manual*.

D. Two copies of the stack test protocol shall be submitted to the Department at least 60 days in advance of the stack test date. Stack testing shall not take place until owner/operator has received written approval of the stack test protocol.

E. Company shall notify the Department of the date and the time of the stack test at least 2 weeks prior to the tests so that an observer may be present.

F. Two copies of the stack test results shall be submitted to the Department within 60 days of completion of the test.

G. Stack testing shall be performed within 60 days of achieving maximum firing rate but no later than 180 days after the initial startup.

H. Owner/operator shall record all pertinent operating data during the stack test and include this data with the stack test results.

31. The combustion turbines are subject to the Title IV Acid Rain Program of the 1990 Clean Air Act Amendments and shall comply with all applicable provisions of Title IV, including the following:

40	CFR Part 72	Permits Regulations
40	CFR Part 73	Sulfur Dioxide Allowance System
40	CFR Part 75	Continuous Emissions Monitoring
40	CFR Part 77	Excess Emissions

32. The combustion turbines are subject to the applicable requirements of the NO_x Allowance Requirements established at 25 Pa. Code §§ 123.102—123.120 and the NO_x Budget Trading Program established at 25 Pa. Code Chapter 145.

33. In accordance with 25 Pa. Code §§ 123.1—123.2, there shall be no fugitive emissions from this facility except those that arise from the use of roads. All reasonable actions shall be taken to minimize fugitive emissions that arise from use of roads. Reasonable actions shall include, but shall not be limited to paving, sweeping and application of water or other dust suppressants. In no case shall fugitive emissions arising from the use of roads be permitted to cross the property line.

34. In accordance with 25 Pa. Code § 123.31, owner/operator shall not permit the emission of any malodorous air contaminants from any source in a manner that the malodors, as determined by the Department, are detectable outside the owner/operator's property.

35. The opacity of the exhaust from all sources at this facility shall not exceed 10% at any time. Opacity shall be measured using EPA Reference Method 9, found at 40 CFR 60, Appendix A. (25 Pa. Code § 127.1)

36. The equipment at this facility shall be equipped with silencers and/or mufflers. The turbines and generators shall be enclosed in structures designed to minimize sound levels. (25 Pa. Code § 127.12b)

37. Per 25 Pa. Code § 127.13, if the construction is not commenced within 18 months of issuance of this Plan Approval or if there is more than an 18-month lapse in

construction, a new Plan Approval application shall be submitted and the ERCs previously specified shall expire for use as offsets.

38. Owner/operator shall submit a Title V Operating Permit Application within 120 days of startup of the sources and/or pollution control devices. (25 Pa. Code § 127.505(a))

39. This Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided that the following conditions are met: (25 Pa. Code § 127.12b(d))

A. The Department must receive written notice from the owner/operator of the anticipated date that sources will commence operation.

B. Operation is authorized only to facilitate the startup and shakedown of the sources, to permit operation of the sources pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

C. This condition authorizes temporary operation of the sources for a period of 180 days from the start of commencement of operation, provided that the Department receives notice from the owner/operator under Subpart (A).

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

E. The notice submitted by the owner/operator under Subpart (A), prior to the expiration date of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the start-up.

PSD air quality modeling shows that the maximum impacts for CO, NO₂ and PM₁₀ are below the Class II area significance levels. A full impact analysis to determine PSD increment consumption and compliance with the National Ambient Air Quality Standards was therefore not necessary.

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

01121: Sunoco, Inc. (R & M)—Belmont Terminal (2700 Passyunk Avenue, Philadelphia, PA 19103) for replacing the existing vapor control unit with two John Zink vapor combustion units. This is a Title V facility. Current Volatile Organic Compound emission limit will not change as a result of the replacement. The facility has to install a continuous temperature monitoring system to satisfy 40 CFR 63.427 requirements. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

PUBLIC HEARINGS

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

00184: Sunoco, Inc. (R & M)—Philadelphia Refinery (3144 Passyunk Avenue, Philadelphia, PA 19145) to receive comments on the preliminary determination to approve their plan approval. This plan approval autho-

rizes the modification of the 868 Fluid Catalytic Cracking Unit (FCCU) to increase throughput from 40,000 barrels per day to 47,500 barrels per day in the City of Philadelphia, **Philadelphia County**.

The project consists of upgrading the feed nozzles, installing a vapor quench system and modifying the unit's recovery system. Sunoco is required to further reduce NOx by replacing the existing burners in the crude unit heater (H201B) with Ultra Low NOx Burners. The plan approval includes the following allowable emission limits from the FCCU after modifications:

<i>Pollutant</i>	<i>Concentration</i>	<i>lbs/hr</i>	<i>lbs/day</i>	<i>tons/year</i>
Particulate	1 lbs/1,000 lbs coke	25	600	95
SO ₂	500 ppmvd	358	5,880	600
CO	500 ppmvd	54	1,300	100
NOx	None	290	5,304	482
HC	n/a	17	405	74

The public hearing will be held on January 31, 2002, in the first floor main conference room at the City of Philadelphia, Air Management Services, 321 University Avenue, Philadelphia. The hearing will begin promptly at 6 p.m. and continuing to the conclusion of testimony.

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

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

39-399-050: Apollo Metals Limited (1001 Fourteenth Avenue, Bethlehem, PA 18018) for operation of a copper electroplating and evaporator recovery lines and associated air cleaning device in Bethlehem, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.

01-05031: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Germantown Substation in Mount Joy Township, **Adams County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 61 tons of NOx; 10 tons of SOx; 8 tons of CO; 2 tons of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

06-03074: Super Service Painting & Sandblasting (2350 Camp Swatara Road, Myerstown, PA 17067) for operation of a surface coating and sandblasting facility in Bethel Township, **Berks County**. The facility has the potential to emit 4/5 tons of VOCs per year. The Natural Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05086: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Hill Substation in Shrewsbury Township, **York County**. The site has the following potential

annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 48 tons of NO_x; 8 tons of SO_x; 7 tons of CO; 1 ton of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05087: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Pleasureville Substation in Springettsbury Township, **York County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 38 tons of NO_x; 6 tons of SO_x; 5 tons of CO; 1 ton of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05088: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Roundtop Substation in Warrington Township, **York County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 63 tons of NO_x; 10 tons of SO_x; 9 tons of CO; 2 tons of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05089: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Westgate Substation in the City of York, **York County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 32 tons of NO_x; 7 tons of SO_x; 3 tons of CO; 1 ton of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05090: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Yoe Substation in Windsor Township, **York County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 63 tons of NO_x; 10 tons of SO_x; 9 tons of CO; 2 tons of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05091: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19640-0001) for operation of electrical generating units at its Yorkana Substation in Lower Windsor Township, **York County**. The site has the following potential annual emissions based on an annual operating restriction of 438 hours per electrical generating unit during any consecutive 12-month period: 57 tons of NO_x;

10 tons of SO_x; 7 tons of CO; 2 tons of VOC; 1 ton of PM-10. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

95-027: Model Finishing, Inc. (4949 Cottman Avenue Philadelphia, PA 19135) for surface coating miscellaneous metal parts in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three spray booths, one vapor degreaser, miscellaneous solvent cleaning, one 0.8 mmBtu/hr bake oven, one 1.6 mm Btu/hr water heater, one 0.5 mm Btu/hr drying oven and one 1.6 mmBtu/hr conveyor oven.

MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES

permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

Coal Applications Received

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

54851317R3. Rhen Coal Co. (75 Rock Road, Pine Grove, PA 17963-9301), renewal of an existing anthracite underground mine operation in Reilly Township, **Schuylkill County** affecting 2.5 acres, receiving stream—none. Application received: December 7, 2001.

49010201. Waldemar T. Fetterolf, Sr. (100 East Main Street, Locustdale, PA 17945), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in East Cameron Township, **Northumberland County**, receiving stream—Mahanoy Creek, classified as a cold water fishery. Application received: December 6, 2001.

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

56960101 and NPDES Permit No. PA0213284. Fritz Coal, Inc., 412 Brownstown Hill, Stoystown, PA 15563-8144. Permit renewal for reclamation only for continued restoration of a bituminous surface and auger mine in Quemahoning Township, **Somerset County**, affecting 112.0 acres. Receiving streams: unnamed tributary to Stonycreek River and unnamed tributary to Beaverdam Creek classified for the following uses: High Quality-Cold Water Fishery. The first downstream potable water supply intake from the point of discharge is the Hooversville Water Supply. Application received: December 7, 2001.

11960109 and NPDES Permit No. PA0234320. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635. Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Elder Township, **Cambria County**, affecting 27.0 acres. Receiving streams: unnamed tributary to Brubaker Run classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 7, 2001.

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

32841602. NPDES Permit # PA0092631, Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), to renew the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** to renew the existing permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply

intake from the point of discharge is N/A. Application received: December 12, 2001.

17841607. Permit # PA0100803, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824-0259), to transfer the permit for the Coal Preparation Plant in Bradford Township, **Clearfield County** to transfer permit from Fuel Fabricators, Inc., Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A. Application received: October 30, 2001.

10841302. NPDES Permit # PA002780, BethEnergy Mines, Inc. (P. O. Box 29, Ebensburg, PA 15931), to renew and revise the permit for the Fawn Mine #91 in Clinton Township, **Butler County** to add surface permit area, Surface Acres Proposed 14, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A. Application received: November 2, 2001.

30841316. NPDES Permit # PA0213535, Consol PA Coal Co. (172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add 384 acres underground and 643 SCP, Surface Acres Proposed N/A, Underground Acres Proposed 384, SCP Acres Proposed 643, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A. Application received: November 21, 2001.

56961302. NPDES Permit # PA0214639, K. B. Coal, Inc. (P. O. Box 4091, Hidden Valley, PA 15502), to revise and renew the permit for the Miller Mine in Jenner and Lincoln Townships, **Somerset County** to add 236.8 acres to underground and SCPA, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A. Application received: November 29, 2001.

17823701. NPDES Permit # PA0617083, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824), to transfer the permit for the Refuse Disposal Area No. 1 in Bradford Township, **Clearfield County** to transfer from Bradford Coal Co., Inc., Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A. Application received: November 30, 2001.

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

10000104. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Slippery Rock and Cherry Townships, **Butler County** affecting 33.6 acres. Receiving streams: unnamed tributary to Slippery Rock Creek, classified for the following uses: Statewide water

uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to add blasting. Application received: December 7, 2001.

33010107. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface strip operation in Snyder Township, **Jefferson County** affecting 348.0 acres. Receiving streams: unnamed tributaries to Rattlesnake Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received: December 10, 2001.

NOTICE OF PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

Project Proposals Received

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

EGS 07001, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648). A water pollution abatement project to construct passive treatment systems (spaghetti hole, Clearwater and coke ovens) for three abandoned acid mine discharges on 13 acres of the Altoona City Authority and Angels Coal Trust (previously Cooney Brothers Coal Company) properties located approximately 2 miles west of the Horseshoe Curve on the north side of S.R. 4008 in Logan Township, **Blair County**. The receiving stream is Glen White Run. Project was received: November 30, 2001.

EGS 07002, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct a passive treatment system (south tributary) for three abandoned acid mine discharges on 3 acres of the Altoona City Authority property located approximately 2 miles west of the Horseshoe Curve on the south side of S.R. 4008 in Allegheny Township, **Blair County**. The receiving stream is Glen White Run. Project was received: November 30, 2001.

EGS 07003, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct a passive treatment system (north slope) for five abandoned acid mine discharges on 12 acres of the Angels Coal Trust (previously Cooney Brothers Coal Company) property located approximately 2 miles west of the Horseshoe Curve on the north side of S.R. 4008 in Logan Township, **Blair County**. The receiving stream is Glen White Run. Project was received: November 30, 2001.

EGS 07004, Blair County Conservation District, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct a passive treatment system (Squatter Falls) for an abandoned acid mine discharge on 2 acres of the Altoona City Authority property located approximately 2 miles west of the Horseshoe Curve on the north side of S.R. 4008 in Logan Township, **Blair County**. The receiving stream is Glen White Run. Project was received: November 30, 2001.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-830. Matrix Realty Associates, CN 4000 Forsgate Drive, Cranbury, NJ 08512, Lower Makefield and Middletown Townships, **Bucks County**, ACOE Philadelphia District.

To perform the following modification to the activities that were constructed under permit D09-213 and E09-347, associated with the proposed Octagon Center Matrix Development. This site is located between Oxford Valley Road to the east, Interstate 95 to the west, US Route 1 to the south and Dobry Road to the north (Trenton West, NJ-PA Quadrangle N: 13.5 inches; W: 0.5 inch):

1. To remove the control structure from the outlet at the dam and to operate and maintain the remaining 100-foot long, 4-foot wide by 8-foot high box stream enclosure across an unnamed tributary to Mill Creek (WWF) and associated fill in 0.54 acre of wetland (PFO) as a road crossing. The structure also includes a 12-inch water line and an 8-inch sanitary sewer line (Trenton West, NJ-PA Quadrangle N: 14.0 inches; W: 0.5 inch).

2. To remove the roadway crossing authorized by permit E09-431 and to restore 0.69 acre of wetlands (PFO).

Applicant proposes to mitigate on a 2:1 basis by the constructing of 1.08 acres of replacement forested wetland.

E46-900. Wal-Mart Stores, Inc., Architectural Manager, Design Team, Department 9635, 2001, S.E. 10th Street, Bentonville, AR 72712-6489, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To remove an existing 36-inch RCP outfall structure which is located within the wingwall at the Germantown Avenue Bridge. To construct and maintain a 48-inch RCP outfall structure at the same location in and along the east branch of Stony Run Creek (TSF) associated with the reconstruction of an underground basin for a commercial redevelopment project. This site is located at the intersection of Germantown Pike and Swede Road (Lansdale, PA USGS Quadrangle N: 3.2 inches; W: 9.0 inches).

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

E58-244. Christopher W. Urion, 8 Plumbridge Drive, Levittown, PA 19056-3512, in Auburn Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a low-flow road crossing of Little Meshoppen Creek (CWF) consisting of three 24-inch diameter HDPE culverts. The project is located on the east side of Township Road T-302, approximately 500 feet north of Carlin Pond. (Auburn Center, PA Quadrangle N: 10.5 inches; W: 7.8 inches).

E64-227. Gerald P. Salotico, 65 Palisade Avenue, Emerson, NJ 07630, in Preston Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing pond, with work including the expansion of the pond area by approximately 0.5 acre. The pond expansion will impact approximately 150 linear feet (0.34 acre) of a tributary to Riley Creek (HQ-CWF), converting the pond from off-stream to on-stream. The project is located on the east side of S.R. 4033 (South Preston Road), approximately 300 feet south of the intersection of Township Road T-571 (Czapnik Road) and S.R. 4033. (Orson, Quadrangle N: 10.2 inches; W: 2.7 inches).

E48-318. Grand Central Sanitary Landfill, Inc., 1963 Pen Argyl Road, Pen Argyl, PA 18072, in Plainfield Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain two road crossings in two separate tributaries to the Little Bushkill Creek (HQ-CWF, MF) and to place fill in 0.76 acre of adjacent PFO wetlands for the purpose of construction of a new access road to the existing western stockpile area. The project will impact greater than 1 acre of wetlands and stream. The project is located at the existing landfill, approximately 0.5 mile southeast of S.R. 0512 (Windgap, Quadrangle N: 5.3 inches; W: 2.5 inches).

E48-317. Ashley Development Corporation, 559 Main Street, Bethlehem, PA 18018, in Bethlehem Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 640-foot long stream enclosure consisting of three 36-inch diameter polyethylene pipes and a 200-foot long channel change consisting of a grass-lined trapezoidal channel having a bottom width of 10 feet and 3:1 side slopes in a tributary to Bushkill Creek (HQ-CWF). The project is associated with the Cross Hills Residential Development, a proposed 55-lot subdivision located at the northeast quadrant of the intersection of S.R. 0022 and S.R. 0033. (Nazareth, Quadrangle N: 11.9 inches; W: 4.5 inches).

E39-408. Upper Macungie Township Board of Supervisors, 8330 Schantz Road, Breinigsville, PA 18031, in Upper Macungie Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove an existing pedestrian bridge and to construct and maintain two prefabricated laminated wood pedestrian bridges across Breinig Run and adjacent wetlands (HQ-CWF); an open-bottom concrete culvert, having a span of 14.0 feet and an underclearance of 3.6 feet across Breinig Run; and a 24-inch reinforced concrete pipe outfall structure in the floodway of Breinig Run. The project is located immediately north of the Breinigsville Road (T858) and Butz Road (S.R. 3007) intersection. (Topton, Quadrangle N: 7.0 inches; W: 1.0 inch).

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

E07-354. Durbin & Associates, 810 E. Wopsy Avenue, Altoona, PA 16601 in Logan Township, **Blair County**.

To place fill in 0.123 acre of wetlands adjacent to a tributary to Spring Run at a point downstream of Gwin Avenue for the purpose of constructing underground stormwater detention facilities (Altoona, PA Quadrangle N: 7.5 inches; W: 3.7 inches) in Logan Township, Blair County. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

E36-721. John M. Ragone, PPL West Earl LLC, 11350 Random Hills Road, Fairfax, VA 22030 in West Earl Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain an outfall structures and relocate approximately 1,500 feet of an unnamed tributary to the Conestoga River (WWF) to a location east of its present position at a point approximately 1,100 feet east of the intersection of Tobacco Road and Old Akron Road along the East side of Tobacco Road (Ephrata, PA Quadrangle N: 3.0 inches; W: 11.0 inches) in West Earl Township, Lancaster County.

E36-722. Warwick Township, 315 Clay Road, P. O. Box 308 Lititz, PA 17543 in Warwick Township, Lancaster County, ACOE Baltimore District.

To construct and maintain an 8-foot by 50-foot pedestrian footbridge across Lititz Run (WWF) at a point approximately 400 feet northeast of the intersection of Clay Road and Rothsville Road along Clay Road (Lititz, PA Quadrangle N: 4.6 inches; W: 4.8 inches) in Warwick Township, Lancaster County.

E50-207. Michael Dubaich, P. O. Box 201, Liverpool, PA 17045 in Tuscarora Township, Perry County, ACOE Baltimore District.

To construct and maintain a crossing consisting of two 8.15-foot by 5.78-foot corrugated metal arch culverts in the channel of Raccoon Creek (CWF) at a point approximately 7,000 feet downstream of Route 17 for the purpose of constructing a driveway (Mexico, PA Quadrangle N: 1.3 inches; W: 1.75 inches) in Tuscarora Township, Perry County.

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

E08-386. Pennsylvania Department of Transportation, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754. Replacement of Two Bridges, in Canton Township, Bradford County, ACOE Baltimore District (Canton, PA Quadrangle N: 1.28 inches; W: 9.35 inches).

To remove the existing concrete encased I-beam bridge which has a 75° skew right hand ahead, a 15' 6" clear span and a design underclearance of 5.5' and to construct and maintain a reinforced concrete box culvert with an 18' 0" by 5' 5" hydraulic opening, a normal span of 18', a clear span of 18.63 feet and a curb-to-curb width of 40 feet in Beech Flats Creek on SR 0154, Section 034, Segment 0100, offset 0236 and to remove the existing reinforced concrete slab bridge which has a 90° skew, an 8' clear span and a design underclearance of 3' and to construct and maintain a precast reinforced concrete box culvert with a normal span of 10', a clear span of 10' and a curb-to-curb width of 40' and a minimum underclearance of 3.5' in Beech Flats Creek on SR 0154, Section 034, Segment 0100, offset 0527 in Canton Township, Bradford County. The project will not impact wetlands while impacting about 90 feet of waterway. Beech Flats Creek and Little Beech Flats Creek are Cold Water fisheries streams.

E14-407. DBW Partnership, 1042 E. Springfield Dr., Bellefonte, PA 16823. Nittany Creek Crossings, in Walker Township, Centre County, ACOE Baltimore District (Mingoville, PA Quadrangle N: 8.5 inches; W: 9.5 inches).

To 1) remove an existing 72-inch steel pipe culvert and the associated earthen cover, 2) construct and maintain a 4.6-foot by 9.5-foot box culvert with associated earthen cover, approach fill and concrete headwall, 3) realign and maintain 600 linear feet of Nittany Creek, 4) install and maintain an 8-inch PVC sanitary sewer main and an 8-inch PVC water main under Nittany Creek, located on the south side of SR 1005 (Forest Avenue) one mile north

of the SR1005 and SR550 intersection, for a proposed residential subdivision. The client proposes to permanently impact 600 linear feet of Nittany Creek, which is a Coldwater Fishery.

E41-495. Thomas Wagner, 3249 Rt. 87 Hwy., Montoursville, PA 17754. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Lewis Township, Lycoming County, ACOE Susquehanna River Basin District (Trout Run, PA Quadrangle N: 9.15 inches; W: 0.21 inch).

To remove an existing wooden structure and construct and maintain a 7.67-foot diameter by 21 foot long steel culvert in Shoemaker Run, all of which is located 1/2 mile east of the intersection of SR 0014 and SR 1004 along SR 1004. This project proposes to have a minimal impact on Shoemaker Run, which is, designated a High Quality-Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

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

E56-310. Somerset County Commissioners, 300 North Center Avenue, Suite 500, Somerset, PA 15501-1428. Upper and Lower Turkeyfoot Townships, Somerset County, ACOE Pittsburgh District.

To operate and maintain the single span concrete arch bridge (Somerset County Bridge No. 68) having a clear span of 31 feet and an underclearance of 8.8 feet across Sandy Run (HQ-CWF) located on T-318 (Sandy Run Road) at a point approximately 1.5 miles west of its intersection with T-320 (Kanauel Road). The repair consists of underpinning and placement of a concrete toe wall along the arch and placement of R-6 rock protection at the base of the arch and 15 LF, both upstream and downstream of the bridge. The repair was completed on November 15, 2001 (Kingwood, PA Quadrangle N: 10.6 inches; W: 12.25 inches).

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

E10-300. Independence Pipeline Company, 9 Greenway Plaza Houston, TX 77046. Independence Pipeline Project—Butler County, in Muddy Creek, Franklin, Clay, Concord and Fairview Townships, Butler County, ACOE Pittsburgh District

To construct and maintain a 36-inch diameter high-pressure natural gas pipeline through 54 watercourses and 45 wetlands across Butler County. This installation will require temporary equipment crossings to be installed across each watercourse and wetland. The objective of this project is to supply natural gas to the eastern United States. This application is being reviewed concurrently with similar encroachment applications for Lawrence (E37-127), Armstrong (E03-378), Clarion (E16-109), Jefferson (E33-195), Forest (E27-059), Elk (E24-208), McKean (E42-263), Cameron (E12-118), Potter (E53-337) and Clinton (E18-288) Counties as a single and complete project. The Commonwealth portion of the project from the State of Ohio and Commonwealth of Commonwealth Boundary in Little Beaver Township, Lawrence County to Leidy Township, Clinton County spans 178.4 miles. The entire pipeline from Defiance, Ohio to Leidy, Clinton County, PA spans 397.4 miles.

The project enters Butler County at the Butler-Lawrence County line in Muddy Creek Township, Butler County (Portersville, PA Quadrangle N: 5.20 inches; W: 4.95 inches) and progresses eastward for 29.32 miles

to the Butler-Armstrong County Line in Fairview Township, Butler County (Parker, PA Quadrangle N: 2.20 inches; W: 9.00 inches).

Watersheds encountered east to west include Camp Run (Warm Water Fishery), Little Yellow Creek (Cold Water Fishery), Yellow Creek (Cold Water Fishery), Crab Run (Cold Water Fishery), Big Run (High Quality-Cold Water Fishery), Shannon Run (High Quality-Cold Water Fishery), Swamp Run (High Quality-Cold Water Fishery), Muddy Creek (High Quality-Cold Water Fishery), Stony Run (Warm Water Fishery), Pine Run (Warm Water Fishery), Connoquenessing Creek (High Quality-Cold Water Fishery-Trout Stocked Fishery), Bear Creek (Cold Water Fishery-Trout Stocked Fishery), South Branch Bear Creek (Warm Water Fishery).

Watercourse crossing methods consist of seven wet open cuts and 47 flume pipes. A total of 2,900 lineal feet of watercourse will be temporarily impacted. Of the 45 wetland impacts, 18 are to exceptional value wetlands. Each wetland crossings will by the wet open cut method resulting in a total temporary impact of 19.08 acres. Of the 45 wetland impacts, one is a 2,000 foot long exceptional value wetland impact and two are 1,000 foot long impacts to nonexceptional value wetlands.

Approximately 17.5 miles (59.7%) of the alignment in Butler County follows established right-of-ways.

This project crosses Moraine State Park within the Frank Preston Conservation Area. Within Moraine State Park, a total of 14 watercourses and 19 wetlands are to be impacted. Of the 19 wetland impacts in the park, four are to exceptional value wetlands within the Swamp Run area. The cumulative exceptional value wetland impact is 3,000 feet lineal feet. These wetlands are classified exceptional value because they are known habitat of the Pennsylvania Threatened *Cistothorus platensis* (Sedge Wren) and the Pennsylvania Endangered *Rallus elegans* (King Rail).

E10-345, Pennsylvania Department of Transportation, 2550 Oakland Avenue, P. O. Box 429 Indiana, PA 150701-0429. SR.3021, bridge over Wolfe Run in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 18.6 inches; W: 10.05 inches).

To remove the existing structure and to construct and maintain a 33 foot 1 inch long precast concrete CON/SPAN culvert with precast concrete headwalls and wingwalls, having a rise of 9 foot across Wolf Run on SR. 3021 Segment 0100, Offset 0000. Location S.R. 79 to S.R. 228 east, left on SR. 3021 3 miles to project location.

E10-348, County of Butler, P. O. Box 1208, Butler, PA 16003-1208, Glade Run Bridge, in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 18.3 inches; W: 9.2 inches).

Project involves the replacement of Butler County Bridge 142, an existing single lane, single span bridge, having a clear span of 33.2 feet from face-to-face of abutment and a transverse width of 12.83 feet rail-to-rail. Replacement is necessary due to deterioration of the existing structure. The proposed structure will occupy the same alignment over Glade Run (WWF) and is a single span, prestressed concrete spread box beam bridge with a clear span of 41.0 feet and a roadway width of 28.67 feet. The total project acreage is 0.22 acre and the total disturbed area is 0.193 acre.

E37-127, Independence Pipeline Company, 9 Greenway Plaza, Houston, TX 77046. Independence Pipe-

line Project—Lawrence County, in Little Beaver, Big Beaver, Wayne and Perry Townships, **Lawrence County**, ACOE Pittsburgh District

To construct and maintain a 36-inch diameter high-pressure natural gas pipeline through 34 watercourses and 37 wetlands across Lawrence County. This installation will require temporary equipment crossings to be installed across each watercourse and wetland. The objective of this project is to supply natural gas to the eastern United States. This application is being reviewed concurrently with similar encroachment applications for Butler (E10-300), Armstrong (E03-378), Clarion (E16-109), Jefferson (E33-195), Forest (E27-059), Elk (E24-208), McKean (E42-263), Cameron (E12-118), Potter (E53-337) and Clinton (E18-288) Counties as a single and complete project. The Commonwealth portion of the project from the State of Ohio and Commonwealth Boundary in Little Beaver Township, Lawrence County to Leidy Township, Clinton County spans 178.4 miles. The entire pipeline from Defiance, Ohio to Leidy, Clinton County, PA spans 397.4 miles.

The project enters Lawrence County at the State of Ohio and Commonwealth of Commonwealth Boundary in Little Beaver Township, Lawrence County (New Middleton, OH-PA. Quadrangle N: 1.70 inches; W: 2.65 inches) and progresses eastward 20.69 miles to the Lawrence-Butler County line in Perry Township, Lawrence County (Portersville, PA Quadrangle N: 5.20 inches; W: 4.95 inches).

Watersheds encountered east to west include North Fork Little Beaver Creek (High Quality-Cold Water Fishery-Trout Stocked Fishery), Honey Creek (High Quality-Cold Water Fishery-Trout Stocked Fishery), Beaverdam Run (High Quality-Cold Water Fishery), Eckles Run (Warm Water Fishery), Beaver River (Warm Water Fishery), Snake Run (Warm Water Fishery), unnamed tributary Beaver River, locally know as Vinegar Valley Run (Warm Water Fishery), Duck Run (Warm Water Fishery), Squaw Run (Warm Water Fishery), Slippery Rock Creek (Cold Water Fishery-Stocked Trout Fishery) and Camp Run (Warm Water Fishery).

Watercourse crossing methods consist of 21 wet open cuts including the Beaver River a 100 foot long wet open cut, 12 flume pipes and one directional drill under the bed of Slippery Rock Creek. A total of 1,700 lineal feet of watercourse will be temporarily impacted. Of the 37 wetlands impacted, 3 are exceptional value wetlands. All wetland crossings will by wet open cut method, a total temporary wetland impact of 5.88 acres. Of the 37 wetland crossing impacts, one is 900 feet long and 12 are over 100 feet long. Additionally, this project will cross the southern portion of McConnell's Mill State Park-Slippery Rock Gorge, a designated National Natural Landmark. Resources impacted within the park include Slippery Rock Creek and three exceptional value wetlands. Approximately 4.2 miles (20.3%) of the alignment in Lawrence County follows established right-of-ways.

E61-251, Sugar creek Borough, 212 Fox Street, Franklin, PA 16323, Keely Road Culvert Replacement, in Sugar creek Borough, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 14.9 inches; W: 5.5 inches).

Replacement of an existing single 5-foot diameter CMP culvert carrying West branch Twomile Run (CWF) under Keely Road with a new culvert. The new culvert will be two-60 inch pipes or a single 8-foot diameter pipe. The

existing CMP pipe is deteriorated and flood damaged. The project is located on Keely Road approximately 0.65 mile west of Cherrytree Road

ENVIRONMENTAL ASSESSMENTS

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

EA22-001. Highspire Borough, 640 Eshleman Street, Highspire, PA 17034 in Highspire Borough, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project in the existing channel and within 20 to 30 feet of the channel of an unnamed tributary to the Susquehanna River (WWF), locally known as Burd Run, using natural stream design techniques that is to incorporate the following activities: construction of in-stream rock structures, including saw tooth riprap, rock vanes and rock deflectors; along with excavation for minor stream bank grading; and riparian buffer planting for the purpose of stabilizing about 1,400 linear feet of stream channel as well as stream banks and improving sediment transport, along with fish habitat and other types of aquatic habitat located in Highspire Borough Park (Steelton, PA Quadrangle N: 15.2 inches; W: 5.0 inches) in Highspire Borough, Dauphin County.

DAM SAFETY

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

D41-118. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To modify, operate and maintain SGL #252 Road A Dam across a tributary to Black Run (WWF), directly impacting 0.16 acre of wetlands (PEM) and providing 0.16 acre of wetland mitigation, for the purpose of establishing diverse conditions for wildlife and wetlands (Montoursville South, PA Quadrangle N: 5.2 inches; W: 10.1 inches) in Brady Township, **Lycoming County**.

D41-119. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To modify, operate and maintain SGL #252 Road B across a tributary to Black Run (WWF), for the purpose of establishing diverse conditions for wildlife and wetlands (Montoursville South, PA Quadrangle N: 5.6 inches; W: 10.0 inches) in Brady Township, **Lycoming County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by this 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, P. O. Box 8457, Harrisburg,

PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

I. Municipal and Industrial Permit Actions under The Clean Streams Law Act (35 P.S. §§ 691.1— 691.1001).

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

WQM Permit No. 1501421, Sewerage, **Westtown Township**, 1081 Wilmington Pike, Westtown, PA 19395. This proposed facility is located in Westtown Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of sewage pump station and force main to serve Westtown Associates Office Building.

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

NPDES Permit No. PA0081299, Sewerage, **Model Enterprises, Inc. (Rolling Hills Estates Mobile Home Park)**, 418 Pearl Street, Lancaster, PA 17603. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7-G.

NPDES Permit No. PA0087025, Sewerage, **David M. Ott (Dave & Jane's Crab House)**, 2989 Tract Road, Fairfield, PA 17320. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Flat Run in Watershed 13-D.

NPDES Permit No. PA0080900, Sewerage, **Berrysburg Municipal Authority**, Berrysburg Borough Hall, First and Hickory Streets, Berrysburg, PA 17005. This proposed facility is located in Berrysburg Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Wiconisco Creek in Watershed 6-C.

NPDES Permit No. PA0083054, Sewerage, **Bharat J. Patel**, Wellington Inn LLC, Days Inn Townhill Plaza, R. D. 2, Warfordsburg, PA 17267-9802. This proposed facility is located in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Transfer of Permit and authorization to discharge to Wildcat Hollow Run in Watershed 11-C.

WQM Permit No. PA0087033, Sewerage, **Rachel Esh**, Esh Apartments, 6352 McClays Mill Road, Newburg, PA 17240. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT to Conodoquinet Creek in Watershed 7-B.

NPDES Permit No. PA0083771, Industrial Waste, **Turkey Hill Dairy**, 2601 River Road, Conestoga, PA 17516. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Mann's Run in Watershed 7-J.

NPDES Permit No. PA0038598, Industrial Waste, **Susquehanna Aquacultures, Inc. (Brunner Island Aquaculture Facility)**, P. O. Box 306, York Haven, PA 17370. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-F.

NPDES Permit No. PA0088854, CAFO, **Jeremiah and James Sensenig**, 114 Widdowson Road, Quarryville, PA 17566. This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 379-AEU Swine Concentrated Animal Feeding Operation in Watershed 7-K.

NPDES Permit No. PA0088862, CAFO, **Jeremiah Sensenig**, 2671 Noble Road, Quarryville, PA 17566. This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 326-AEU Swine Concentrated Animal Feeding Operation in Watershed 7-K.

NPDES Permit No. PA0088692, CAFO, **Frey Dairy Farms, Inc.**, 2646 River Road, Conestoga, PA 17516-9326. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 2480-AEU Dairy Cow Concentrated Animal Feeding Operation in Watershed 7-J.

WQM Permit No. 3101202, CAFO, **R. Wayne Harpster**, Evergreen Farms, Inc., Box 113, Spruce Creek, PA 16683. This proposed facility is located in Franklin Township, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for the construction and operation of manure storage facilities for a 3,744 AEU Concentrated Animal Feeding Operation.

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

WQM Permit No. 1400408, Sewerage, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA, 16801-8499. This proposed facility is located in Benner and College Townships, **Centre County**.

Description of Proposed Action/Activity: This WQM permit is issued for the expansion and modification to the Authority's Spring Creek Water Pollution Control Facility for a projected future flow of 9.0 million gallons per day. In addition, the project will include a membrane filtration based advanced water treatment facility, with disinfection, storage and transmission pipeline, to make possible the beneficial reuse of up to 3.0 million gallons per day of reclaimed sewage treatment plant effluent. The permit was issued on November 29, 2001.

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

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

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

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site

PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water</i>	<i>Water Use</i>	<i>Contact Office & Telephone No.</i>
Mill Hall Borough Clinton County	PAR101922	Keystone Central School District 95 West 4th St. Lock Haven, PA 17745	Bald Eagle Creek Fishing Creek	CWF CWF	Clinton County Conservation District 216 Spring Run Rd. Rm. 104 Mill Hall, PA 17751 (570) 726-3798 ext. 5

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
City of Philadelphia Philadelphia County	PAR600015	Waste Management of PA 1121 Bordentown Rd. Morrisville, PA 19067	Schuylkill River-3J Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
City of Philadelphia Philadelphia County	PAR800062	United States Postal Service 2970 Market St. Philadelphia, PA 19104	Byberry Creek-3J Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Pottstown Borough Montgomery County	PAR210027	Heim Pipe & Products Inc. Keim St., Bldg. 1A Pottstown, PA 19406	Schuylkill River-3E Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Moreland Township Montgomery County	PAR230003	Bostik Findley Inc. 11320 Watertown Plank Rd. Wauwatosa, WI 53326	Southampton Creek-3J Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
York County Spring Garden Township	PAR233517	Graham Recycling Company, L.P. 505 Windsor Street York, PA 17403	Mill Creek WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Upper Leacock Township	PAR213513	Evans Eagle Burial Vaults, Inc. 15 Graybill Road Leola, PA 17540	Mill Creek CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Bedford Township	PAR803649	Schneider National Carriers Bedford Facility P. O. Box 2545 Green Bay, WI 54306	Dunning Creek/WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Harrisburg City	PAR803515	Dayton Parts, Inc. 1300 N. Cameron Street Harrisburg, PA 17103-1031	Paxton Creek/WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Berks County Cumru Township	PAG043517	Fred S. and Bonnie K. Savage 8 Hessian Blvd. Shillington, PA 19607-4839	UNT to Schuylkill River	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Lawrence Township Clearfield County	PAG084817	Clearfield Municipal Authority 107 E. Market St. Clearfield, PA 16830	Comkey III Farm Sewage Treatment Plant Rd. Leonard St. Ext. Clearfield, PA 16830	William Hanczar Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster County East Donegal Township	PAG123524	Kenton L. Sweigart 620 Greider Road Mount Joy, PA 17552	UNT to Donegal Creek/ CWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by this 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days from the date of issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

SAFE DRINKING WATER

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

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

Permit No. 0601518, Public Water Supply.

Applicant	Reading Area Water Authority
Municipality	Ontelaunee Township
County	Berks
Type of Facility	Installation of new corrosion control treatment facilities.
Consulting Engineer	Thomas L. Weld Jr., P.E. BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Permit to Construct Issued:	December 11, 2001

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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>
Lack Township	R. D. 1, Box 213 East Waterford, PA 17021	Juniata

Plan Description: The approved plan provides for an onlot sewage management district ordinance. The portion of the plan relating to the East Waterford area remains incomplete and is not approved under this action. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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 under 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.

PPL Electric Utilities Distribution Pole #67659S42272, Richlandtown Borough, **Bucks County**. Walter M. Novitsky, PPL Services Corp., Two North Ninth St., Allentown, PA 18101, on behalf of PPL Electric Utilities, Inc., Two North Ninth St., Allentown, PA 18101, has submitted a Final Report concerning remediation of site soil contaminated with PCCBs. The report is intended to document remediation of the site to meet the Statewide Health Standard. The Final Report was submitted within 90 days of the release of the contaminant.

Broomell Residence, East Nottingham Township, **Chester County**. Thomas M. Hippensteal, P.G., Mid-Atlantic Associates, P.A., P. O. Box 1128, North Wales, PA 19454, on behalf of Edward and Mary Broomell, 695 Hopewell, Oxford, PA 19454, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former MGP, PECO Energy Company Oreland, Springfield Township, **Montgomery County**. Allan Fernandes, P.G., Environmental Affairs Dept., PECO Energy Co., 2301 Market Street, S21-2, P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site soil and groundwater

contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons.

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

Former Teledyne McKay Property, Spring Garden Township, **York County**. EA Engineering, Science and Technology, Inc., 15 Loveton Circle, Sparks, MD 21152 (on behalf of Redevelopment Authority of the County of York, 144 Roosevelt Avenue, Suite 100, York, PA 17404) submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific 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, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. 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. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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. 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 under 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 final reports:

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

Brode & Brooks, Inc. (Estate of Lawrence I. Yerck), Pennsburg Borough, **Montgomery County**. Hudson S. Green, Jr., Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of the Estate of Lawrence I. Yerck, c/o Mullaney Law Offices, 598 Main St., Red Hill, PA 18076, has submitted a combined Remedial Investigation/Cleanup Plan concerning the remediation of site soil contaminated with lead and petroleum hydrocarbons. The combined report was approved by the Department on October 30, 2001.

Collom Property, Upper Gwynedd Township, **Montgomery County**. David J. Arber, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Mr. and Mrs. Gerald Collom, 648 Park Rd., West Point, PA 19486, has submitted a Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 30, 2001.

McClelland's Auto Repair Property, Whitmarsh Township, **Montgomery County**. Steven D. Thorne, P.E., Merlick-Tully & Associates, P.C., 117 Canal Rd., South Bound Brook, NJ 08880, has submitted a Final Report concerning the remediation of site soil contaminated with lead, BTEX, polycyclic aromatic hydrocarbons and naphthalene. The Final report demonstrated attainment of Statewide Health and Site Specific Standards and was approved by the Department on November 2, 2001.

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

Schneider National Terminal, Bedford Township, **Bedford County**. Environmental Products & Services, Inc., P. O. Box 501, Carnegie, PA 15106 (on behalf of Schneider National Terminal, 5906 Business Route 220, Bedford, PA 15522) submitted a final report concerning the remediation of site soils contaminated with PHCs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on December 4, 2001.

Former Graybill Property and Saltdome Storage Site, City of York, **York County**. NuTec Design Associates, Inc., 3687 Concord Road, York, PA 17402 (on behalf of York County Economic Development Corporation, 160 Roosevelt Avenue, Suite 300, York, PA 17404) submitted a baseline environmental report concerning the remediation of site soils and groundwater contaminated with lead, heavy metals and solvents. The report was approved by the Department on December 12, 2001.

Ameristeel Facility, Spring Garden Township, **York County**. ARM Group, Inc., 129 W Governor Road, P. O. Box 797, Hershey, PA 17033-0797 (on behalf of Coastal Steel Company, Inc., 1200 Country Club Road, York, PA 17403) submitted a combined remedial investigation and final report concerning the remediation of site groundwater contaminated with solvents. The final report demonstrated attainment of the Site-Specific standard and was approved by the Department on December 12, 2001.

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: Ronald Davis, New Source Review Chief, (717) 705-4702.

GP3-1-07-03042: Grannas Bros. Stone & Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648) on December 11, 2001, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Catharine Township, **Blair County**.

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

01111: Mail Well Commercial Printing, Inc. (7625 Suffolk Avenue, Philadelphia, PA. 19153) for installation of eight sheetfed offset lithographic printing presses in the City of Philadelphia, **Philadelphia County**.

01124, 01125: Sunoco Chemicals (Margaret and Bermuda Streets, Philadelphia, PA. 19137) for replacing two storage tanks for volatile organic compounds in the City of Philadelphia, **Philadelphia County**.

01135, 01136: Ashland Specialty Chemical Co. (2801 Christopher Columbus Boulevard, Philadelphia, PA, 19148) for connecting two existing storage tanks to afterburner in the City of Philadelphia, **Philadelphia County**.

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

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

15-0115: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on December 11, 2001, for operation of two 12.55 MMBTU/hr gas/fuel boilers in West Goshen Township, **Chester County**.

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

06-05037B: McConway & Torley Corp. (230 Railroad Avenue, Kutztown, PA 19530) on December 11, 2001, for the installation of a fabric collector to control particulate emissions from the finishing operations in Kutztown Borough, **Berks County**.

21-05005B: Department of Corrections (P. O. Box 598, Camp Hill, PA 17001) on December 10, 2001, for installation of a 63.9 mm Btu/hr boiler at the State Correctional Institute—Camp Hill Boiler Plant in Lower

Allen Township, **Cumberland County**. This source is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

38-05019A: AES Ironwood, LLC (305 Prescott Road, Lebanon, PA 17042) on December 10, 2001, for operation of a turbine electric generating facility in South Lebanon Township, **Lebanon County**.

67-05032C: Harley Davidson Motor Company Operations, Inc. (1425 Eden Road, York, PA 17402) on December 10, 2001, for expansion of the existing motorcycle manufacturing and assembly plant in Springettsbury Township, **York County**.

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

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

46-0161: Reading Materials, Inc. (394 Sanatoga Road, Pottstown, PA 19464) on December 11, 2001, for operation of a batch asphalt plant in Lower Pottsgrove Township, **Montgomery County**.

09-0125A: Naceville Materials (5031 Pt. Pleasant Pike, Doylestown, PA 18901) on December 13, 2001, for operation of a crushing plant in Plumstead Township, **Bucks County**.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.

22-05029: AmerGen Energy Co., LLC (Route 441 South, P. O. Box 480, Middletown, PA 17057) on December 11, 2001, for operation of standby units comprised of two boilers, three engine generators and other sources in Londonderry Township, **Dauphin County**.

67-05070: Graham Packaging Co., LP (2401 Pleasant Valley Road, York, PA 17402) on December 10, 2001, for operation of a plastic bottle production facility in Manchester Township, **York County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

95-089: Smith-Edwards-Dunlap Co. (2867 East Allegheny Avenue, Philadelphia, PA 19134) administratively amended on December 10, 2001, to include Press P-36 in the Group 2 equipment inventory list in the City of Philadelphia, **Philadelphia County**. The facility previously applied for and subsequently received an installation permit for this press (Installation Permit #96268); however, this press was mistakenly removed from the

equipment inventory list when the operating permit was initially issued. The Title V operating permit was originally issued on May 11, 2001.

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); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

56990103 and NPDES Permit No. PA0235172. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, from Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552. Permit transfer for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 222.0 acres. Receiving streams: Miller's Run, unnamed tributaries to Miller's Run classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 12, 2001. Application issued: December 5, 2001.

56000106 and NPDES Permit No. PA0248819. Tomcat Coal, 309 Coalyard Road, Rockwood, PA 15557. Commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in Milford Township, **Somerset County**, affecting 10.8 acres. Receiving streams: unnamed tributaries to Coxes Creek classified for the following uses: Warm Water Fishery (WWF). There are no potable water supply intakes within 10 miles downstream. Application received: October 16, 2000. Application issued: December 12, 2001.

56000101 and NPDES Permit No. PA0235229. Cooney Bros. Coal Company, P. O. Box 246, Cresson, PA 16630. Commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Paint Township, **Somerset County**, affecting 119.2 acres. Receiving streams: Shade Creek and Stony Creek River classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 12, 2000. Application issued: December 12, 2001.

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

65970102 and NPDES Permit PA0201871. V. P. Smith Co., Inc. (P. O. Box 242, Ligonier, PA 15658). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Murrysville Borough, **Westmoreland County**, affecting 59 acres. Receiving streams: unnamed tributary to Steels Run to Steels Run, Steels Run to Turtle Creek, Turtle Creek to Monongahela River. Application received: November 2, 2001. Renewal permit issued: December 14, 2001.

Noncoal Permits Actions

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

28012802. William Mac Smith, Jr. (11665 Cool Hollow Road, Green Castle, PA 17225), commencement, operation and restoration of a quarry operation in Montgomery Township, **Franklin County** affecting 4.0 acres, receiving stream—unnamed tributary to West Branch Cococogue Creek. Application received: August 31 2001. Permit issued: December 14, 2001.

64010811. Paul R. Gustin (Box 105, Preston Park, PA 18455), commencement, operation and restoration of a bluestone quarry operation in Mt. Pleasant Township, **Wayne County** affecting 1.0 acre, receiving stream—West Branch Dyberry Creek. Application received: October 15, 2001. Permit issued: December 14, 2001.

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

37960301. Essroc Cement Corp. (P. O. Box 779, Bessemer, PA 16112) Renewal of NPDES Permit No. PA0227188, North Beaver Township, **Lawrence County**. Receiving streams: unnamed tributary to Mahoning River, unnamed tributary to Hickory Run. Application received: October 23, 2001. NPDES Renewal Issued: November 30, 2001.

4379306. Atlantic States Materials of PA, Inc. (P. O. Box 146, Slippery Rock, PA 16057) Revision to an existing sand and gravel operation to add 10.8 acres in East Lackawannock Township, **Mercer County**. New Mine Drainage Permit acreage is now 155.4 acres. Receiving streams: unnamed tributary to Neshannock Creek. Application received: August 6, 2001. Permit Issued: November 29, 2001.

SMALL NONCOAL (INDUSTRIAL MINERALS) PERMIT—FINAL BOND RELEASE

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

42900802. Duffy, Inc. (P. O. Box 374, Smethport, PA 16749-0374). Final bond release for a small noncoal mining operation in Keating Township, **McKean County**. Restoration of 1.5 acres completed. Receiving streams: Marvin Creek. Application received: October 2, 2001. Final bond release approved: December 6, 2001.

25930803. Bill Danylko (10330 Osborne Road, McKean, PA 16426-2017). Final bond release for a small noncoal mining operation in McKean Township, **Erie County**. Restoration of 3.0 acres completed. Receiving streams: Elk Creek. Application received: October 19, 2001. Final bond release approved: December 3, 2001.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

09014011. AMROC, Inc. (7531 Chestnut Street, Zionsville, PA 19504), construction blasting in East Rockhill Township, **Bucks County** with an expiration date of March 30, 2002. Permit issued: December 11, 2001.

15014015. Rock Work, Inc. (1257 DeKalb Pike R. D. 2, Blue Bell, PA 19422), construction blasting in Upper Uwchlan Township, **Chester County** with an expiration date of January 30, 2002. Permit issued: December 11, 2001.

35014005. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Pittston Township, **Lackawanna County** with an expiration date of December 31, 2001. Permit issued: December 11, 2001.

36014052. HL Wiker & Sons (709A Hartman Station Road, Lancaster, PA 17601), construction blasting in East Donegal Township, **Lancaster County** with an expiration date of December 31, 2003. Permit Issued: December 11, 2001.

39014006. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of January 31, 2002. Permit issued: December 11, 2001.

45014017. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of December 31, 2001. Permit issued: December 11, 2001.

15014017. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Honeybrook Township, **Chester County** with an expiration date of December 31, 2006. Permit issued: December 13, 2001.

36014061. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County** with an expiration date of February 15, 2002. Permit issued: December 13, 2001.

36014062. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Caernarvon Township, **Lancaster County** with an expiration date of January 15, 2002. Permit issued: December 13, 2001.

38014025. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Millcreek Township, **Lebanon County** with an expiration date of January 15, 2007. Permit issued: December 13, 2001.

38014027. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting

in Cleona Borough, **Lebanon County** with an expiration date of January 15, 2006. Permit issued: December 13, 2001.

21014027. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of March 31, 2002. Permit issued: December 13, 2001.

21014028. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Upper Allen Township, **Cumberland County** with an expiration date of January 13, 2003. Permit issued: December 13, 2001.

22014030. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Derry Township, **Dauphin County** with an expiration date of January 15, 2004. Permit issued: December 13, 2001.

36014059. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of January 15, 2003. Permit issued: December 13, 2001.

38014026. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of January 15, 2004. Permit issued: December 13, 2001.

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

26014002. D. C. Guelich Explosives (456 Stouffer Hill Road, Friedens, PA 15541). Permit issued for construction of gas well in Springfield Township, **Fayette County**, expected duration 15 days. Permit issued: December 12, 2001.

02014003. William & Jefferson Inc. (212 Sussex Way, McMurray, PA 15317). Permit issued for mass rock excavating at a housing plan construction site located in Upper St. Clair Township, **Allegheny County**, expected duration ten days. Permit issued: December 13, 2001.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and operation herein described will comply with the appli-

cable 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.

Any person aggrieved by this 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, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board (Board) within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-821. Borough of Morrisville, 35 Union Street, Morrisville, PA 19067, Borough of Morrisville, **Bucks County**, ACOE Philadelphia District.

To operate and maintain approximately 4,000 linear feet of an existing earthen levee which is located along the southern bank of the Delaware River (WWF, MF) and built in 1940 as a flood control project. The levee is located between Trenton Avenue Bridge and Bridge Street (Trenton West NJ—PA; starting point; N: 15.4 inches; W: 2.90 inches, End Point; N: 16.9 inches; 4.25 inches).

E09-820. Borough of Bristol, 250 Pond Street, Bristol, PA 19007, Borough of Bristol, **Bucks County**, ACOE Philadelphia District.

To operate and maintain the Borough Flood Control Project along Adams Hollow Run (WWF) which was constructed in 1978. The project consists of:

1. Approximately 265 linear feet of reinforced concrete spillway and associated outfall structure which conveys flow from the Delaware Canal to Adams Hollow Run immediately upstream of Penn Central Railroad Tracks.
2. Approximately 210 linear feet of reinforced concrete box stream enclosure from the terminus of Trenton Avenue to Wood Street.

The site is located between the Pennsylvania Canal (AKA Delaware Canal) and extends downstream to Wood

Street (Bristol, PA-NJ US Quadrangle; Starting Point—N: 19.75 inches; W: 13.90 inches, End Point—18.75 inches; W: 13.50).

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

E36-717. Rapho Township, 971 North Colebrook Road, Manheim, PA 17545 in Rapho Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain two cells of box culverts each having a span of 12 feet with an underclearance of 3.6 feet at the channel of an unnamed tributary to Brubaker Run (TSF) on Sunnyside Road (T-855) located near its intersection with Valley Road (Manheim, PA Quadrangle N: 8.7 inches; W: 16.35 inches) in Rapho Township, Lancaster County.

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

E41-492. Paul and Patricia Ault, 119 East Wilcox Road, Williamsport, PA 11701 Ault Camp Site, in Piatt Township, **Lycoming County**, ACOE Baltimore District (Linden, PA Quadrangle N: 12.75 inches; W: 7 inches).

Construct, operate and maintain .15 acres of dirt fill and gravel parking surface in the floodway of the West Branch of the Susquehanna River. This project is located .5 miles west on Windswept Road from the intersection with Pine Run Road. This permit was issued under § 105.13(e) "Small Projects."

E49-253. East Chillisquaque Township, 305 James Street, Milton, PA 17847. Wastewater Facilities, in East Chillisquaque Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 21 inches; W: 4.25 inches).

To construct and maintain a sewage treatment plant in the floodplain of Chillisquaque Creek and to construct and maintain a sewage outfall line to Chillisquaque Creek, three 8-inch diameter PVC sanitary sewer crossings and a 3-inch and 2-inch low pressure sanitary sewer crossing of an unnamed tributary to Chillisquaque Creek. The centroid of the proposed sewerage facilities is located off RT 642 in Pottsgrove in East Chillisquaque Township, Northumberland County.

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

E10-336, Northcor Development, Inc., 15 Rock Spring Road, Delmont, PA 15626. Westerman Estates Residential Development Lots 10 and 11, in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 16.5 inches; W: 13.65 inches).

To maintain fill placed in a total of 0.2 acre of wetland for construction of Sahara Drive and two residential lots (Nos. 10 and 11) within Westerman Estates residential development approximately 600 feet north of T-425 Cupps Road. Project includes contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.4 acre of wetland.

E20-507, Sparta Township, 22186 Hatchtown Road, Spartansburg, PA 16434. T-924 Welsh Hill Road across Patrick Run, in Sparta Township, **Crawford County**, ACOE Pittsburgh District (Spartansburg, PA Quadrangle N: 17.35 inches; W: 4.71 inches).

To remove the existing bridge and to construct and maintain a precast reinforced concrete arch (Con/Span) having a span of 20 feet and a clear rise of 5 feet in Patrick Run and impacting a de minimis area (0.004 acre) of wetland with associated roadway approach work on T-924 (Welsh Hill Road) approximately 800 feet north of S.R. 77.

[Pa.B. Doc. No. 01-2325. Filed for public inspection December 28, 2001, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (DEP) website (www.dep.state.pa.us) at the Public Participation Center page. The "December 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

The DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

Ordering Paper Copies of DEP Technical Guidance

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

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

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Correction to Typographical Error

The DEP would like to clarify a notice, previously published in the December 15, 2001 *Pennsylvania Bulletin*. Specifically, the notice stated that the open comment period (for document # 275-2101-007) would end on January 15, 2001. The correct date is January 15, 2002, for the open comment period to end. The corrected version of this notice follows.

Draft Technical Guidance

DEP ID: 275-2101-007 Title: Alternative Analysis Required for Proposed Major New or Modified Facilities Description: This document will establish the criteria that will be considered by the DEP during the technical review of the Alternative Analysis submitted for proposed new or modified facilities subject to the new source review special permitting requirements for air quality. The purpose of this document is to provide guidance to Department staff to ensure Statewide consistency in the implementation of the Alternative Analysis requirement. The policy describes the evaluation process that the Department will consider during the technical review of Alternative Analy-

sis submitted by the applicant. Anticipated *Effective Date*: March 2, 2002 Comment Period Ends: January 15, 2002. *Contact*: John Slade at (717) 787-4325 or e-mail to: jslade@state.pa.us

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-2326. Filed for public inspection December 28, 2001, 9:00 a.m.]

Board and Committee Meeting Schedules for 2002

The following is a list of 2002 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (DEP). Notice of these meetings is being given in accordance with the Sunshine Act.

These schedules and an agenda for each meeting will be available through the Public Participation Center on the DEP's website at <http://www.dep.state.pa.us>.

Most of the meetings will be held in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, across from the AMTRAK station. Public parking is available in the Chestnut Street Parking Garage.

Agricultural Advisory Board

The Agricultural Advisory Board meetings will be held at 10 a.m. in the Rachel Carson State Office Building as follows:

February 20, 2002	10th Floor Conference Room
April 17, 2002	Room 105, 1st Floor Conference Room
June 19, 2002	Room 105, 1st Floor Conference Room
August 28, 2002	Room 105, 1st Floor Conference Room
October 16, 2002	Room 105, 1st Floor Conference Room
December 18, 2002	Room 105, 1st Floor Conference Room

Contact: Dean Auchenbach, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668, or e-mail dauchenbac@state.pa.us.

Air Quality Technical Advisory Committee (AQTAC)

The Air Quality Technical Advisory Committee meetings will be held at 8:30 a.m. as follows:

January 17, 2002	Room 105, Rachel Carson State Office Building
March 14, 2002	2nd Floor Training Room, Rachel Carson State Office Building
May 22, 2002	To be announced
July 18, 2002	Room 105, Rachel Carson State Office Building
September 19, 2002	2nd Floor Training Room, Rachel Carson State Office Building
November 21, 2002	Room 105, Rachel Carson State Office Building

Contact: Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9495, or e-mail tblack@state.pa.us.

Bituminous Mine Safety Advisory Committee

Meetings of the Pennsylvania Bituminous Mine Safety Advisory Committee will be held at 10 a.m. in the Fayette County Health Center in Uniontown, PA, as follows:

April 10, 2002
July 10, 2002
October 9, 2002

Contact: Allison Gaida, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, or e-mail agaida@state.pa.us.

Chesapeake Bay Advisory Committee to the State Conservation Commission

Meetings of the Chesapeake Bay Advisory Committee to DEP will be held at 9 a.m. in the Rachel Carson State Office Building as follows:

March 7, 2002	2nd Floor Training Room
June 6, 2002	Room 105, 1st Floor Conference Room
September 5, 2002	Room 105, 1st Floor Conference Room
December 5, 2002	2nd Floor Training Room

Contact: Dean Auchenbach, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668, or e-mail dauchenbac@state.pa.us.

Citizens Advisory Council (CAC)

The Citizens Advisory Council meetings for 2002 will be held the third Tuesday of each month in Room 105 of the Rachel Carson State Office Building. The meetings typically begin at 11 a.m. unless otherwise noted.

January 15, 2002
February 19, 2002
March 19, 2002
April 16, 2002
*May 22, 2002 (Wednesday)
June 18, 2002
July 16, 2002
September 17, 2002—Possible Regional Meeting
October 15, 2002
November 19, 2002

*The May meeting is scheduled for Wednesday due to Primary Election Day on May 21.

Contact: Stephanie Mioff, (717) 787-4527, or via e-mail at smioff@state.pa.us.

Cleanup Standards Scientific Advisory Board (CSSAB)

The Cleanup Standards Scientific Advisory Board meetings will begin at 9:30 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building. The meeting dates are as follows:

April 9, 2002
August 22, 2002
December 5, 2002

Contact: Marilyn Wooding or Thomas Fidler, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816, or e-mail mwooding@state.pa.us or tfidler@state.pa.us.

Coastal Zone Advisory Committee

The Coastal Zone Advisory Committee meetings will begin at 10 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building. The meeting dates are as follows:

January 30, 2002
July 17, 2002

Contact: E. James Tabor, Office for River Basin Cooperation, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 782-5626, or e-mail etabor@state.pa.us.

Environmental Justice Work Group

Meetings of the Environmental Justice Work Group for 2002 have not yet been scheduled. Notice of the Work Group's next meeting will be published separately.

Contact: Alisa Harris, Office of Chief Counsel, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4449, or e-mail aharris@state.pa.us.

Environmental Quality Board (EQB)

Meetings of the Environmental Quality Board will begin at 9 a.m. the third Tuesday of each month in Room 105 of the Rachel Carson State Office Building as follows:

January 15 (Cancelled)	July 16
February 19	August 20
March 19	September 17
April 16	October 15
*May 22	November 19
June 18	December 17

*The May meeting is scheduled for Wednesday due to Primary Election Day on May 21.

Contact: Sharon Trostle, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, or e-mail shstrostle@state.pa.us.

Low-Level Waste Advisory Committee (LLWAC)

The annual meeting of the Low-Level Waste Advisory Committee will be held at 9 a.m. as follows:

September 19, 2002 Rachel Carson State Office Building, Room 105

Contact: Jenny L. Brenizer, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2163, or e-mail jlbrenizer@state.pa.us

Mine Subsidence Insurance Fund Board

The annual meeting of the Mine Subsidence Insurance Fund Board will be held at 10 a.m. in the 12th Floor Conference Room of the Rachel Carson State Office Building on the following date:

December 17, 2002

Contact: Lawrence Ruane, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, 400 Market Street, Harrisburg, PA 17101, (717) 783-9586, or e-mail lruane@state.pa.us.

Mining and Reclamation Advisory Board (MRAB)

The Mining and Reclamation Advisory Board will hold quarterly meetings as indicated. One meeting will be a 2-day event that includes a field trip and full board meeting. Three quarterly meetings will be held at 10 a.m. in the Rachel Carson State Office Building as follows:

January 3, 2002	Delaware Room, 16th Floor
April 25, 2002	Delaware Room, 16th Floor
July 10-11, 2002	Field Trip—Location to be announced
October 24, 2002	Delaware Room, 16th Floor

Contact: Marylinda Freyermuth, Office of Mineral Resources Management, Department of Environmental Pro-

tection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-5338, or e-mail mfreymut@state.pa.us.

Nonpoint Source Liaison Work Group

The Nonpoint Source (NPS) Liaison Work Group will meet in Room 105 of the Rachel Carson State Office Building on the following dates. The meetings will begin at 10 a.m. and conclude at 2:30 p.m.

June 4, 2002
October 22, 2002

Contact: Fran Koch, Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8765, (717) 783-2289, or e-mail fkoch@state.pa.us.

Oil and Gas Technical Advisory Board (TAB)

The Oil and Gas Technical Advisory Board meetings will be held at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building on the following dates:

March 21, 2002
October 24, 2002

Contact: Jim Erb or Joyce Williams of the Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199, or e-mail jerb@state.pa.us or joywilliam@state.pa.us.

Pennsylvania Association of Sewage Enforcement Officers (PASEO)/DEP Work Group

The PASEO/DEP Work Group meetings will be held at 10 a.m. at the Ramada Inn in State College, Pa., on the following dates:

April 9, 2002
October 22, 2002

Contact: Jay Africa, Bureau of Water Supply and Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184, or e-mail jafrika@state.pa.us.

Radiation Protection Advisory Committee (RPAC)

The Radiation Protection Advisory Committee meetings will be held at 9 a.m. in the 12th Floor Conference Room of the Rachel Carson State Office Building as follows:

March 21, 2002
October 24, 2002

Contact: David Allard, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-2480, or e-mail dallard@state.pa.us.

Recycling Fund Advisory Committee (RFAC)

The Recycling Fund Advisory Committee will hold its annual meeting at 10 a.m. in Room 105 of the Rachel Carson State Office Building on July 11, 2002.

Contact: Dawn Heimbach or Gayle Leader, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, or e-mail daheimbach@state.pa.us or gleader@state.pa.us.

Sewage Advisory Committee (SAC)

The Sewage Advisory Committee meetings will be held at 10:30 a.m. in Room 105 of the Rachel Carson State Office Building on the following dates:

March 21, 2002
November 6, 2002

Contact: Milt Lauch, Bureau of Water Supply and Wastewater Management, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184, or e-mail mlauch@state.pa.us.

Small Business Assistance Program Compliance Advisory Committee

The Small Business Compliance Advisory Committee meetings will begin at 10 a.m. as follows:

January 23, 2002	Wildwood Nature Center
April 24, 2002	14th Floor Conference Room, Rachel Carson State Office Building
July 24, 2002	14th Floor Conference Room, Rachel Carson State Office Building
October 23, 2002	14th Floor Conference Room, Rachel Carson State Office Building

Contact: Jon Miller, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-7019, or e-mail at jonmiller@state.pa.us.

Solid Waste Advisory Committee (SWAC)

The Solid Waste Advisory Committee (SWAC) meetings will be held the second Thursday of every other month; additional meetings may be scheduled to accommodate agenda items for SWAC. All meetings are expected to begin at 10 a.m. and will be held as follows:

January 10, 2002	Cancelled
March 14, 2002	Room 105, Rachel Carson State Office Building
May 9, 2002	Room 105, Rachel Carson State Office Building
September 12-13, 2002	King's Gap Environmental Education Center, Carlisle
November 14, 2002	2nd Floor Training Room, Rachel Carson State Office Building

Contact: Dawn Heimbach or Gayle Leader, Bureau of Land Recycling and Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, or e-mail daheimbach@state.pa.us or gleader@state.pa.us.

State Solid Waste Plan Subcommittee

The State Solid Waste Plan Subcommittee meetings will be held the second Thursday of every other month; additional meetings may be scheduled to accommodate agenda items for the Subcommittee. All meetings are expected to begin at 10 a.m. and will be held in the 14th Floor Medium Conference Room of the Rachel Carson State Office Building as follows:

January 10, 2002
February 14, 2002
April 11, 2002
June 13, 2002
August 8, 2002
October 10, 2002
December 12, 2002

Contact: Diana Welker or Lawrence Holley, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, or e-mail diwelker@state.pa.us or lholley@state.pa.us.

State Board for Certification of Sewage Enforcement Officers

Following are the scheduled dates and locations of the State Board for Certification of Sewage Enforcement Officers' meetings. All meetings start at 9:30 a.m. and

will be held in the 10th Floor Conference Room of the Rachel Carson State Office Building.

March 15, 2002
July 19, 2002
September 27, 2002

Contact: Kathy Keyes, Certification, Licensing and Bonding, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-2043, or e-mail kkeyes@state.pa.us.

State Board for Certification of Sewage Treatment Plant and Waterworks Operators

The State Board for Certification of Sewage Treatment Plant and Waterworks Operators has tentatively selected the following meeting dates for the year 2002. The times and locations will be announced at a later date.

March 28, 2002
June 26, 2002
September 12, 2002
December 19, 2002

Contact: Lynn Rice at (717) 787-5326, or e-mail mlrice@state.pa.us for times and locations.

Storage Tank Advisory Committee (STAC)

The Storage Tank Advisory Committee meetings will be held at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building on the following dates.

February 5, 2002
June 4, 2002
October 1, 2002

Contact: Crystal L. Thompson, Bureau of Land Recycling and Waste Management, P. O. Box 8762, Harrisburg, PA 17105-8762, 1-800-42-TANKS (toll free within PA) or (717) 772-5829, or e-mail crthompson@state.pa.us.

Technical Advisory Committee on Diesel-Powered Equipment

Meetings of the Technical Advisory Committee on Diesel-Powered Equipment will be held at 10 a.m. in the Fayette County Health Center, Uniontown, as follows:

January 15, 2002
April 16, 2002
July 16, 2002
October 22, 2002

Contact: Allison Gaida, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, or e-mail agaida@state.pa.us.

Technical Assistance Center for Small Water Systems (TAC)

Meetings of the Small Water Systems Technical Assistance Center Board will be held at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building as follows:

January 8, 2002
May 16, 2002
August 13, 2002
November 14, 2002

Contact: Ray Braun, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 772-0122, or e-mail rbraun@state.pa.us.

Water Resources Advisory Committee (WRAC)

The Water Resources Advisory Committee meetings will be held at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building as follows:

January 9, 2002
 March 13, 2002
 May 8, 2002
 July 10, 2002
 September 11, 2002
 November 13, 2002

Contact: Carol Young, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-2952, or e-mail cayoung@state.pa.us.

Wetlands Protection Advisory Committee (WetPAC)

The Wetlands Protection Advisory Committee will meet on the following dates. All meetings will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building.

February 28, 2002
 May 30, 2002
 August 29, 2002
 November 26, 2002

Contact: Kelly Heffner, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 772-5970, or e-mail kheffner@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the individual listed for each board or committee, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-2327. Filed for public inspection December 28, 2001, 9:00 a.m.]

Public Notice of Extension of Comment Period to Draft Comprehensive Stormwater Management Policy

The Department of Environmental Protection (DEP) is seeking public comment on a proposal to update its current stormwater management program, using existing authority, to improve water quality, sustain water quantity (including ground water recharge and stream base flow) and integrate upcoming stormwater management obligations. The DEP is announcing an additional 30 days to comment on this program.

The draft proposal is available on DEP's website at www.dep.state.pa.us (directLINK "Comprehensive Stormwater Policy") or can be obtained by contacting Stuart Gansell at (717) 783-7420, e-mail to sgansell@state.pa.us or DEP Office of Water Management, Bureau of Watershed Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8555, Harrisburg, PA 17105-8555.

At the 15 water forums held throughout this Commonwealth in the Spring of 2001, stormwater management was a consistent and recurring concern of citizens and municipal officials. The DEP is facing challenges to its existing approach in litigation before the Environmental Hearing Board. The Commonwealth must also implement Phase II stormwater controls under the Federal Clean Water Act within the next several years.

The DEP proposes a best management practices (BMP) approach to stormwater management that generally encourages, and sometimes requires, minimization and infil-

tration of stormwater flows. This approach will reduce pollutant loadings to streams, recharge groundwater tables, enhance stream base flow during times of drought and reduce the threat of flooding and stream bank erosion resulting from storm events. Permit conditions will require BMPs as the means of managing stormwater from both Phase I and Phase II construction, as well as postconstruction stormwater flows.

Administratively, the DEP proposes to integrate its permitting programs with stormwater management plans developed on a watershed basis under the Stormwater Management Act (Act 167). Act 167 county plans will include water quality and quantity protections implemented by municipalities within the watershed. In addition, the DEP will, in appropriate circumstances, rely on these Act 167 plans to meet the NPDES permitting requirements for municipalities under the Federal Clean Water Act Phase II municipal stormwater permitting program.

Written comments should include the name, address and telephone number of the person commenting. Written comments will be accepted by postal or e-mail at the addresses previously listed. Comments submitted by facsimile or voice mail will not be accepted.

The comment period now extends through January 28, 2002, and comments received by that date will be considered in the formulation of the final guidance for Comprehensive Stormwater Management Policy (document identification number, 392-0300-002).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Stuart Gansell at (717) 783-7420 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice) to discuss how the DEP can accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-2328. Filed for public inspection December 28, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Head Injury Program: List of Approved National Accrediting Bodies for Providers of Residential, Outpatient, Day and Home-Based Rehabilitation Services

Under its authority under section 14(e) of the Emergency Medical Services Act (35 P.S. § 6934(e)) and the Head Injury Program (HIP) regulations promulgated thereunder, the Department of Health (Department) is hereby publishing its list of approved National accrediting bodies. These are the accrediting bodies from which rehabilitation providers must receive accreditation to be eligible to contract with the Department to provide services to HIP applicants and clients.

The National accrediting body approved by the Department for rehabilitation hospitals is the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). To seek accreditation, rehabilitation hospitals should contact JCAHO, One Renaissance Boulevard, Oakbrook Terrace, IL 60181, (630) 792-5000, fax (630) 792-5005.

The National accrediting body approved by the Department for nonhospital rehabilitation providers is the Com-

mission on Accreditation of Rehabilitation Facilities (CARF). To seek CARF accreditation, nonhospital rehabilitation providers should contact CARF, 4891 East Grant Road, Tucson, AZ 85712, Voice/TDD: (520) 325-1044, fax: (520) 318-1129.

The Department has approved the following accreditations from CARF for nonhospital rehabilitation providers that had a CARF survey conducted prior to July 1, 2001:

Providers of residential rehabilitation services must be accredited by CARF as a Brain Injury Program with a designated Comprehensive Inpatient Program or a Community Integrative Program.

Providers of outpatient, day or home and community-based services must be accredited by CARF either as a Brain Injury Program with a designated Community Integrative Program or as a Home and Community-Based Rehabilitation Program.

The Department has approved the following accreditations from CARF for nonhospital rehabilitation providers that had their CARF survey conducted after July 1, 2001:

Providers of residential rehabilitation services must be accredited by CARF as a Brain Injury Residential Rehabilitation Program.

Providers of outpatient, day or home and community-based services must be accredited by CARF as a Brain Injury Outpatient Rehabilitation Program, or as a Brain Injury Home and Community-Based Rehabilitation Program.

To become a Department contractor, a provider must submit documentation of the required CARF or JCAHO accreditation to HIP. Contractors must maintain such accreditation throughout the term of the contract.

The Department will publish notice in the *Pennsylvania Bulletin* of other National accrediting bodies as they are approved by the Department. Questions regarding this notice should be directed to Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 772-4959. Persons with a disability may submit questions in alternative formats (such as audio tape or Braille) by using V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Persons with a disability who require an alternative format of this document (for example, large print, audio tape, Braille), should contact Elaine M. Terrell to make the necessary arrangements.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2329. Filed for public inspection December 28, 2001, 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 and 317 of the Public Health Service Act, 42 U.S.C.A. §§ 241(a) and 247(b), will hold a public meeting on Wednesday, January 16, 2002.

The meeting will be held at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057, from 9 a.m. to 3 p.m.

The Department reserves the right to cancel this meeting without prior notice.

For additional information contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010 Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, should also contact Thomas DeMelfi at (717) 783-0572 or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2330. Filed for public inspection December 28, 2001, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Dental and Physician Services Revisions

The Department of Public Welfare (Department) announces changes to dental and physician services effective with dates of service January 1, 2002. The Department is adding a new service to the dental fee schedule (D2740) and increasing the payment rate for anesthesia (X0598). The changes are as follows:

<i>Procedure Code</i>	<i>Terminology</i>	<i>Limit</i>	<i>Fee</i>
D2740	Crown-Porcelain/ Ceramic Substrate	1 per 5 years	\$300 PA
X0598	Anesthesia Procedure w/o assigned TOS 40		\$200

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*. Procedure Code D2740 will require prior authorization, effective with dates of service January 1, 2002.

The proposed addition and prior authorization of procedure code D2740 and the proposed increased payment rate for anesthesia procedure code X0598 were presented to the Medical Assistance Advisory Committee (MAAC) at its October 25, 2001, meeting. The Department received no written comments from the MAAC regarding either the proposed changes or the requirement of prior authorization.

Fiscal Impact

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

Contact Person

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments to this notice. These 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. Any comments received will be considered for subsequent fee schedule updates.

Persons with a disability may use the AT&T Relay services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-310. (1) General Fund;

	<i>Med Assist Outpatient</i>	<i>Med Assist Capitation</i>
(2) Implementing year 2001-02 is	\$23,000	\$ 63,000
(3) 1st Succeeding year 2002-03 is	\$70,000	\$189,000
2nd Succeeding Year 2003-04 is	\$70,000	\$189,000
3rd Succeeding Year 2004-05 is	\$70,000	\$189,000
4th Succeeding Year 2005-06 is	\$70,000	\$189,000
5th Succeeding Year 2006-07 is	\$70,000	\$189,000
	<i>Medical Assistance Outpatient</i>	<i>Medical Assistance Capitation</i>
(4) 2000-01 Pro- gram—	\$668,586,000	\$1,487,944,000
1999-00 Program—	\$622,669,000	\$1,384,763,000
1998-99 Program—	\$695,935,000	\$1,026,075,000

(8) recommends adoption. Funds for these changes were included in the 2001-02 budget.

[Pa.B. Doc. No. 01-2331. Filed for public inspection December 28, 2001, 9:00 a.m.]

Inpatient Hospital Services

This announcement provides final public notice of the Department of Public Welfare's (Department) payment methodology for the period July 1, 2001, through December 31, 2003. The payment methodology affects acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

The Department published a public notice at 31 Pa.B. 2853 (June 2, 2001) which stated that the Department would negotiate with representatives of the hospital industry, the possibility of renewing the existing Hospital Payment Rate Agreement (agreement), which governs the payment methods and standards applicable to hospitals participating in the Medical Assistance Fee-for-Service Program. The agreement was effective July 1, 1999, and expired on June 30, 2001, with regard to disproportionate share and medical education payments. The payment rates under the agreement are in effect through December 31, 2001.

Although, the Department did not receive any formal comments, the Department has met extensively with representatives of the hospital industry. These negotiation sessions provided a forum for the representatives of the hospital industry to voice their comments and together, the interested parties have reached a consensus on the terms of an agreement.

The Department will use the basic payment methods set forth in the expired rate agreement as follows:

Base Payment Rates:

Effective July 1, 2001, there will be no change to a hospital's or unit's base payment rate.

January 1—
June 30, 2002

Effective January 1, 2002, the Department will increase each hospital's or unit's base payment rate by 4%.

July 1—
December 31, 2002

Effective July 1, 2002, the Department will increase each hospital's or unit's base payment rate by 1%.

January 1—
June 30, 2003

Effective January 1, 2003, the Department will increase each hospital's or unit's base payment rate by 3.1%.

July 1—
December 31, 2003

Effective July 1, 2003, the Department will increase each hospital's or unit's base payment rate by 1%.

Inpatient Disproportionate Share; Outpatient Disproportionate Share; and Direct Medical Education Payments:

- As provided under the Department's current methods, for all fiscal years of the agreement, the Department will pay eligible hospitals their inpatient and outpatient disproportionate share and direct medical education payments quarterly during the month following the end of the quarter.

- The Department will redetermine eligibility for inpatient disproportionate share effective July 1, 2002, using current methods for determining eligibility. Additionally, the Department will retain current eligibility for outpatient disproportionate share and direct medical education and the prospective payment for direct medical education.

- FY 2001-2002: Effective July 1, 2001, the aggregate amount of inpatient and outpatient disproportionate share and direct medical education shall be limited to \$94.225 million total funds. Effective January 1, 2002, the aggregate amount of inpatient and outpatient disproportionate share and direct medical education shall be limited to \$95.167 million total funds. Allocation of these funds between the three programs will be in direct proportion to the distribution of these funds between the three programs under the July 1, 1999 through June 30, 2001, Hospital Rate Agreement or in some other proportion acceptable to the Department.

- FY 2002-2003: Effective July 1, 2002, the aggregate amount of inpatient and outpatient disproportionate share and direct medical education payments shall be limited to \$98.118 million total funds. Effective July 1, 2002, the aggregate amount of inpatient and outpatient disproportionate share and direct medical education payments shall be limited to \$99.099 million total funds. Allocation of these funds between the three programs shall be as determined through the eligibility redetermination process effective July 1, 2002, acceptable to the Department and the industry.

Fiscal Impact

This change will result in a cost of \$12.148 million in total funds (\$5.599 million in State funds and \$6.548 million in Federal funds) for Fiscal Year 2001-02, a cost of \$39.119 million in total funds (\$17.945 million in State funds and \$21.173 million in Federal funds) for Fiscal

Year 2002-03 and a cost of \$52.512 million in total funds (\$24.107 million in State funds and \$28.405 million in Federal funds) for the period July 1, 2003, through December 31, 2003.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-312. (1) General Fund;

	<i>Med Assist Inpatient</i>	<i>Med Assist Outpatient</i>
(2) Implementing Year 2001-02 is	\$4,915,000	\$684,000
(3) 1st Succeeding Year 2002-03 is	\$16,874,000	\$1,071,000
2nd Succeeding Year 2003-04 is	\$23,036,000	\$1,071,000
3rd Succeeding Year 2004-05 is	\$23,036,000	\$1,071,000
4th Succeeding Year 2005-06 is	\$23,036,000	\$1,071,000
5th Succeeding Year 2006-07 is	\$23,036,000	\$1,071,000
	<i>Med Assist Inpatient</i>	<i>Med Assist Outpatient</i>
(4) 2000-01 Program—	\$418,707,000	\$668,586,000
1999-00 Program—	\$392,528,000	\$668,586,000
1998-99 Program—	\$453,594,000	\$668,586,000

(8) recommends adoption. Funds for these changes were included in the 2001-02 budget.

[Pa.B. Doc. No. 01-2332. Filed for public inspection December 28, 2001, 9:00 a.m.]

Intergovernmental Transfer of Funds; Extension of County Nursing Facility Payments; and Disproportionate Share Payments

The purpose of this announcement is to provide advance notice under 42 CFR 447.205 that during FYs 2003-2007, the Department of Public Welfare (Department) intends to make changes in its payments to nursing facilities participating in the Medical Assistance Program.

The Department entered into an agreement with the County Commissioners Association of Pennsylvania which authorizes the transfer of funds to the Commonwealth from several counties (as authorized under Federal law (42 U.S.C.A. § 1396b(w)(6)(A) and 42 CFR 433.51(b)). The funds from this intergovernmental transfer (IGT) will be used as the State share for a portion of the county transition payments during FYs 2003-2007 and the disproportionate share incentive to qualified nursing facilities during FYs 2003-2005.

The Department intends to revise its method for setting payment rates for county nursing facilities participating in the Medical Assistance Program during FYs 2003-2007 to allow for county transition payments to be paid. The payments are currently authorized through June 30, 2003.

The Department also intends to revise the disproportionate share incentive payments to qualified nursing facilities for FYs 2003-2005. Currently, the disproportionate share per diem is to be doubled during FYs 1999-2003. The IGT of October 1, 2001, states that for FYs 2003-2005, the disproportionate share per diem incentive shall be paid at two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code § 1187.111(c) (relating to disproportionate share incentive payments).

These proposed changes in nursing facility payments during FYs 2003-2007 are contingent upon: (1) approval by the Federal government of amendments to the Commonwealth's State Plan authorizing the county transition payments and the disproportionate share incentive payments; (2) the Commonwealth's receipt of intergovernmental transfers of funds from county governments in amounts sufficient to make these payments; and (3) the promulgation of regulations to permit county transition payments during FYs 2003-2007 and double disproportionate share payments during FYs 2003-2005.

The estimated increase in annual aggregate expenditures during FYs 2003-2007 is \$45.280 million in total funds (\$20.657 million in State funds). The Department will publish revisions to 55 Pa. Code Chapter 1187 (relating to nursing facility services) to implement the changes with respect to the county transition payments.

A copy of this notice is available for review at the local county assistance offices throughout this Commonwealth.

Interested persons are invited to submit written comments to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), or may use the Department's TDD by calling (717) 787-3616. Persons who require another alternative should contact Thomas Vracarich at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note. 14-NOT-307. (1) General Fund; (2) Implementing Year 2001-02 is \$0; (3) 1st Succeeding Year 2002-03 is \$5,281,000; 2nd Succeeding Year 2003-04 is \$8,139,000; 3rd Succeeding Year 2004-05 is \$8,420,000; 4th Succeeding Year 2005-06 is \$2,021,000; 5th Succeeding Year 2006-07 is \$2,077,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99 Program—\$721,631,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. The proposed changes are dependent upon the Federal government's approval of amendments to Pennsylvania's State Plan authorizing the county transition and disproportionate share payments, receipt of sufficient intergovernmental transfers of funds from county governments and promulgation of regulations permitting county transition and double disproportionate share payments.

[Pa.B. Doc. No. 01-2333. Filed for public inspection December 28, 2001, 9:00 a.m.]

Medical Assistance Program Fee Schedule Revisions

The Department of Public Welfare (Department) announces that the following procedure codes and fees are being added to the Medical Assistance (MA) Program Fee Schedule effective with dates of service January 1, 2002, and are compensable for all MA recipients eligible for medical supplies, regardless of age:

<i>Procedure Code</i>	<i>Terminology</i>	<i>Fee</i>
B4154	Enteral formulae; category IV; defined formula for special metabolic need. 100 calories = 1 unit	\$.90/unit
B4155	Enteral formulae; category V; modular components. 100 calories = 1 unit	\$.72/unit

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

Changes made to the MA Fee Schedule are routinely included in carryforward budget estimates.

Contact Person

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 Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Any comments received will be considered for subsequent Fee Schedule updates or revisions.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich at (717) 783-2800.

FEATHER O. HOUSTON,
Secretary

Fiscal Note: 14-NOT-308. (1) General Fund;

	<i>Med Assist Outpatient</i>	<i>Med Assist Capitation</i>
(2) Implementing year 2001-02 is	\$17,000	\$22,000
(3) 1st Succeeding year 2002-03 is	\$17,000	\$22,000
2nd Succeeding Year 2003-04 is	\$17,000	\$22,000
3rd Succeeding Year 2004-05 is	\$17,000	\$22,000
4th Succeeding Year 2005-06 is	\$17,000	\$22,000
5th Succeeding Year 2006-07 is	\$17,000	\$22,000

	<i>Medical Assistance Outpatient</i>	<i>Medical Assistance Capitation</i>
(4) 2000-01 Program—	\$668,586,000	\$1,487,944,000
1999-00 Program—	\$622,669,000	\$1,384,763,000
1998-99 Program—	\$695,935,000	\$1,025,075,000

(8) recommends adoption. Funds for these changes can be funded in the agency's 2001-02 budget.

[Pa.B. Doc. No. 01-2334. Filed for public inspection December 28, 2001, 9:00 a.m.]

Medical Assistance Program Prior Authorization

The purpose of this notice is to add an item to the Medical Assistance (MA) Program's list of items and services requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department of Public Welfare to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

Prior authorization for OxyContin®/oxycodone sustained release medication will be required for the following prescriptions dispensed on and after January 7, 2002:

- 1) Prescriptions that exceed dosages of greater than three tablets per day of any single strength of OxyContin®/oxycodone sustained release medication.
- 2) Prescriptions for more than two different strengths of OxyContin®/oxycodone sustained release medications to be taken concurrently.

Other prescriptions for OxyContin®/oxycodone sustained release medication will not require prior authorization.

This prior authorization requirement was presented to the MA Advisory Committee for review and comment at the October 25, 2001, meeting. In addition, the requirements for prior authorization were developed with input from an expert panel, coordinated by the Pennsylvania Medical Society that included pharmacists, a consumer representative and physician specialties representing anesthesiology, addiction medicine, pain management, hematology/oncology and family practice.

Fiscal Impact

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

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. These 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. Comments received will be considered in subsequent changes to these prior authorization requirements.

Persons with a disability may use the AT&T Relay services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative should contact Thomas Vracarich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-309. No fiscal impact; (8) recommends adoption. Some cost savings are anticipated in the Medical Assistance—Outpatient appropriation.

[Pa.B. Doc. No. 01-2335. Filed for public inspection December 28, 2001, 9:00 a.m.]

Prior Authorization of Home Health Visits Revisions

The purpose of this notice is to announce revisions to the prior authorization requirements for home health services published at 29 Pa.B. 76 (January 2, 1999). Included in this list were all home health services.

The Department of Public Welfare has allowed for 2 postpartum visits, which both required prior authorization. Review of the Department's prior authorization history for these post-partum services for mother and child since January 1999 has found that these requests have rarely been disapproved. For that reason, the Department will no longer require prior authorization for postpartum home health services effective with dates of service January 1, 2002.

All other home health services continue to require prior authorization before payment will be made, as set forth at 29 Pa.B. 76.

Fiscal Impact

This change will result in minimal fiscal impact, which can be absorbed within current funding levels.

Contact Person

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments regarding this notice to the Department within 30 days of publication in the *Pennsylvania Bulletin*. These comments should be sent to 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. Comments received will be considered in subsequent revisions to the prior authorization requirements.

Persons with a disability may use the AT & T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Persons who require another alternative format should contact Thomas Vracavich in the Office of Legal Counsel at (717) 783-2209.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-311. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 01-2336. Filed for public inspection December 28, 2001, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66214.

(5) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(6) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(7) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(8) Stalker Dual. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, Texas 75074

(9) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, Texas 75074

(10) Stalker Dual DSR. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, Texas 75074

(11) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(12) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(13) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(14) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, Texas 75074.

(15) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, PA 17701.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, PA 17701.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, P. O. Box 3044, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, P. O. Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Department, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(3) VASCAR—plus III. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, Virginia 23230.

(4) V-SPEC—Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA, 17404

(5) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215

The Department, under 75 Pa.C.S. § 3368(d) has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

Thomas Associates R & E Inc., 65 S. Mountain Boulevard, Mountain Top, Luzerne County, PA 18707 (Appointed: 03/28/83, Station R7)

Wisco Calibration Services, Inc., 1002 Mckee Road, Oakdale, Allegheny County, PA 15071 (Appointed: 07/14/99, Station R10)

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404 (Appointed: 01/14/75, Station R3).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, PA 16823 (Appointed: 02/10/69, Station S22).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, PA 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, PA 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, PA 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145 (Appointed: 06/03/97, Station S85).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, PA 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, PA 17272 (Appointed: 02/23/53, Station S106).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, PA 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, PA 15202 (Appointed: 11/02/78, Station S69).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

Reading Mack Distributors, Incorporated, 4226 Pottsville Pike, Reading, Berks County, PA 19605 (Appointed: 05/15/79, Station S48).

S & D Calibration Services, 134 Camp Lane, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, PA 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, PA 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, PA 18360 (Appointed: 07/24/89, Station S105).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Speed Enforcement, Incorporated, R.D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, RD 3 Box 85, Cannonburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18)

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, PA 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, PA 15065 (Appointed: 09/27/77, Station W9).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Green Jewelers, Route 819, Armbrust, Westmoreland County, PA 15616 (Appointed: 06/23/78, Station W41).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, PA 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, PA 19061 (Appointed: 07/28/77, Station W7).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, PA 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, PA 17837 (Appointed: 10/06/77, Station W22).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official electronic device testing stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration, 132 Fawn Valley Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Mahramus Specialty Auto Service, R. D. 3 Box 85, Cannonburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12)

Targetron, Incorporated, 1821 Lycoming Creek Road, Williamsport, Lycoming County, PA 17701—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-5842

BRADLEY L. MALLORY,

Secretary

[Pa.B. Doc. No. 01-2337. Filed for public inspection December 28, 2001, 9:00 a.m.]

Finding Erie County

Under the provisions of section 2002(b) of the Administrative Code (71 P. S. § 2002(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to realign West 38th Street in the City of Erie, Erie County. The realignment will use lands of the City of Erie's Glenwood Park. The effect of this project on the City of Erie's Glenwood Park will include the following measures to minimize harm to the resource.

1. Landscaping will be enhanced along the project corridor.

2. At the City of Erie's request, an underpass structure will be constructed to provide access between City of Erie property on either side of the relocated West 38th Street.

3. The Hungarian Monument, a resource within Glenwood Park, will be dismantled, stored and reassembled at a visible location along the relocated West 38th Street.

4. The existing horseshoe courts, a resource within Glenwood Park, will be replaced at a location designated by the City of Erie and the Erie Horseshoe Club.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code, 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 such effect.

No adverse environmental effect is likely to result from the realignment of West 38th Street.

BRADLEY L. MALLORY,

Secretary

[Pa.B. Doc. No. 01-2338. Filed for public inspection December 28, 2001, 9:00 a.m.]

FISH AND BOAT COMMISSION

Closure of Frankford Arsenal Access Area, Philadelphia County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4 (relating to limiting access to Commission property and other restrictions), has temporarily closed the Commission's access area at Frankford Arsenal, Philadelphia County, to the public until further

notice. This restriction is effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use, without the express written consent of the Executive Director or his designee.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 01-2339. Filed for public inspection December 28, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the committees' comment period. The Commission's Comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission 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 by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
Example:			
16A-4510	State Board of Cosmetology Examination Fees	12/13/01	11/13/03
	(31 Pa.B. 5713 (October 31, 2001))		

**State Board of Cosmetology
Regulation No. 16A-4510
Examination Fees
December 13, 2001**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Board of Cosmetology (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by November 13, 2003, the regulation will be deemed withdrawn.

Remaining language in Chapter 7—Consistency with other regulations; Clarity.

The Board is proposing to delete examination fees in Sections 7.2(a) and (b). However, there is existing language in Chapter 7, which refers to those fees and examinations given by the Board. These existing provisions are discussed in the following paragraphs.

First, Section 7.32a lists the required contents of examination applications. Sections 7.32a(a)(3) and (b)

require applications to include the examination fees prescribed by Section 7.2. Will applicants continue to submit examination fees to the Board?

Second, Section 7.32g(a) requires payment of the "examination and license fees prescribed in § 7.2." This subsection and the two subsections need to be consistent with the Board's proposal to provide clarity for readers of Chapter 7. The Board should delete references to examination fees in Section 7.2 from Sections 7.32a(a)(3) and (b) and 7.32g(a) and Chapter 7 in its entirety.

Third, language in Section 7.31(a) states that individuals who want a teacher's, manager's, cosmetologist's, cosmetician's or manicurist's license must "pass the examination given by the Board for that license" (emphasis added). The Beauty Culture Law authorizes the Board to select and approve the examinations that applicants must pass for licensure. However, this proposed regulation acknowledges that the professional testing organization gives the examinations and charges the fees for this service. Should the words "pass the examination given by the Board for that license" be replaced with "pass the examination required by the Board for that license"?

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 01-2340. Filed for public inspection December 28, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

AF&L Insurance Company; Rate Increase Filing for Long-Term Care Policy Form LTC-93

AF&L Insurance Company is requesting approval to increase its premium 15% for the Long-Term Care Policy Form LTC-93 and the associated riders. The average LTC-93 premium will increase from \$1,504 to \$1,805 and will affect 1,587 Pennsylvania policyholders. The requested effective date of the increase is January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices 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. 01-2341. Filed for public inspection December 28, 2001, 9:00 a.m.]

Health Maintenance Organization Certificate of Authority Application Filed by Elder Health Pennsylvania HMO, Inc.

On November 13, 2001, Elder Health Pennsylvania HMO, Inc., filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the provisions of the HMO Act (40 P. S. §§ 1551—1567), Department of

Health HMO regulations (28 Pa. Code §§ 9.1—9.97) and the Insurance Department HMO Regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Philadelphia County.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health
Bureau of Managed Care
Room 909, Health and Welfare Building
Harrisburg, PA 17109-0900
(717) 787-5193

Insurance Department
1345 Strawberry Square
Harrisburg, PA 17120
(717) 787-2735

Interested parties are invited to submit written comments to Allen Mercik, Department of Health or Robert Brackbill, Insurance Department at the previously listed addresses. Persons desiring to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as audio tape, Braille or the Department of Health TDD: (717) 783-6514. Persons with a disability requesting alternative forms may contact Allen Mercik so that necessary arrangements can be made.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2342. Filed for public inspection December 28, 2001, 9:00 a.m.]

Douglas E. Keck; Prehearing

Appeal of Douglas E. Keck under the Motor Vehicle Financial Responsibility Law Catastrophic Loss Benefits Continuation Fund; Doc. No. CF01-12-003

A prehearing telephone conference initiated by this office is scheduled for February 5, 2002, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 2, 2002. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before January 9, 2002, each party shall file with the Administrative Hearings Office via facsimile (717) 787-8781 and serve upon the other party via facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service.

No prehearing memoranda or other written submissions are required for the prehearing telephone confer-

ence; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 16, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 25, 2002.

Persons with a disability, who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2343. Filed for public inspection December 28, 2001, 9:00 a.m.]

List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), the Insurance Commissioner hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from this listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa. B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 46 Pa.B. 5665 (November 16, 1996); 27 Pa.B. 2593 (May 24, 1997); 27 Pa.B. 6019 (November 15, 1997); 28 Pa.B. 5733 (November 14, 1998) 28 Pa.B. 5922 (December 5, 1998), 29 Pa.B. 5965 (November 20, 1999), 30 Pa.B. 5033 (November 18, 2000), 31 Pa.B. 205 (January 13, 2001) and 31 Pa.B. 6251 (November 10, 2001).

Qualified Reinsurers List

- | | | | | | |
|-----|-------|---|-----|-------|--|
| 1. | 37958 | Acceptance Insurance Company, Omaha, Nebraska | 30. | 37532 | Great American E & S Insurance Company, Wilmington, Delaware |
| 2. | 30180 | ACE Guaranty Re Inc., New York, New York | 31. | 41858 | Great American Fidelity Insurance Company, Wilmington, Delaware |
| 3. | 10651 | AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey | 32. | 88340 | Hannover Life Reassurance Company of America, Orlando, Florida |
| 4. | 37990 | American Empire Insurance Company, Cincinnati, Ohio | 33. | 10241 | Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany |
| 5. | 26883 | American International Specialty Lines Insurance Company, Anchorage, Alaska | 34. | 93505 | Hartford International Life Reassurance Corporation, Hartford, Connecticut |
| 6. | 10316 | Appalachian Insurance Company, Johnston, Rhode Island | 35. | 78972 | Healthy Alliance Life Insurance Company, St. Louis, Missouri |
| 7. | 27189 | Associated International Insurance Company, Woodland Hills, California | 36. | 42374 | Houston Casualty Company, Houston, Texas |
| 8. | 50687 | Attorneys' Title Insurance Fund, Inc., Orlando, Florida | 37. | 27960 | Illinois Union Insurance Company, Chicago, Illinois |
| 9. | 19925 | Audubon Indemnity Company, Ridgeland, Mississippi | 38. | 22829 | Interstate Fire & Casualty Company, Chicago, Illinois |
| 10. | 36552 | AXA Corporate Solutions Reinsurance Company, Wilmington, Delaware | 39. | | INEX Insurance Exchange, Chicago, Illinois |
| 11. | 36951 | Century Surety Company, Columbus, Ohio | 40. | 35637 | Landmark Insurance Company, Los Angeles, California |
| 12. | 38989 | Chubb Custom Insurance Company, Dover, Delaware | 41. | 29912 | Legion Indemnity Company, Chicago, Illinois |
| 13. | 81914 | Clarica Life Insurance Company, Brookfield, Wisconsin | 42. | 19437 | Lexington Insurance Company, Wilmington, Delaware |
| 14. | 97071 | Clarica Life Reinsurance Company, Lansing, Michigan | 43. | 41939 | Liberty Northwest Insurance Corporation, Portland, Oregon |
| 15. | 10291 | CNA Reinsurance Company Limited, London, England | 44. | | Lloyd's Underwriters, London, England |
| 16. | 39993 | Colony Insurance Company, Richmond, Virginia | 45. | 98078 | Manulife Reinsurance Corporation (U.S.A.), Bloomfield Hills, Michigan |
| 17. | 40371 | Columbia Mutual Insurance Company, Columbia, Missouri | 46. | 32089 | Medmarc Mutual Insurance Company, Montpelier, Vermont |
| 18. | 27955 | Commercial Risk Re-Insurance Company, South Burlington, Vermont | 47. | 14591 | Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin |
| 19. | 17400 | Coregis Indemnity Company, Chicago, Illinois | 48. | 33189 | Monticello Insurance Company, Wilmington, Delaware |
| 20. | 10928 | Eagle Insurance Company, Jersey City, New Jersey | 49. | 20079 | National Fire & Marine Insurance Company, Omaha, Nebraska |
| 21. | 10240 | E+S Ruckversicherungs Aktiengesellschaft, Hannover, Germany | 50. | 41629 | New England Reinsurance Corporation, Hartford, Connecticut |
| 22. | 40509 | EMC Reinsurance Company, Des Moines, Iowa | 51. | 31143 | Old Republic Union Insurance Company, Chicago, Illinois |
| 23. | 90670 | ERC Life Reinsurance Corporation, Jefferson City, Missouri | 52. | 88099 | Optimum Re Insurance Company, Dallas, Texas |
| 24. | 39020 | Essex Insurance Company, Wilmington, Delaware | 53. | 37338 | Pacific Insurance Company, Los Angeles, California |
| 25. | 35378 | Evanston Insurance Company, Evanston, Illinois | 54. | 38636 | Partner Reinsurance Company of the U. S., New York, New York |
| 26. | 44792 | Executive Risk Specialty Insurance Company, Simsbury, Connecticut | 55. | 88536 | Protective Life and Annuity Insurance Company, Birmingham, Alabama |
| 27. | 85472 | First ING Life Insurance Company of New York, New York | 56. | 29807 | PXRE Reinsurance Company, Hartford, Connecticut |
| 28. | 92673 | Gerling Global Life Insurance Company, Los Angeles, California | 57. | 10679 | St. Paul Reinsurance Company, Limited, London, England |
| 29. | 87017 | Gerling Global Life Reinsurance Company, Los Angeles, California | 58. | 21911 | San Francisco Reinsurance Company, Novato, California |
| | | | 59. | 87572 | Scottish Re (U.S.), Inc., Wilmington, Delaware |

- 60. 41297 Scottsdale Insurance Company, Columbus, Ohio
- 61. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
- 62. 10743 Sphere Drake Insurance Company Limited, Brighton, England
- 63. 10932 Starr Excess Liability Insurance Company, Ltd., Wilmington, Delaware
- 64. 39187 Suecia Insurance Company, Nanuet, New York
- 65. 93483 Swiss-Am Reassurance Company, Wilmington, Delaware
- 66. 10744 Terra Nova Insurance Company Limited, London, England
- 67. 19887 Trinity Universal Insurance Company, Dallas, Texas
- 68. 37982 Tudor Insurance Company, Keene, New Hampshire
- 69. 10292 Unionamerica Insurance Company Limited, London, England
- 70. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York
- 71. 39330 United Capitol Insurance Company, Chicago, Illinois
- 72. 28053 United Coastal Insurance Company, Phoenix, Arizona
- 73. 13021 United Fire & Casualty Company, Cedar Rapids, Iowa
- 74. 38032 US International Reinsurance Company, Manchester, New Hampshire
- 75. 10172 Westchester Surplus Lines Insurance Company, Atlanta, Georgia
- 76. 13196 Western World Insurance Company, Keene, New Hampshire
- 77. 10242 Zurich Specialties London Limited, London, England

Changes to the Qualified Unlicensed Reinsurers List Since it was Published on November 10, 2001:

The following company has changed its name since the list was published on November 10, 2001:

American Dynasty Surplus Lines Insurance Company, Wilmington, Delaware has changed its name to Great American Fidelity Insurance Company, Wilmington, Delaware

The following company has been added to the list since it was published on November 10, 2001:

Liberty Northwest Insurance Corporation, Portland, Oregon

The following companies have voluntarily asked to be removed from the list since it was published on November 10, 2001:

ACE Capital Mortgage Reinsurance Company, New York, New York

Grain Dealers Mutual Insurance Company, Indianapolis, Indiana

Western Indemnity Insurance Company, Houston, Texas

The following company has been removed from the list because it merged with a licensed company since the list was published on November 10, 2001:

Reliance Insurance Company of Illinois, Chicago, Illinois

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2344. Filed for public inspection December 28, 2001, 9:00 a.m.]

Provident Mutual Life Insurance; Mutual-to-Stock Conversion

The following applications and requests for plan approval of a sponsored mutual-to-stock conversion, including the subsequent acquisition of control, have been received by the Insurance Department (Department).

Provident Mutual Life Insurance Company (Provident), a domiciled mutual life insurance company of this Commonwealth, submitted a plan of conversion which provides for conversion from a mutual life insurance company to a stock life insurance company. The filing, received on December 14, 2001, was made under the Insurance Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A).

In furtherance to the transaction, Nationwide Financial Services, Inc. (Nationwide Financial), a Delaware domiciled corporation, submitted an agreement and plan of merger to acquire control of the stock of Provident upon Provident's conversion to a stock life insurance company. The acquisition of control is proposed to be achieved through the merger of Eagle Acquisition Corporation, a corporation of this Commonwealth wholly-owned by Nationwide Financial and Provident. The filing, received on December 14, 2001, was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Department within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; e-mail rbrackbill@state.pa.us.

Individuals may obtain a copy of the plan of conversion, upon request, by calling toll-free at (866) 541-9692, Monday through Friday from 8 a.m. to 6 p.m., or by visiting the Provident Mutual website at www.providentmutual.com.

Additionally, copies of the applications are available for review at the Department by contacting Ken Bradley, (717) 787-0877, fax (717) 787-8555, e-mail kbradley@state.pa.us.

The Department plans to conduct a public informational hearing. The exact date and location will be announced when scheduled.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2345. Filed for public inspection December 28, 2001, 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 their company's termination of the insured's automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to 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 following administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Office Building; Philadelphia, PA 19130.

Appeal of Kathleen Casner; file no. 01-265-05889; Allstate Insurance Company; doc. no. PH01-12-008; March 15, 2002, at 2 p.m.

Appeal of Carl Ortman; file no. 01-210-05569; Travelers Insurance Company; doc. no. PH01-12-007; March 15, 2002, at 3 p.m.

Appeal of Alexander Balakhov; file no. 01-280-02941; AAA Mid-Atlantic Insurance Company; doc. no. PH01-12-010; April 2, 2002, at 9:30 a.m.

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 Lonnie L. Baumgardner; file no. 01-181-07326; Progressive Insurance Company; doc. no. P01-12-009; January 16, 2002, at 1:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and

stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearings, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2346. Filed for public inspection December 28, 2001, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to 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 hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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 GEICO General Insurance Company; file no. 01-265-05281; Daniel J. and Thea Stockman; doc. no. PH01-12-006; April 2, 2002, at 11:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claim 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 Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2347. Filed for public inspection December 28, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Change in Control Without Hearing

A-212285 F0096 and A-230073 F0004. Pennsylvania-American Water Company and Thames Water Aqua Holdings. Joint application of Pennsylvania-American Water Company and Thames Water Aqua Holdings for approval of a change in control of Pennsylvania-American Water Company.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 14, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company and Thames Water Aqua Holdings.

Through and by Counsel: John J. Gallagher, Esquire, LeBoeuf, Lamb, Greene & MacRae, LLP, 200 North Third Street, Suite 300, Harrisburg, PA 17108-2105; and Thomas P. Gadsden, Esquire, Morgan, Lewis and Bockius, 1701 Market Street, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2348. Filed for public inspection December 28, 2001, 9:00 a.m.]

Water Service Without Hearing

A-212285 F0094; A-212285 F0095; A-210031 F2000. Pennsylvania-American Water Company and Rustic Acres Water Association. Joint application of Pennsylvania-American Water Company and Rustic Acres Water Association for approval of: 1) the transfer, by sale, of the water works property and rights of the Rustic Acres Water Association to Pennsylvania-American Water Company; 2) the commencement by Pennsylvania-American Water Company of public water service in the certificated service territory of Rustic Acres Water Association; 3) the abandonment by Rustic Acres Water Association of all water service to the public; and 4) the commencement by Pennsylvania-American Water Company of water service in an additional portion of Lehman Township, Pike County, where Pennsylvania-American will construct an interconnecting pipeline prior to closing with Rustic Acres.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 14, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company and Rustic Acres Water Association.

Through and by Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hershey Park Drive, Hershey, PA 17033; and William H. Robinson, Jr., Esquire, 11 South Seventh Street, Stroudsburg, PA 19360.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2349. Filed for public inspection December 28, 2001, 9:00 a.m.]

Water Service Without Hearing

A-210085 F2000. Roaring Brook Estates Water Company, Inc. Application of Roaring Brook Estates Water Company, Inc., for approval of the abandonment of water service to the public in this Commonwealth.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 14, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Roaring Brook Estates Water Company, Inc.

Through and by: Carlos Martin, President, 108 Donny Drive, R. D. #4, Moscow, PA 18444.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2350. Filed for public inspection December 28, 2001, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT SYSTEM

Adoption of the Group Annuity Mortality Tables; Resolution No. 2001-103

Whereas, the State Employees' Retirement System (SERS) has historically utilized the 1971 Group Annuity Mortality (GAM) tables to determine actuarial equivalence; and

Whereas, based upon the recommendation of the SERS actuary, the State Employees' Retirement Board (Board), at its March 2001 meeting resolved to change to the use of the more recent 1983 GAM (GAM 83) tables for the purpose of benefit calculations; and

Whereas, in order for SERS to begin utilizing the GAM 83 tables for the purpose of benefit calculations beginning on January 1, 2002, the Board must formally adopt the GAM 83 tables through this Resolution; and

Whereas, a detailed explanation of the planned utilization of the GAM 83 tables follows as an exhibit; and

Whereas, this resolution and the following detailed explanation will be published in the *Pennsylvania Bulletin* prior to January 1, 2002;

Now Therefore, in consideration of the foregoing recitals that are made a part hereof, it is hereby:

Resolved, this 5th day of December, 2001, that the Board adopt the GAM 83 tables for the purpose of benefit calculations as explained in the document entitled: "Applying Actuarial Equivalence Factors-Methodology for Determining "Better-of," which follows as an exhibit to this resolution.

Applying Actuarial Equivalence Factors Methodology for Determining "Better-of"

Background

The Pennsylvania State Employees' Retirement System (SERS) uses a complex array of actuarial tables to determine actuarial equivalence for optional settlements and early retirement. The State Employees' Retirement Board has decided to move SERS from the 1971 to 1983 Group Annuity Mortality (GAM) table to determine actuarial equivalence to conform to the change in the tables used by the actuary for costing bases.

Currently, there are three sets of actuarial tables used for determining actuarial equivalence for SERS covered employees. The reason for the different sets of actuarial tables is the United States Supreme Court decisions in *Arizona Governing Committee v. Norris*, 463 U.S. 1073, 103 S. Ct. 3405, 77 L.Ed. 1236 (1983), decided in August 1983 and *Florida v. Long*, 487 U.S. 223, 108 S.Ct. 2354, 101 L.Ed. 206 (1988), decided in 1988. These decisions required that pension plans pay equal benefits for men and women. The issue was further complicated by the requirement that the remedy (the equalization of benefits) could not be accomplished by reducing higher benefits to lower levels for current employees.

In conformance with the Supreme Court decisions, the approach taken by SERS was to equalize benefits earned after August 1983 for members who entered SERS before August 1983. SERS currently uses "blended" sex-neutral actuarial tables for employees hired on or after August 1, 1983. For employees hired before August 1, 1983, the benefits resulting from service credited before August 1, 1983 continued to be calculated using the existing sex-distinct actuarial tables, while benefits resulting from service credited on or after August 1, 1983 uses "topped up" actuarial tables. The reason for the three sets of tables is that the Supreme Court stated that *Norris* only had to apply to benefits resulting from service after August 1983 and because the prohibition against "blending" tables to produce equal benefits does not apply to employees hired on or after August 1, 1983.

For the December 31, 2000 valuation SERS used the 1983 GAM sex-distinct tables for all post-retirement mortality for the purpose of determining employer costs to fund the pension plan. As a result, SERS has decided to move to the 1983 GAM tables for actuarial equivalence and for determining benefits. Actuaries can, and do, use sex-distinct tables to produce the best estimate of costs. But, SERS' use of the 1983 GAM unisex (blended) table for actuarial equivalence purposes is still controlled by *Norris*.

Therefore, SERS's adoption of the 1983 GAM tables for actuarial equivalence parallels SERS' adoption of the 1971 tables after *Norris*.

A. Beginning with retirements with an effective date on or after January 1, 2002, employees hired on or after

August 1, 1983 will have their benefits calculated using the 1983 GAM unisex tables rather than the 1971 GAM unisex tables. Almost all post-August 1, 1983 members will receive benefits under the 1983 GAM tables equal to or better than they would have received under the 1971 GAM tables.

B. For employees hired before August 1983, benefits will be calculated two ways and the employee will receive the benefit based on whatever method produces the "better" benefit. (Determination of the "better" benefit is described below.) Benefits will be calculated using the 1983 GAM unisex table applied to all benefits, regardless of whether the service underlying those benefits was credited before or after August 1, 1983. This benefit will be compared to a benefit calculated using the current methodology applying 1971 GAM tables to post-July 1983 service and sex-distinct 1971 tables to pre-August 1983 service).

Determination of "Better of"

A member's Maximum Single Life Annuity (MSLA) will be used to determine the "better" benefit when comparing GAM71 and GAM83 tables. When establishing the benefit of a pre-August 1983 hire, SERS will compute the member's MSLA using the GAM71 tables (sex distinct and "topped up") and the GAM83 tables. The tables that generate the larger benefit will be the basis for any option the member may select and any other actuarial calculation. If the two methods produce the same MSLA, then the set of actuarial tables that produces the higher present value of MSLA will be used.

Return to Service—How to Apply the "Better-of" Comparison

When a member retires, a "better of" comparison will be performed and his annuity will be determined using the factors that provide him with a higher benefit. At return to service, the member's annuity is frozen. The calculation of the benefit at subsequent retirement depends on the credited service after the return. If the member has less than 3 "new" service credits, the member will receive a two-part benefit. The first part of the benefit is a monthly benefit derived from the frozen present value using the same tables that were used at first retirement, based on the member's current age. The second part of the benefit is a benefit for the new service; the better-of test is performed on the new service benefit only.

If the member has 3 or more service credits at subsequent retirement, the member will receive the larger of the following:

- A benefit based on "thawing" the frozen present value, where the total years of service and a new high-three average salary are determined. The new benefit is offset by the actuarial value of the retirement benefits received while on the first retirement. The better-of test is performed again, on the total benefit.
- The two-part benefit described above. The benefit derived from the frozen present value is based on the same tables that were used at first retirement, and the second part of the benefit is a benefit for the new service. The better-of test is performed on the new service benefit only.

Change of Option—How to Apply the "Better-of" Comparison

A member who elected a joint and survivor option is allowed to change the retirement option under two circumstances:

1. a change in marital status; or
2. the designated survivor predeceases the member.

The "better of" table that was originally determined to produce the better retirement benefit would be used as the basis for all optional benefits, including any changes in optional benefit elections.

Domestic Relation Orders—How to Apply the "Better-of" Comparison

This would only be an issue for members who received a benefit estimate under a Domestic Relations Order (DRO) before the change in actuarial equivalence factors and retire after the change. However, since all elements used to determine the DRO were estimates, it will not be necessary to revisit the calculation.

Class C Supplemental Benefit—How to Apply the "Better-of" Comparison

When calculating the member's Maximum Single Life Annuity under GAM71, male "topped up" factors for the Class C Supplemental Benefit, as is done currently, will be used. When calculating the member's Maximum Single Life Annuity under GAM83 however, GAM83 factors for all benefits, including the Class C Supplemental Benefit, will be used.

Death Benefits (Act 500)—How to Apply the "Better-of" Comparison

Following the same procedure as used when the Norris decision was implemented, all Act 500 death benefits will be calculated using the table that applies to new members of SERS. Therefore all Act 500 death benefits will be calculated using the 1983 Group Annuity Mortality Table for deaths after January 1, 2002.

Disability Retirements—How to Apply the "Better-of" Comparison

For the reasons stated above, the 1983 GAM tables will be used for determining disability retirement benefits for

members hired after August 1983. For pre-1983 hires, the member's MSLA will be used to determine the better retirement benefit when comparing GAM71 and GAM83 tables. However, the benefit determination for disabled retirements does not include the calculation of the MSLA.

It is to the member's advantage to have the early retirement portion of the basic disability benefit be the better benefit. Therefore, the table that generates the largest early retirement benefit, of the total basic disability retirement benefit, will be used as the basis for any option the member may select. If all tables produce the same early retirement benefit, then the table that produces the higher present value for the early retirement benefit will be used as the basis for any option the member may select.

If a hazardous duty member (enforcement officers and State Police) has less than 5 years of service, the disability supplement is the difference between the annual basic disability benefit described above and the member's share of the annual disability benefit. The member's share is the accumulated deductions divided by the initial reserve factor, unless the disability is a joint and survivor disability.

Members who have less than 5 years of service at disability would most likely have entered after 1983, and therefore the member's share of the basic disability benefit would be determined using the 1983 GAM table.

Members who would like to obtain a copy of the mortality tables may visit www.sers.state.pa.us or call a retirement counselor at 1-800-633-5461.

NICHOLAS J. MAIALE,
Chairperson

[Pa.B. Doc. No. 01-2351. Filed for public inspection December 28, 2001, 9:00 a.m.]

