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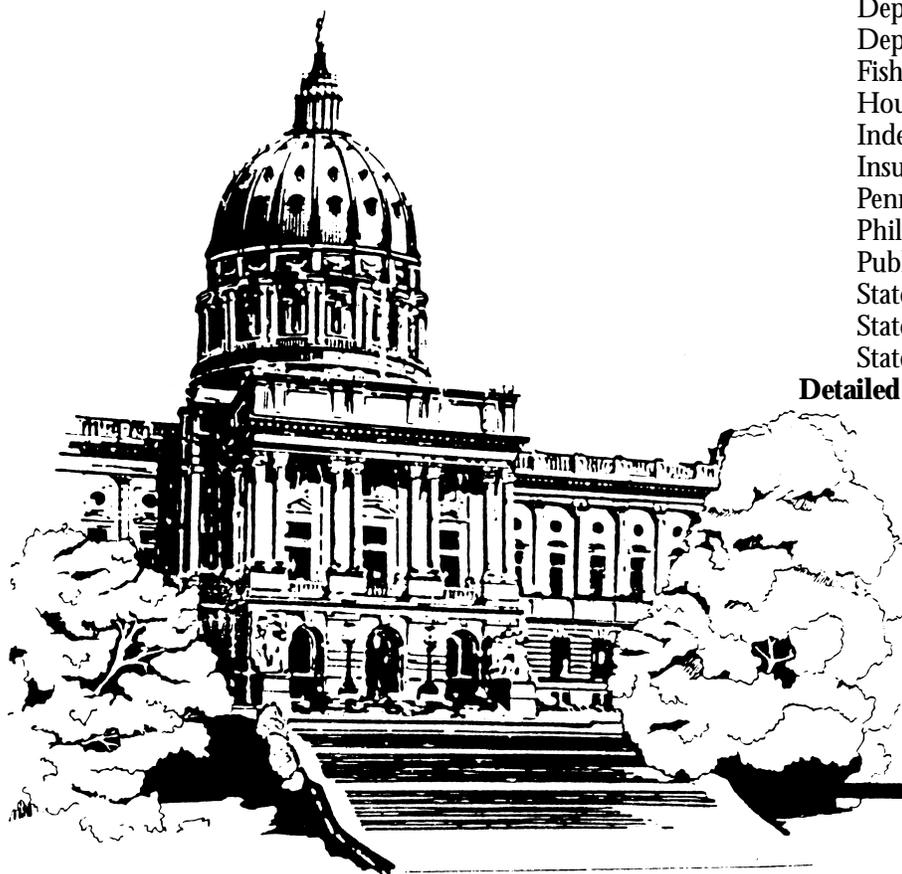
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for January—March 2002

## Part I

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State Board of Osteopathic Medicine  
State Civil Service Commission

**Detailed list of contents appears inside.**



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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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# GENERAL ASSEMBLY

## Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2002 Regular Session.

### 2002 GENERAL ACTS ENACTED—ACT 013 through 017

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
013	Mar 20	HB1802	PN3420	immediately*	Medical Care Availability and Reduction of Error (Mcare) Act—enactment
014	Mar 22	HB1157	PN3319	60 days	Local Tax Collection Law—agreements for joint tax collection districts and delinquent tax collectors
015	Mar 22	HB1758	PN3240	60 days	Kittanning Citizens' Bridge, Nicholson Veterans Memorial Bridge and Leonard C. Miller Bridge—designations
016	Mar 22	SB0978	PN1174	60 days	Real Estate Tax Sale Law—alternative collection of taxes
017	Mar 22	SB0768	PN0858	60 days	Borough Code, The—salaries of borough councils and mayors

\* with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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CARL L. MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 02-519. Filed for public inspection April 5, 2002, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### STATE CIVIL SERVICE COMMISSION

#### [4 PA. CODE CH. 95]

[Correction]

#### Promotion Procedure

An error appeared at 32 Pa.B. 1644 (March 30, 2002) in the listing of the fiscal note for the previously-referenced document. The correct fiscal note number is 61-04.

[Pa.B. Doc. No. 02-493. Filed for public inspection March 29, 2002, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### [52 PA. CODE CHS. 63 AND 71]

[L-00010153]

#### Telecommunications Carriers

The Pennsylvania Public Utility Commission (Commission) on November 30, 2001, adopted a final order which streamlines certain financial reporting requirements for both competitive local exchange carriers (CLECs) and local exchange carriers (ILECs), while still providing the Commission with necessary information needed to effectively monitor the telecommunications industry in this Commonwealth.

#### *Executive Summary*

In September 2000, the Commission established a collaborative consisting of all interested telecommunications carriers, Commission staff and other interested parties (Collaborative) to determine what, if any, modifications should be adopted to the Commission's accounting procedures and financial reporting requirements in response to the opening of the local and toll telecommunications markets to competition. In particular, the Collaborative was charged with resolving a number of important issues, including whether CLECs should be held to the same financial reporting requirements as incumbent ILECs, what reports should be treated as proprietary and whether CLECs should be required to maintain separate accounting systems for their various operations.

At the conclusion of its deliberative process, the Collaborative filed a final report detailing its findings and recommendations. The recommendations significantly streamline the reporting requirements for both CLECs and ILECs; however, several of the recommendations require changes in the Commission's regulations.

Specifically, these final-form regulations redefine the classes of telephone utilities in § 63.31 (relating to classification of public utilities) based on whether a carrier is an incumbent or new entrant, and, if an incumbent, whether the utility is subject to an alternative form of regulation or some type of rate based, rate-of-return regulation. The current class definitions are based solely on access lines or minimal operating revenues, or both, which results in CLECs and ILECs filing the same reports even though the Commission's informational needs for these two types of carriers are completely

different. These final-form regulations also amend § 63.32 (relating to systems of accounts) to recognize that CLECs not required by the Federal Communications Commission to conform to the Uniform System of Accounts must inform the Commission of this fact in their annual reports and state what method of accounting is being utilized. Finally, these final-form regulations clarify that the quarterly or annual rate-of-return financial reports required under § 71.3 (relating to filing requirements) only apply to ILECs and that the quarterly reports for the larger ILECs are reduced to a semi-annual basis.

The contact persons are Carl S. Hisiro (717) 783-2812 and Elizabeth Lion Januzzi (717) 772-0696 in the Law Bureau, and Robert Wilson (717) 783-6162 in the Bureau of Fixed Utility Services.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 21, 2001, 2002, the Commission submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 5110 (September 8, 2001), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Commission has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on February 13, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 21, 2002, and approved the final-form rulemaking.

Public Meeting held  
November 30, 2001

*Commissioners Present:* Glen R. Thomas, Chairman; Robert K. Bloom, Vice Chairman; Aaron Wilson, Jr.; Terrence J. Fitzpatrick

#### **Order**

#### *By the Commission:*

On June 28, 2001, this Commission entered an order proposing to amend its regulations relating to financial reporting requirements for telecommunications providers. These proposed amendments to existing regulations will facilitate adoption of the various recommendations to streamline certain financial reporting requirements previously contained in the final report of the Collaborative, which was created by this Commission at M-00001374.

The June 28, 2001, order was published at 31 Pa.B. 5110. Comments were thereafter received from only three entities: the Office of Consumer Advocate (OCA), AT&T Communications of Pennsylvania, Inc. (AT&T) and IRRC. This final-form rulemaking order discusses the comments received and sets forth, in Annex A and 31 Pa.B. 5110, final amendments to the Commission's regulations necessary to adopt the recommendations contained in the Collaborative's final report filed March 15, 2001, with this Commission at M-00001374.

### Discussion

None of the comments filed address concerns or disagreements with any of the proposed amendments to the existing regulations.<sup>1</sup> Instead, the focus of the comments filed by the OCA and IRRC address more general concerns relating to how the Commission will treat financial reporting information that is designated "confidential" or "proprietary" in the future.

The OCA's primary concern is that the recommendation made by the Collaborative and adopted by the Commission in its June 28, 2001, order, relating to the preliminary designation of certain schedules or parts thereof as proprietary, will "virtually eliminate all useful ILEC [(incumbent local exchange carrier)] information from the public view." OCA Comments filed October 9, 2001 (OCA Comments), at 2. This is the same concern that the OCA expressed in its minority report filed with the Collaborative's March 15, 2001, final report and rejected by the Commission when it adopted the Collaborative's recommendations in total. For the reasons expressed in this preamble and in the final report, we do not agree with the OCA that the preliminary designations of proprietary treatment for certain schedules, or parts thereof, will have the type of negative impact suggested in the OCA's comments. We believe, instead, that the preliminary proprietary designations represent an appropriate and reasonable balancing of competing interests between disclosure and nondisclosure in an evolving competitive environment.

IRRC's concern, on the other hand, relates solely to the vehicle used by the Commission to effectuate a change in how certain information designated as "proprietary" will be handled in the future. IRRC asserts that the change contemplated by the Commission should be implemented through the formal rulemaking process and not as a change to its internal operating procedures.

Specifically, IRRC's position is that to allow a utility to designate preliminarily certain financial information as proprietary without filing a petition for protective order is in conflict with § 71.9. Section 71.9 provides that "financial reports are public documents" and that "[i]f a public utility requests proprietary treatment for information in the report," the utility must "file a petition for protective order."

After carefully reviewing IRRC's comments in regard to this issue, we conclude that no change to § 71.9 is required at this time. The change that was implemented by the Commission in its operating procedures does not affect the underlying principle that these financial reports are public documents or that a petition for protective order must be filed if there is a challenge to any "proprietary" designation made by a utility.<sup>2</sup>

The reality of the marketplace today in an increasingly deregulated environment is that disclosure of certain financial information may indeed cause unfair economic or competitive damage. Under current practice, telecommunications carriers have routinely designated various schedules or parts thereof of their annual financial reports as proprietary to protect themselves from damag-

ing disclosures. The fact that they are entitled to do so notwithstanding the designation of the reports as "public documents" in § 71.9 is beyond question. Section 5.423 (relating to orders to limit availability of proprietary information) spells out the specific procedures that must be followed if a utility wants to designate certain information as proprietary that otherwise would be made part of the "public record."

Indeed, § 5.423(b)(4) clearly supports the type of process the Commission has set up herein, whereby a utility does not file a petition for protective order until there is a specific challenge to a proprietary designation. Under that subsection, the party claiming the privilege must only file a petition for protective order "within 14 days of the date the request for information was received." As the General Instructions to the new Annual Reports at page 2 clearly provide, the preliminary classifications "as to what may be proprietary are not final or binding on the Commission or any party wishing to challenge these [proprietary] designations nor are they binding on any party seeking to have additional schedules, or parts thereof, declared proprietary." (Emphasis added.) These same General Instructions also instruct the company on when it has to file a petition for protective order under § 5.423 to preserve its proprietary designation. We, therefore, believe that the procedures utilized for designating certain financial information as proprietary are consistent with the terms of § 71.9 and no amendment to this section is necessary.

In discussing whether allowing certain financial information to be designated "proprietary" runs counter to the current regulation's declaration that the financial reports are "public documents," IRRC also points out an apparent typographical error in the text of § 71.9 which cites to "§ 5.43 (relating to petitions for issuance, amendment, waiver or repeal of regulations)." IRRC suggests that the proper cite should have been to § 5.423 (relating to orders to limit availability of proprietary information) and not to § 5.43.

In researching this issue back to when Chapter 71 (relating to financial reports) was originally proposed in the early 1990s, we find that the advance notice of proposed rulemaking Re: Public Utility Earnings, Docket No. L-00910061 entered September 24, 1991, did cite to § 5.423, and not to § 5.43. The cite to § 5.423, however, was later changed, inadvertently it appears, in the proposed rulemaking order at the same docket entered March 3, 1992, and was not discovered by anyone until now. We agree with IRRC that the appropriate cite in § 71.9 should be to § 5.423. Section 5.43 relates to petitions filed with the Commission to change a regulation; it has nothing to do with petitions seeking proprietary treatment. After consulting with the Legislative Reference Bureau regarding the proper way to handle this issue, we are amending § 71.9 as set forth in Annex A to make this technical correction to the citation found in that section.

Finally, the OCA also suggests that the Commission should have taken this opportunity to develop information to help consumers better understand which companies offer service in their area and what those services may be. OCA Comments at 7-9. The OCA contends that with this type of information, it could provide consumers with a shopping guide listing the companies that provide services in each incumbent's territory and how to contact these companies. While we agree that the provision of the information would be beneficial to consumers, this rulemaking proceeding dealing with financial reporting re-

<sup>1</sup>Indeed, AT&T's comments consist of a one-page letter in lieu of comments stating its support of the adoption of the new rules. In addition, AT&T urges the Commission to continue to monitor the condition of the Pennsylvania marketplace and to be prepared to take further steps to ensure that the remaining reporting requirements do not act as a barrier to entry in Pennsylvania.

<sup>2</sup>We must emphasize that the only modification made to the proprietary designation process is to the timing of when the petition for protective order has to be filed with the Commission. If the petition was required to be filed at the same time the annual report has to be filed with the Commission, we could fairly expect the Commission to be inundated with repetitive petitions to protect the confidentiality of the requested information.

quirements of telecommunications carriers is not the proper vehicle for addressing this issue.<sup>3</sup>

*Conclusion*

Accordingly, under sections 501 and 1501 of the Public Utility Code, 66 Pa. C.S. §§ 501 and 1501; sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5) and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder in 4 Pa. Code §§ 7.251—7.235, we find that the regulations in §§ 63.31—63.33, 71.3 and 71.9 should be amended as set forth in Annex A; therefore,

*It Is Ordered that:*

1. The regulations of the Commission, 52 Pa. Code Chapters 63 and 71, are amended by amending §§ 63.31—63.33 and 71.3 to read as set forth at 31 Pa.B. 5110; and by amending § 71.9 to read as set forth in Annex A.

2. The Secretary shall certify this order, 31 Pa.B. 5110 and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. The Secretary shall submit this order, 31 Pa.B. 5110 and Annex A to the Office of Attorney General for approval as to legality.

4. The Secretary shall submit this order, 31 Pa.B. 5110 and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order, 31 Pa.B. 5110 and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the IRRC.

6. A copy of this order, 31 Pa.B. 5110 and Annex A shall be served upon the Pennsylvania Telephone Association, the Telecommunications Resellers Association, all jurisdictional telecommunication utilities, the Office of Trial Staff, the OCA and the Small Business Advocate.

7. The final-form regulations embodied at 31 Pa.B. 5110 and in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 1362 (March 9, 2002).)*

**Fiscal Note:** Fiscal Note 57-222 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 71. FINANCIAL REPORTS**

**§ 71.9. Financial reports as public documents.**

The financial reports are public documents. The reports will be maintained by the Secretary and will be available

<sup>3</sup>It is worth noting that the Commission at its Public Meeting of November 9, 2001, adopted a Tentative Order seeking comments on whether it should create a standard method for comparing local telephone offers at M-00011580; the very issue raised by the OCA in its comments. The order was entered on November 13, 2001.

for public inspection. If a public utility requests proprietary treatment for information in the report, it shall be incumbent upon that utility to file a petition for protective order under § 5.423 (relating to orders to limit availability of proprietary information).

[Pa.B. Doc. No. 02-520. Filed for public inspection April 5, 2002, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[58 PA. CODE CHS. 71 AND 73]**

**Propagation of Fish**

The Fish and Boat Commission (Commission) by this order amends Chapters 71 and 73 (relating to propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments relate to fishing.

*A. Effective Date*

The amendments will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

*B. Contact Person*

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

*C. Statutory Authority*

The amendments to §§ 71.1 and 73.2 (relating to general; and authorized list) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendments to §§ 71.2 and 71.3 (relating to fish species approved for artificial propagation and introduction; and closed system propagation) are published under the statutory authority of section 2102 of the code and 3 Pa.C.S. § 4219 (relating to permissible propagation). The amendment to § 71.7 (relating to triploid grass carp) is published under the statutory authority of section 2102 and section 2904 of the code (relating to permits for protection and management of particular fish).

*D. Purpose and Background*

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

*E. Summary of Changes*

On October 16, 1998, the General Assembly amended the Commonwealth's agriculture laws to designate aquaculture as a normal farming activity. This amendment transferred most administrative functions related to commercial artificial propagation from the Commission to the Department of Agriculture (Department). On December 16, 1998, the Department began registering commercial propagators of fish and dealers in live aquatic animals. The Commission no longer issues artificial propagation licenses, live fish, fishbait and baitfish dealer licenses and resident and nonresident fish transportation

licenses. Accordingly, Commission's regulations pertaining to the issuance of these licenses should be removed.

In addition, 3 Pa.C.S. § 4219 provides that the Commission will determine which species of fish are allowed to be propagated in each watershed and will provide the Department with the list. This section also provides that special regulations shall be promulgated regarding closed system propagation. Therefore, the Commission proposed amendments addressing those issues.

A notice of proposed rulemaking was published at 31 Pa.B. 3412 (June 30, 2001). The Commission did not receive any written public comments regarding the proposed rulemaking. However, the Department's Aquaculture Advisory Committee (Committee) discussed the proposed rulemaking on several occasions, and members of the Committee recommended changes to the proposed amendments relating to closed system propagation. Based upon the Committee's recommendations, the Commission has adopted the amendments as set forth in the notice of proposed rulemaking with the changes to § 71.3 to read as set forth in Annex A.

#### F. Paperwork

The amendments will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

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

#### H. Public Involvement

A notice of proposed rulemaking was published at 31 Pa.B. 3412. The Commission subsequently published a notice at 31 Pa.B. 6287 (November 17, 2001), advising the public that staff would be recommending that the Commission consider additional changes to § 71.3. The notice also extended the public comment period until January 15, 2002. In addition, the Commission mailed a copy of the notice and the additional changes to all registered aquaculture producers and live aquatic animal dealers. The Commission did not receive any public comments concerning the proposal.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and no comments were received.

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 71 and 73, are amended by amending §§ 71.1, 71.2, 71.7 and 73.2 to read as set forth at 31 Pa.B. 3412 and § 71.3 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 31 Pa.B. 3412 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 31 Pa.B. 3412 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-117 remains valid for the final adoption of the subject regulations.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

### CHAPTER 71. PROPAGATION AND INTRODUCTION OF FISH INTO THE COMMONWEALTH WATERS

#### § 71.3. Closed system propagation.

(a) *Closed (no discharge) system.* A propagating system may be designated as a closed system only if all of following criteria are met:

(1) There will be 100% recycling water as normal operations.

(2) Closed systems will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this subsection, a wall, floor or roof will be considered "solid" if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of aquatic organisms from the closed system.

(3) Water can be added to the system only for making up evaporative loss, cleaning and fish harvesting or to reduce toxic ammonia/nitrates by diluting.

(4) The system does not discharge water into waters of this Commonwealth.

(5) No live fish or live fish eggs will be allowed to escape with water discharges. Accidental spillage of live fish or live fish eggs (including truck loading, and the like) will be contained within the facility in a manner that will prevent fish and fish eggs from escaping into the waters of this Commonwealth.

(6) The system operator is registered with the Department of Agriculture (Department). The Department will notify the Commission when it receives an application to register a proposed closed system, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed in a manner to prevent escapement of live fish or live fish eggs into the waters of this Commonwealth. Closed systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with the requirements of this section and the Commission may issue an order to suspend operations of any closed system when an inspection discloses that it is not in compliance.

(7) The Commission will invite the Department's Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators to help them ensure enclosed facilities prevent escape of aquatic organisms into the waters of this Commonwealth. These guide-

lines will assist registered propagators in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.

(b) *Systems with discharges rendered incapable of containing living organisms.* A system whose discharge of water is rendered incapable of containing self-perpetuating living organisms shall be registered with the Department. The Department will notify the Commission when it receives an application to register a proposed system under this subsection, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed so that its discharge is rendered incapable of containing live fish or live fish eggs. Systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with this section and the Commission may issue an order to suspend operations of any system when an inspection discloses that it is not in compliance. The registration of this system may include any species of fish with the approval of the Department.

(c) *Escape of fish into waters of this Commonwealth.* It is unlawful for an operator of any system registered under subsection (a) or (b) to allow fish to escape into the waters of this Commonwealth.

(d) *Written plans for discharge.* An operator of any system registered under subsection (a) or (b) shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or treating discharge in the event of a discharge system failure.

(e) *Satisfaction in event of discharge.* An operator of any system registered under subsection (a) or (b) shall notify both the Commission's Director of the Bureau of Fisheries and the Department's Aquaculture Coordinator immediately in the event of a discharge system failure that is likely to contain viable living organisms.

[Pa.B. Doc. No. 02-521. Filed for public inspection April 5, 2002, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 69]

### Seasons, Sizes and Creel Limits for Lake Erie

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendment relates to fishing.

#### A. *Effective Date*

The proposed amendment, if approved on final-form rulemaking, will go into effect on January 1, 2003, or upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*, whichever occurs later.

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The proposed amendment to § 69.12 (relating to seasons, sizes and creel limits—Lake Erie) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. *Purpose and Background*

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

#### E. *Summary of Proposal*

Current angling regulations, established in 1996, to conserve yellow perch in this Commonwealth's waters of Lake Erie and Presque Isle Bay, include a daily possession limit of 20 fish, an 8 inch minimum size limit and no closed season for sport fishing. On the open lake, these regulations were expected to: (1) constrain the harvest at or below the annual quota or Total Allowable Catch (TAC); and (2) reduce the harvest of small immature perch.

The same angling regulations were imposed upon the yellow perch fishery in Presque Isle Bay that has been subjected to very high fishing mortality especially during the ice fishery. The ice fishery had been responsible for the excessive over-fishing harvest prior to the implementation of the 8-inch minimum size limit and 20 perch per day possession limit.

The Commission's Lake Erie Research Unit is committed to continuing an intensive assessment of yellow perch to evaluate the yellow perch population, angler use and yellow perch harvest and to make any appropriate adjustments to the yellow perch regulations. On the open lake, strong yellow perch year classes and conservative regulations have resulted in increased population abundance at the highest levels since 1990, and yellow perch catch rates continue to increase. However, a sizeable proportion

of the open lake angler catch was released under the 8 inch minimum size limit, and mortality of these release fish was high because of hydraulic decompression. The Lake Erie Boat Angler Survey in the summer of 2001, demonstrated that the 20 yellow perch creel limit was constraining the yellow perch harvest within the Lake Erie Committee TAC. The Bay yellow perch population has also rebounded subsequent to the implementation of the regulations. However, because of the high minimum size limit relative to the relatively slow perch growth, the Bay creel rate has been low. The harvest of Bay caught yellow perch was only 7-19% of those caught during the years 1997-2001.

These intensive yellow perch assessments have shown that reducing the minimum size limit to 7 inches will continue to adequately protect yellow perch spawning stock under the condition of higher yellow perch population sizes. This should reduce complaints about catch and release mortality on the open lake and complaints about the low harvest rates on Presque Isle Bay. Commission staff expect harvest to increase by at least 30% by Presque Isle Bay anglers; however, on the open lake harvest, increases due to reducing the minimum size limit should be a little more than 15%.

Accordingly, the Commission proposes to amend § 69.12 to reduce the minimum size limit of yellow perch on Lake Erie and Presque Isle Bay from 8 inches to 7 inches. The daily creel limit of 20 and the no closed season will remain in effect.

#### F. *Paperwork*

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

#### G. *Fiscal Impact*

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

#### H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at [ra-pfbcregs@state.pa.us](mailto:ra-pfbcregs@state.pa.us). A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2-working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-126. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsular waters:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *	* * * * *	
YELLOW PERCH	Open year-round	[ 8 ] 7 inches	20
	* * * * *	* * * * *	

[Pa.B. Doc. No. 02-522. Filed for public inspection April 5, 2002, 9:00 a.m.]

[58 PA. CODE CHS. 53, 61 AND 65]

Use Permits for Unpowered Boats; Fishing in the Susquehanna River and Its Tributaries; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 61 and 65 (relating to Commission property; seasons, sizes and creel limits; and special fishing regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to Commission property and fishing.

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 53.27 (relating to use permits for unpowered boats) is published under the statutory authority of section 742(e) of the code (relating to use of property). The proposed amendment to § 61.7 (relating to Susquehanna River and tributaries) is published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (waters limited to specific purposes).

D. Purpose and Background

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

E. Summary of Proposal

(1) *Section 53.27*. It has come to Commission staff's attention that the current wording of § 53.27(b), requiring use permit decals to be displayed above the waterline on both sides of the bow of the boat, creates a conflict with § 93.5(c) (relating to display of registration number and validation decal). Section 93.5(c) provides that no number other than the registration number may be displayed on either side of the bow of the vessel. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

(2) *Section 61.7*. The Commission recently discovered an error in this section. To correct the error, the Commission proposes to amend the section to read as set forth in Annex A.

(3) *Section 65.24*. Dunkard Creek is a low gradient warmwater stream that flows through the rural setting of southern Greene County. The fish populations of Dunkard Creek have been sampled extensively dating back to 1976. The dominant gamefish sampled through the years has been smallmouth bass. Dunkard Creek has been documented over the years as one of the highest density smallmouth bass populations in a warmwater stream in Southwest Pennsylvania. Analysis of the smallmouth bass data through 1990 indicated that angler harvest was a major factor in reducing the quality of the bass population. Additionally, results of a 1990 Statewide Smallmouth Bass Angler Opinion Survey suggested that anglers were very interested in quality smallmouth bass fishing through use of more restrictive length limits. These reasons combined to provide the impetus to implement and study a Catch and Release regulation for black bass on a portion of Dunkard Creek effective in 1995 to improve the overall quality of the smallmouth bass fishery.

Two sampling sites were used in this evaluation, one in the catch and release section and one in the Statewide regulation section. The Dunkard Creek smallmouth bass population abundance, biomass, growth and year class strength demonstrated a similar declining trend from 1984 to 2000 at both sites. The number of smallmouth bass over 12 inches at both sites declined by about 60% for the years 1995 to 2000, compared to the 1984 to 2000 mean. This occurred even though both sites had more restrictive regulations applied over the evaluation period of 1984 to 2000. One site went from a minimum length limit of 10 to 12 inches and from a year-round season to a closed season in the spring, while the other site went to catch and release. The more restrictive harvest regulations should have led to an increase in abundance of smallmouth bass over 12 inches at both sites. Smallmouth bass growth data showed that older bass (ages 5 and 6) had a slower growth rate over time, even though abundance had been reduced. Rock bass populations also declined at both sites over the study period.

The declining smallmouth bass and rock bass population evidence combined pointed to habitat or water quality deterioration as possible factors. Water quality was not considered a major contributor, but erosion and sedimentation in the watershed as reported in a study by the Greene County Conservation District was identified

as a probable cause of the fish population declines. This documentation should serve as emphasis to heighten this awareness and take steps toward reducing and eliminating this pollution problem. Livestock farming operations and dirt and gravel roads were considered the major sediment producing sources in the upper watershed. Other sediment sources include mining and logging areas, runoff from waste sites, haul roads and construction sites.

The Dunkard Creek long-term data set allowed staff to document that the catch and release regulations for bass did not meet their objective of improving the quality of the bass population. However, this data set also allowed staff to discover the chronic effects of erosion and sedimentation on smallmouth bass and rock bass populations in the Dunkard Creek watershed. Conservation groups will now be directed to alleviate this pollution and ultimately return the quality component of the smallmouth bass population to its former state.

Accordingly, the Commission proposes that § 65.24 be amended to remove the miscellaneous special regulations on Dunkard Creek.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must

be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2-working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-125. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 53. COMMISSION PROPERTY**

**§ 53.27. Use permits for unpowered boats.**

\* \* \* \* \*

(b) Use permits will be issued in the form of decals, showing the expiration date. [Decals shall be displayed above the waterline on both sides of the bow of the boat for which the permit is issued.] Decals shall be clearly displayed on both sides of the boat at the mid ship just below the gunwale. For low-volume boats, such as kayaks, decals shall be placed on both sides of the deck at the mid ship.

\* \* \* \* \*

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

**§ 61.7. Susquehanna River and tributaries.**

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries, including the Juniata River, the West Branch, "North Branch" and other tributaries [with] within the Susquehanna River Basin except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir) and except for waters subject to special regulations (see Chapter 65 (relating to special fishing regulations)):

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * *	* * *	
[ BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31.	Susquehanna River—Holtwood Dam to Fibradam in Sunbury 15 inches* *	4 (Combined species)* *
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31.	Susquehanna River—Upstream of Fibradam in Sunbury 12 inches	6 (Combined species)
BASS Largemouth Smallmouth Spotted	January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31.	Juniata River—Mouth upstream to Route 11/15 bridge near Amity Hall; and 18.5 mile section from the S.R. 0075 bridge at Port Royal downstream to Newport S.R. 0034 Bridge 15 inches* *	4 (Combined species)* *

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
<b>BASS Largemouth Smallmouth Spotted</b>	<b>January 1 to first Saturday after April 11 and first Saturday after June 11 to December 31.</b>	<b>Juniata River—All areas except as described in this subsection: 12 inches</b>	<b>6 (Combined species) ]</b>
<b>BASS Largemouth Smallmouth Spotted</b>	<b>Inland seasons, sizes and creel limits apply except for waters under special regulations (See Chapter 65). See § 61.1 (relating to Commonwealth inland waters). For Conowingo Reservoir, see § 61.4 (relating to Conowingo Reservoir).</b>		
* * * * *			

[\*\*Note: Big Bass regulations—minimum size and creel limits—apply (see § 65.9) ]

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

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

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
[ <b>Greene</b> ]	<b>Dunkard Creek</b>	<b>The daily creel limit for smallmouth bass is zero in an area from the confluence of Shannon Run at the ford on T-339 downstream to the bridge on SR 2009, a distance of 4.2 miles. Smallmouth bass may not be killed or had in possession in this special regulation area. ]</b>
	* * * * *	

[Pa.B. Doc. No. 02-523. Filed for public inspection April 5, 2002, 9:00 a.m.]

# STATE ARCHITECTS LICENSURE BOARD

**[49 PA. CODE CH. 9]  
Examination Fees**

The State Architects Licensure Board (Board) proposes to amend §§ 9.3, 9.41, 9.46 and 9.49a; add §§ 9.41a, 9.51 and 9.52; and delete §§ 9.111, 9.113, 9.114, 9.116—9.118, 9.131 and 9.132 to read as set forth in Annex A.

**A. Effective Date**

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

**B. Statutory Authority**

The proposed amendments are authorized under sections 8, 11 and 13 of the Architects Licensure Law (act) (63 P. S. §§ 34.8, 34.11 and 34.13).

**C. Background and Purpose**

*Deletion of reference to the Architects Registration Examination (ARE) fee*

The Board proposes to eliminate reference to the ARE examination fee over which the Board has no control or

involvement. The ARE is a recognized uniform examination used throughout the United States. The General Assembly has indicated its preference for the recognition of National uniform examinations and grading services in accordance with section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a). The fee for the examination is established by the National examiner and communicated directly to the applicants. Applicants for the examination pay the examination fee directly to the National examiner. Thus, it is unnecessary and impractical for the Board to continue to publish the National examiner's examination fee in the Board's regulations.

In lieu of publishing the cost of the examination, the Board proposes to add § 9.41a (relating to adoption of National board examinations), which promulgates the adoption of National board examinations, including the fee established by the National Council of Architectural Registration Boards (NCARB).

*Annual renewal fee for registered architecture firms*

General operating and enforcement expenses of the Board are apportioned to the general licensee population through the collection of license renewal fees. Section 11(a) of the act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

Section 13(j) of the act states that the Board shall, by promulgation of rules and regulations, require that registered architecture firms file with the Board information concerning their officers, directors, partners, professional association board of governors, beneficial owners, members or managers and other aspects of their organization as the Board deems appropriate. This section also authorizes the Board to charge each registered architecture firm an annual filing fee in an amount determined by the Board.

No renewal fee has been established for architecture firms. The Board seeks to establish a renewal fee for renewing the registration of architectural firms, thereby causing licensed firms to contribute to the general operating and enforcement expenses of the Board.

The annual fee of \$50 will be collected by the Board biennially. This means that, every 2 years, the Board will collect \$100 from each registered architecture firm.

*Examination and grading procedures*

Section 8(c) of the act authorizes the Board to adopt the examination and recommended grading procedures adopted by NCARB. Because the adoption of NCARB's examination and grading procedures would eliminate the

Board's role in the process, the Board proposes to delete regulations outlining its role in the administration of the examination.

#### D. Description of Amendments

##### *Renewal fee for registered architecture firms*

The following table outlines the affected fee and change:

<i>Application</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
Annual renewal fee for registered architecture firms	\$0	\$ 50

##### *Licensure by examination*

Section 9.41 (relating to general requirements) informs candidates that the subject matter of the ARE examination is available from the NCARB.

Proposed § 9.41a includes of National board examinations, including the fee established by the NCARB.

Section 9.49a(a) (relating to diversified training requirements) informs candidates that information concerning the Intern Development Program (IDP) of the NCARB is available directly from the NCARB.

Section 9.49a(b) directs candidates to have the NCARB transmit a certificate of completion of IDP to the Board.

##### *Grading and review*

Sections 9.51 and 9.52 (relating to examination grading; and grading compilations) are identical to §§ 9.131 and 9.132 (relating to examination grading; and grading compilation). The Board proposes that these two sections become §§ 9.51 and 9.52, so that they will appear alongside the related regulations referring to licensure by examination and examination. Sections 9.131 and 9.132 would then be deleted.

##### *Examination*

Section 8(c) of the act authorizes the Board to adopt the examination and recommended grading procedures adopted by the NCARB. It is unnecessary to continue to publish §§ 9.111—9.118. The Board proposes that those sections of the regulations be deleted.

#### E. Compliance with Executive Order 1996-1

In compliance with Executive Order 1996-1, "Regulatory Review and Compliance," in drafting and promulgating the proposed amendments, the Board considered the proposed amendments as both required by law and the least restrictive means of covering the costs of services required to be performed by the Board. Further, on July 27, 2001, the Board solicited input from the American Institute of Architects of Pennsylvania and the National Council of Architect Registration Boards.

#### F. Fiscal Impact and Paperwork Requirements

The proposed amendments will implement an annual renewal fee for registered architecture firms in this Commonwealth, but, otherwise, should have no fiscal impact on the private sector, the general public or political subdivisions.

The proposed amendments will require the Board to alter some of its forms to reflect the new fee; however, the proposed amendments should create no additional paperwork for the private sector.

#### G. Sunset Date

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

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 21, 2002, the Board submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and Senate Consumer Protection and Professional Licensure Committees. In addition to submitting the proposed rulemaking, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of objections raised.

#### I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Dorna Thorpe, State Architects Licensure Board, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, dthorpe@state.pa.us, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ANN SHEPARD HOUSTON,  
*President*

**Fiscal Note:** 16A-416. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 9. STATE ARCHITECTS LICENSURE BOARD

#### GENERAL PROVISIONS

#### § 9.3. Fees.

**[(a) The cost of the ARE is \$980. The fee for each portion is:**

<b>Predesign</b>	<b>\$ 92</b>
<b>Site Planning</b>	<b>\$129</b>
<b>Building Planning</b>	<b>\$155</b>
<b>Building Technology</b>	<b>\$145</b>
<b>General Structures</b>	<b>\$108</b>
<b>Lateral Forces</b>	<b>\$ 79</b>
<b>Mechanical and Electrical</b>	<b>\$ 83</b>

<b>Material and Methods</b>	<b>\$ 90</b>
<b>Construction Documents and Services</b>	<b>\$ 99</b>
<b>(b) ]</b> Initial license	\$ 40
<b>[ (c) ]</b> Reciprocal license with NCARB Certification	\$ 30
Reciprocal license without NCARB Certification	\$ 50
<b>[ (d) ]</b> Certification of licensure, registration or scores	\$ 25
<b>[ (e) ]</b> Biennial renewal of license	\$100
<b>[ (f) ]</b> Reactivation of lapsed or expired license	\$ 30
<b>[ (g) ]</b> Firm practice registration or modification	\$ 50
<b>[ (h) ]</b> License or registration verification	\$ 15
<b>Annual renewal fee for registered architecture firms</b>	<b>\$ 50</b>
<b>(\$100 fee shall be assessed biennially)</b>	

**LICENSURE BY EXAMINATION**

**§ 9.41. General requirements.**

Licensure may be granted to an applicant who has successfully passed the ARE examination. The subject matter is [ **described in detail in the NCARB's Circular of Information No. 2 which is** ] available from the [ **Board or from the National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, D.C. 20006** ] NCARB.

**§ 9.41a. Adoption of National Board Examinations.**

(a) The Board has adopted the ARE given by the NCARB. Candidates for examination shall obtain applications directly from the NCARB and pay the fee for the examination directly to the NCARB.

(b) Candidates shall comply with examination procedures and conduct standards as established by the NCARB.

**§ 9.46. Requirements for examination eligibility.**

(a) A candidate for the examination shall have:

\* \* \* \* \*

**[ (3) ] (b)** An architectural degree candidate applying for first time licensure is required to pass the entire professional licensure examination of the Board within 5 years of the date of [ **notice by the Board of** ] eligibility to take the examination. The Board may waive this requirement upon proof of medical hardship or other extraordinary circumstances.

**§ 9.49a. Diversified training requirements.**

(a) The Board has adopted NCARB Training Requirements for IDP [ **as set forth in Appendix B to the 1985-1986 NCARB Circular of Information No. 1. The 1985-1986 NCARB Circular of Information No. 1** ]. This information is available from [ **: National Council of Architectural Registration Boards, 1735 New York Avenue, N. W., Suite 700, Washington, D. C. 20006** ] the NCARB.

(b) The candidate shall keep records of required diversified training experience in accordance with NCARB IDP requirements. The candidate is responsible for having NCARB transmit a certificate of completion of IDP [ **as part of the candidate's application. An application which does not contain a certificate will not be reviewed** ] to the Board.

**GRADING AND REVIEW**

**§ 9.51. Examination grading.**

The ARE shall be graded using procedures developed by NCARB in consultation with a professional testing organization. Examination results shall be recorded by the Board in the record of the candidate and shall be maintained in accordance with § 9.27 (relating to inactive records).

**§ 9.52. Grading compilation.**

To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have opportunities, subject to § 9.46(3) (relating to requirements for examination eligibility), to retake those portions of the examination which were failed.

**EXAMINATION**

§ 9.111. [ **Dates of examination** ] (Reserved).

[ **The ARE shall be given on dates and in the form as made available to the Board by the NCARB.** ]

§ 9.113. [ **Location of examination site** ] (Reserved).

[ **The ARE shall be given at locations determined by the Board in conjunction with the NCARB.** ]

§ 9.114. [ **Due notice** ] (Reserved).

[ **A candidate eligible to take the examination will be given due notice of the date, time and place of examinations and will be given specific preexamination instructions. Candidates may schedule and reschedule examinations in accordance with NCARB Administration Procedures. The NCARB will notify candidates of scheduling deadlines and costs of rescheduling at the time the candidate first is scheduled to take the examination.** ]

§ 9.116. [ **Admittance** ] (Reserved).

[ **A candidate shall present his admission letter and form of positive identification for admittance to the examination. Candidates shall comply with examination procedures and conduct standards as established by NCARB.** ]

§ 9.117. [ **Proctors** ] (Reserved).

[ **The professional testing organization will arrange for proctors at an examination whose duty it is to administer the conduct of the examination. Candidates will be given specific instructions as to conduct which will be deemed to constitute suspected cheating. A candidate found to have engaged in suspected cheating shall be dismissed from the examination. Proof of the activity may result in disqualification to sit for future examinations.** ]

§ 9.118. [ **NCARB standard examination; transition candidate** ] (Reserved).

[ **(a) The examination will be the ARE in computer-administered form as adopted by the NCARB.**

**(b) A candidate who did not successfully complete the entire examination in written format will be required to complete only the computer-**

administered portions which were not successfully completed in written format.

(1) A candidate who has not passed both parts of Division B: Site Design on or before June 30, 1996, will be required to successfully complete the Site Planning part.

(2) A candidate who did not successfully complete Division C: Building Design on or before June 30, 1996, will be required to successfully complete the Building Planning and Building Technology parts. ]

#### GRADING AND REVIEW

§ 9.131. [ Examination grading ] (Reserved).

[ The ARE shall be graded using procedures developed by NCARB in consultation with a professional testing organization. Examination results shall be recorded by the Board in the record of the candidate and shall be maintained in accordance with § 9.27 (relating to inactive records). ]

§ 9.132. [ Grading compilation ] (Reserved).

[ To qualify for licensure, a candidate shall receive a passing grade on each part or division of the examination. Grades received in individual parts or divisions will not be averaged. A candidate will have unlimited opportunities, subject to § 9.46(3) (relating to requirements for examination eligibility), to retake those portions of the examination which were failed. ]

[Pa.B. Doc. No. 02-524. Filed for public inspection April 5, 2002, 9:00 a.m.]

## STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

### Sexual Misconduct

The State Board of Osteopathic Medicine (Board) proposes to adopt § 25.215 (relating to sexual misconduct) to read as set forth in Annex A.

#### *Effective Date*

This proposed regulation will be effective upon publication as an order of final-form rulemaking in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Under sections 10.1(c), 15(a)(8) and (b)(9) and 16 of the Osteopathic Medical Practice Act (63 P. S. §§ 271.10a(c), 271.15(a)(8) and (b)(9) and 271.16), the Board has authority to establish standards of professional conduct for Board regulated practitioners under its jurisdiction. These individuals include osteopathic physicians, physician assistants and respiratory care practitioners. Proposed § 25.215 identifies when sexual contact by Board regulated practitioners with patients, and under certain circumstances, immediate family members of patients, will be deemed unprofessional conduct.

#### *Background and Purpose*

It should be axiomatic that it is unprofessional conduct for a health care practitioner to engage in sexual contact with patients. Past decisions of the Board which have

been upheld by the Commonwealth Court; the Code of Ethics, as published by the American Osteopathic Association; and responsible professional publications addressing the issue denounce sexual contact between practitioner and patient. Nevertheless, complaints are filed each year by consumers who have been harmed by Board regulated practitioners who engage in this conduct.

#### *Description of Proposed Regulation*

The proposed regulation seeks to better protect patients by providing guidance to the profession and the public as to prohibited conduct relating to sexual contact between practitioners and patients. The proposed regulation would prohibit any sexual contact between a Board regulated practitioner and a current patient. The proposed regulation would further prohibit any sexual contact between a Board regulated practitioner and a former patient prior to the 2 year anniversary of the termination of the professional relationship when the Board regulated practitioner has been involved with the management or treatment of a patient for a mental health disorder. This 2-year period was developed from professional literature which indicates that an imbalance of power between health care practitioners and patients continues after the professional relationship ends.

The proposed regulation would also prohibit sexual exploitation by a Board regulated practitioner of a current or former patient or immediate family member of a patient. "Sexual exploitation" is defined by the regulation as sexual behavior that uses the trust, knowledge, emotions or influence derived from the professional relationship. The Board believes that it is appropriate to protect immediate family members from sexual exploitation by Board regulated practitioners because immediate family members are often as vulnerable as the patients.

The proposed regulation would also provide that Board regulated practitioners who engage in prohibited sexual contact with patients or former patients will not be eligible for placement in the Board's impaired professional program in lieu of disciplinary or corrective actions. The impaired professional program is unable to effectively monitor Board regulated practitioners who have engaged in sexual misconduct.

The proposed regulation would also provide that patient consent will not be considered a defense to disciplinary action in these cases. The imbalance of power inherent in the health care practitioner—patient relationship not only serves as the basis for the prohibition but also undermines the patient's ability to consent to the sexual contact as an equal. Indeed, the Board's experience in adjudicating these cases has repeatedly demonstrated the reality of the inherent imbalance of the relationship and the patient's inability to give meaningful consent to sexual contact.

#### *Fiscal Impact and Paperwork Requirements*

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

#### *Sunset Date*

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

*Compliance with Executive Order 1996-1*

In compliance with Executive Order 1996-1, the Board extended an invitation to comment on early drafts of this proposal to numerous parties who have indicated an interest in the Board's regulatory activities. The list of these persons is available upon request from the contact person listed in this Preamble. Five physicians commented on the early version. Those commenting on the regulation seemed to agree that the sexual exploitation of patients is improper and should subject the Board regulated practitioner to disciplinary action. Some of the physicians were concerned that innocent behavior may be prohibited by the proposal and only the issue of exploitation should be addressed. Others misunderstood the language of the proposed regulation, and were concerned that the proposal would prohibit a sexual relationship with any patient for 2 years following the physician-patient relationship. The Board is satisfied that the current proposal adequately protects the public without unduly burdening Board licensees.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 27, 2002, the Board submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulation, the Board has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to a portion of the proposed regulation, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for the Board, the Governor and the General Assembly to review these objections before final publication of the proposed regulation.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Amy L. Nelson, Counsel, State Board of Medicine, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed regulation.

DANIEL D. DOWD, Jr., D.O.,  
Chairperson

**Fiscal Note:** 16A-539. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter D. MINIMUM STANDARDS OF PRACTICE**

**§ 25.215. Sexual misconduct.**

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Immediate family member*—A parent or guardian, child, sibling, spouse or other family member with whom a patient resides.

*Sexual behavior*—Any sexual conduct which is nondiagnostic and nontherapeutic; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

*Sexual exploitation*—Any sexual behavior that uses trust, knowledge, emotions or influence derived from the professional relationship.

(b) *Unprofessional conduct: sexual exploitation.* Sexual exploitation by a Board regulated practitioner of a current or former patient, or of an immediate family member of a patient, constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action.

(c) *Unprofessional conduct: sexual behavior.* Sexual behavior that occurs with a current patient constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action.

(d) *Sexual behavior prior to 2-year anniversary.* When the practitioner is involved with the management or treatment of a patient for a mental health disorder, sexual behavior with that former patient which occurs prior to the 2-year anniversary of the termination of the professional relationship constitutes unprofessional conduct, is prohibited, and subjects the practitioner to disciplinary action.

(e) *Impaired professional program.* A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective actions.

(f) *Consent.* Consent is not a defense to conduct prohibited by this section.

[Pa.B. Doc. No. 02-525. Filed for public inspection April 5, 2002, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 26, 2002.

#### BANKING INSTITUTIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-8-02	Main Street Bank, Reading, and Sovereign Bank, Wyomissing Surviving Institution— Sovereign Bank, Wyomissing	Reading	Effective
3-21-02	Minersville Safe Deposit Bank and Trust Company Minersville Schuylkill County  Purchase of assets/assumption of liabilities of two branches of Community Banks, Millersburg, located at: 300 Hobart Street Gordon Schuylkill County	Minersville        339 Main Street Lavelle Schuylkill County	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-5-01	Abington Savings Bank Jenkintown Montgomery County	1515 The Fairway Rydal Abington Township Montgomery County (Limited Service Facility)	Opened
4-23-01	Northside Bank Pittsburgh Allegheny County	2000 Corporate Dr. Franklin Park Allegheny County	Opened
2-20-02	Smithfield State Bank Smithfield Fayette County	81 West Main St. Uniontown Fayette County	Opened
3-18-02	Greater Delaware Valley Savings Bank Broomall Delaware County	The Shoppes at Brinton Lake Baltimore Pike and Brinton Lake Rd. Glen Mills Delaware County	Opened
3-21-02	The Peoples Bank of Oxford Oxford Chester County	1138 Georgetown Rd. Georgetown Bart Township Lancaster County	Approved
3-22-02	Leesport Bank Leesport Berks County	4361 Perkiomen Ave. Reading Berks County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-18-02	Northwest Savings Bank Warren Warren County	To: 39 S. St. Marys St. St. Marys Elk County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 201 Bruxelles St. St. Marys Elk County	
3-22-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 132-134 S. 34th St. Philadelphia Philadelphia County	Filed
		<i>From:</i> 36th and Walnut Streets Philadelphia Philadelphia County	

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-02	First Commonwealth Bank Indiana Indiana County	269 King Street Petersburg Huntingdon County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Relocations**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-4-00	Incol Credit Union Old Forge Lackawanna County	<i>To:</i> 320 S. Pennsylvania Blvd., Suite 364 Wilkes-Barre Luzerne County	Effective
		<i>From:</i> 775-1 Rutter Avenue Kingston Luzerne County	

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-526. Filed for public inspection April 5, 2002, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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### 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 the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will

be considered in the formulation of the final determinations regarding this 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. 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0053872 Minor	Red Hill Water Authority Box 26 Red Hill, PA 18076	Lehigh County Upper Milford Township	Drainage Swale to Perkiomen Creek	Yes
PA0063126	Artex, Inc. Route 54 Barnesville, PA 18214	Rush Township Schuylkill County	Pine Creek (3A)	Yes
0055131 Minor Renewal	County of Lehigh Trexler Lehigh County Game Preserve 5150 Game Preserve Rd. Schnecksville, PA 18078	North Whitehall Township Lehigh County	Jordan Creek (2C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082538	Altoona City Water Authority 20 Greenwood Rd. Altoona, PA 16602	Blair County Logan Township	Burgoon Run/11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0110761 Industrial Waste	Shamokin Dam Borough P. O. Box 273 Shamokin Dam, PA 17876-0273	Snyder County Shamokin Dam Borough	Unnamed tributary of Susquehanna River (SWP 6A)	Y

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

**PA0037923, Amendment 1**, Industrial Waste, **North East Borough**, 58 East Main St., North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Activity: Amendment to an existing NPDES permit for the inter-basin transfer of water from the West Branch of French Creek to an unnamed tributary of Sixteen Mile Creek to provide a contingency water supply for the North East Borough water filtration plant.

The receiving stream, unnamed tributary of Sixteen Mile Creek, is in Lake Erie watershed and classified for: CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is North East Borough water filtration plant on Sixteen Mile Creek located in North East Township approximately 4.3 miles below point of discharge.

The proposed effluent limits for Outfall 002 based on a design flow of 0.51 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Mercury			XX		
Zinc			XX		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—monitor and report

The EPA Waiver is in effect.

**PA0038482**, Sewage, **Fox Township Sewer Authority**, 116 Irishtown Rd., Kersey, PA 15846. This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Activity: modification of permit due to planned expansion of WWTP for an existing discharge.

The receiving stream, unnamed tributary to Daguscahonda Run, is in watershed 17A and classified for: CWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Pennsylvania American Water Company intake on the Clarion River located at Clarion, approximately 71 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.15 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	40	60	80
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
NH <sub>3</sub> -N (5-1 to 10-31)	18	0.0038	36
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Copper	0.107		0.27
Carbon Tetrachloride (Interim) (Final)	XX 0.0015		0.0038
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall 001 based on a design flow of 0.4 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
NH <sub>3</sub> -N (5-1 to 10-31)	18		36
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 3.0 mg/l at all times.	
Copper	0.06		0.15
1,3 Dichloropropylene	XX		
Carbon Tetrachloride (Interim) (Final)	XX 0.0007		0.002
Tetrachloroethylene	XX		
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

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

**Application No. PA 0083879**, Industrial Waste, **Waste Systems International, Inc. (Sandy Hill Landfill)**, 995 Landfill Rd., Hopewell, PA 16650. This facility is located in Broad Top Township, **Bedford County**.

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

The receiving stream, Sandy Run, is in Watershed 11-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on Raystown Branch Juniata River, approximately 16 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009 MGD are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
CBOD <sub>5</sub>	37	140	175
NH <sub>3</sub> -N	4.9	10	12.5
Phosphorus	2.0	4.0	5.0
TSS	27	88	110
α-Terpineol	0.016	0.033	0.040
Benzoic acid	0.071	0.12	0.15
p-Cresol	0.014	0.025	0.031
Phenol	0.015	0.026	0.032
Zinc	0.11	0.20	0.25

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

The EPA waiver is in effect.

**Application No. PA 0246395**, Industrial Waste 3089, **Integrity Plastics, Inc.**, Ten Industrial Way, Denver, PA 17517. This facility is located in East Cocalico Township, **Lancaster County**.

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

The receiving stream, unnamed tributary to Stony Run, is in Watershed 7-J and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Ephrata Area Water Company is located on Cocalico Creek, approximately 6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 337 GPD are:

<i>Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		Monitor	
pH		6.0 to 9.0	
Temperature		Monitor	

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

The EPA waiver is in effect.

**Application No. PA 0088960**, Industrial Waste, **West St. Clair Township/Pleasantville Borough Municipal Authority**, P. O. Box 43, Alum Bank, PA 15521-0043. This facility is located in West St. Clair Township, **Bedford County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Dunning Creek, is in Watershed 11-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on Raystown Branch Juniata River, approximately 65 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0032 MGD are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	

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

The EPA waiver is in effect.

**Application No. PA 0246522**, Sewage, **Richard Wright, Heritage Cove RV Campground**, 999 Hayman Place, Los Altos, CA 94024. This facility is located in Liberty Travel, **Bedford County**.

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

The receiving stream, Raystown Branch Juniata River, is in Watershed 11-D and classified for trout stocking, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on Juniata River, approximately 121 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.030 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	XXX	50
Suspended Solids	30	XXX	60
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

The EPA waiver is in effect.

**Application No. PA 0011371**, Industrial Waste, SIC Code 3429, **Baldwin Hardware Corporation**, 841 East Wyomissing Boulevard, Box 15048, Reading, PA 19612. This facility is located in Reading City, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on Schuylkill River, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.604 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	Monitor and Report	Monitor and Report	XXX
Total Dissolved Solids	1,000	2,000	2,500
Chromium, VI	0.178	0.356	0.445
Trichloroethylene	Monitor and Report	Monitor and Report	XXX
Total Residual Chlorine	1.5	XXX	2.5

The proposed effluent limits for Outfall 101 based on a design flow of 0.131 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	13.4	26.8	33.5
Total Cyanide	0.65	1.30	1.63
Total Lead	0.40	0.80	1.00
Total Cadmium	0.26	0.52	0.65
Total Chromium	1.71	3.42	4.28
Chromium, VI	0.75	1.50	1.88
Total Copper	2.07	4.14	5.18
Total Nickel	2.38	4.76	5.95
Total Silver	0.24	0.48	0.60
Total Zinc	1.48	2.96	3.70
TTO	XXX	2.13	XXX
Oil and Grease	15	15	30

The proposed effluent limits for Outfall 201 based on a design flow of 0.473 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	Monitor and Report	XXX	XXX
Trichloroethylene	0.10	0.20	0.25

The proposed effluent limits for Outfall 301 based on a design flow of 0.0006 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 S.U. at all times	
Temperature	110°F	XXX	XXX

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

The EPA waiver is in effect.

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

**PA5604803**, Industrial Waste SIC, 5093, **Patrick R. Burns**, 278 Lower Coleville Rd., Bellefonte, PA 16823. This existing facility is located in Benner Township, **Centre County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for an existing discharge of stormwater.

The receiving stream, storm drain to Buffalo Run, is in the State Water Plan watershed 9C and classified for: HQ-CWF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on West Branch Susquehanna River is 130 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on best management practices.

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

**PA0206041**, Industrial Waste, SIC, 2821 or 3087, **Washington Penn Plastics Company, Inc.**, 2080 North Main St., Washington, PA 15301-0236. This application is for renewal of an NPDES permit to discharge untreated stormwater from Arden Plant in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, located at Ohio River, 50 miles below the discharge point.

*Outfall 001: existing discharge, design flow of N/A mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Iron					Monitor and Report
Aluminum (T)					Monitor and Report
Manganese (T)					Monitor and Report
Total Suspended Solids					Monitor and Report
Fecal Coliform					Monitor and Report
pH					Monitor and Report

The EPA waiver is in effect.

**PA0217506**, Sewage, **Mary Ann Turner Parish**, 38 Shorty Lane, Rochester, PA 15074. This application is for renewal of an NPDES permit to discharge treated sewage from Black's Mobile Home Park STP in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Brush Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority.

*Outfall 001: existing discharge, design flow of 0.0095 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.4			.9

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS**

**CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER**

**APPLICATIONS UNDER THE CLEAN STREAMS LAW**

**PART II PERMITS**

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

Persons wishing to comment on 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).**

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

**WQM Permit No. 6799403 (02-1), Sewerage, Northeastern York County Sewer Authority**, P. O. Box 516, Mt. Wolf, PA 17347. This proposed facility is located in East Manchester and Manchester Townships, **York County**.

Description of Proposed Action/Activity: Proposed relocation of an existing 6" force main bypass to and existing 8" PVC sanitary sewer line and the construction of the Forge Hill Relief Interceptor.

**WQM Permit No. 0602403, Sewerage, Rajah Shrine**, 1413 Fritztown Rd., Reinholds, PA 17569. This proposed facility is located in Maiden creek and Ontelaunee Townships, **Berks County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment facility discharging to an at-grade bed to serve the recreational complex.

**WQM Permit No. 0502401, Sewerage, Broad Top Township**, 187 Municipal Rd., P. O. Box 57, Defiance, PA 16633-5253. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Construction of a sewer extension and pump station to serve the Xis Mile Run Valley (starting with the Village of Riddlesburg and ending with the Village of Round Knob).

**WQM Permit No. 3602407, Musser's, Inc.**, 35 Friendly Drive, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion of Musser's Market from 1,700 gpd to 8,000 gpd in sewage flows tributary to a Bio Clene denitrification system to a drip irrigation disposal system.

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

**Application No. 6590416-A2, Sewerage, Penn Township Sewerage Authority**, P. O. Box 458, 1032 Nike Site Rd., Harrison City, PA 15636. Application for the modification and operation of a pump station to serve the Sandy Hill/Nike Site located in Penn Township, **Westmoreland County**.

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

**WQM Permit No. 1602402, Sewerage, Knox Borough, Beaver Industrial Park**, P. O. Box 366, Knox, PA 16232. This proposed facility is located in Beaver Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the installation of a sewer force main, pump station and water line to serve the industrial park.

**WQM Permit No 1602403, Sewerage, Betty J. and Bryce C. Gray**, 641 Kiser Wagner Rd., Shippensburg, PA 16254. This proposed facility is located in Paint Township, **Clarion County**.

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

**WQM Permit No 2002405, Sewerage, Janet M. and Ralph E. Payne**, 25938 Eureka Rd., Edinboro, PA 16412. This proposed facility is located in Cussewago Township, **Crawford 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 that 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.

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

*Carbon County Conservation District: 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS101326	Kidder Township P. O. Box 576 Lake Harmony, PA 18624	Carbon County Kidder Township	Shingle Mill Run HQ-CWF

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

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10F104	Ambleside Hamlet Subdiv. Phase V 919 University Drive State College, PA 16801	Centre County Patton Township	Buffalo Run HQ-CWF
PAS10F105	Happy Valley Group for Gensimore Trucking SR 64 Nittany Valley Dr. Bellefonte, PA 16823	Centre County Walker Township	UNT Little Fishing Creek HQ-CWF

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

*Butler County Conservation District: 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.*

**NPDES Permit PAS10E076**, Stormwater, **Moniteau School District**, 391 Hooker Rd., West Sunbury, PA 16061 has applied to discharge stormwater associated with a construction activity located in Clay and Concord Townships, **Butler County** to Slippery Rock Creek (CWF) and Muddy Creek (HQ-CWF).

*Elk County Conservation District: P. O. Box 448, 300 Center St., Ridgway, PA 15853, (814) 776-5373.*

**NPDES Permit PAS102516**, Stormwater, **Fox Township Sewer Authority**, 116 Irishtown Rd., Kersey, PA 15846 has applied to discharge stormwater associated with a construction activity located in Fox Township, **Elk County** to Beaver Run (HQ-CWF), tributary to Daguscahonda Run (CWF) and Laurel Run (HQ-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).**

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

**Permit No. 3502501**, Public Water Supply.

Applicant **Pennsylvania Suburban Water Company**  
 Township or Borough Jefferson Township  
 Responsible Official Richard Subasic, VP/General Manager  
 Pennsylvania Suburban Water Company  
 204 East Sunbury St.  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer Douglas Berg, P.E.  
 Entech Engineering, Inc.  
 P. O. Box 32  
 Reading, PA 19603  
 Application Received Date February 11, 2002  
 Description of Action Requested approval to install a new public water supply system to serve the residents and businesses in the Mount Cobb Area.

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

**Permit No. 5302501**, Public Water Supply.

Applicant **Coudersport Borough Authority**  
 201 South West St.  
 Coudersport, PA 16915  
 Borough Coudersport Borough  
**Potter County**  
 Responsible Official Marlin Moore, Borough Manager  
 Coudersport Borough Authority  
 201 South West St.  
 Coudersport, PA 16915

Type of Facility PWS  
 Consulting Engineer Uni-Tec Consulting Engineers, Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
 Application Received Date March 22, 2002  
 Description of Action New source called East Well #2, greensand filtration, aeration facilities and a finished water booster pump station.

**MINOR AMENDMENT**

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

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

**Application No. 5289518T1**, Minor Amendment.

Applicant **Pennsylvania Suburban Water Company**  
 Township or Borough Palmyra Township  
**Pike County**  
 Responsible Official Mark J. Kropilak, VP  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 (610) 645-1080  
 Type of Facility Community Water System  
 Application Received Date March 14, 2002  
 Description of Action Transfer PWS construction permit No. 5289518, issued February 9, 1996, to Paupack Water Company for modification of the community water system serving the Motor Lodge Development, Phase I and II.

**Application No. 5289519T1**, Minor Amendment.

Applicant **Pennsylvania Suburban Water Company**  
 Township or Borough Palmyra Township  
**Pike County**  
 Responsible Official Mark J. Kropilak, VP  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 (610) 645-1080  
 Type of Facility Community Water System  
 Application Received Date March 14, 2002  
 Description of Action Transfer PWS construction permit No. 5289519, issued March 24, 1997, to Paupack Water Company for modification of the community water system serving the Tanglewood Lakes Golf Area.

**Application No. 5289520T1**, Minor Amendment.

Applicant	<b>Pennsylvania Suburban Water Company</b>
Township or Borough	Palmyra Township <b>Pike County</b>
Responsible Official	Mark J. Kropilak, VP 762 West Lancaster Avenue Bryn Mawr, PA 19010 (610) 645-1080
Type of Facility	Community Water System
Application Received Date	March 14, 2002
Description of Action	Transfer PWS construction permit No. 5289520, issued February 21, 1997, to Paupack Water Company for modification of the community water system serving the Tanglewood Lakes 507 Area.

**Application No. 5289521T1**, Minor Amendment.

Applicant	<b>Pennsylvania Suburban Water Company</b>
Township or Borough	Blooming Grove Township <b>Pike County</b>
Responsible Official	Mark J. Kropilak, VP 762 West Lancaster Avenue Bryn Mawr, PA 19010 (610) 645-1080
Type of Facility	Community Water System
Application Received Date	March 14, 2002
Description of Action	Transfer PWS construction permit No. 5289521, issued December 1, 1997, to Paupack Water Company for modification of the community water system serving the Tanglewood Lakes Ski Area.

## 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.*

**Bamberger's Inc.**, City of Lebanon, **Lebanon County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid of Pennsylvania, Inc., 30 Hunter Lane, Camp Hill, PA 17011 and Bamberger's Inc., Two Cumberland St., Lebanon, PA 17042, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Site-Specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on July 1, 1998.

**Red Rose Transit Authority**, City of Lancaster, **Lancaster County**. Red Rose Transit Authority, 45 Erick Rd., Lancaster, PA 17601 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lubricating oil compounds. 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 *Lancaster Intelligencer Journal/New Era* on February 23, 2002.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the **Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003)** and the **Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6)** and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

### *New Applications Received*

**The Cardinal Group, Inc.**, P. O. Box 542, Boyertown, PA 19512. Received on March 15, 2002.

**Coast Medical Supply, Inc.**, P. O. Box 83, Fair Haven, NJ 07704. Received on March 19, 2002.

## AIR QUALITY

### NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is con-

structed 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.

### PLAN APPROVALS

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

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

**40-399-048: Fairchild Semiconductor Corp.** (125 Crestwood Rd., Mountain Top, PA 18707) for installation of an air cleaning device to control emissions from a fluoride wastewater treatment plant in Wright Township, **Luzerne County**.

**39-317-028: Kraft Foods North America, Inc.** (7352 Industrial Boulevard, Allentown, PA 18106) for construction of a mustard seed transfer system and associated air cleaning device in Upper Macungie Township, **Lehigh County**.

**48-309-120: Essroc Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for installation of an air cleaning device to control emissions from Conveyors 209 and 314 at the Nazareth Plant I in Lower Nazareth Township, **Northampton County**.

**45-301-028: H G Smith Wilbert Vault Co.** (2120 North 5th St., Stroudsburg, PA 18360) for construction of a human crematory and associated air cleaning device along Dreher Avenue in Stroudsburg Borough, **Monroe County**.

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

**28-05030: Industrial Power Generating Corp.** (2250 Dabney Rd., Richmond, VA 23230) for installation of an electrical power generating facility in Peters Township, **Franklin County**.

**36-05088A: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for installation of a fabric filter collector on an existing recycled asphalt pavement system of the batch asphalt plant located at the Silver Hill Quarry, Brecknock Township, **Lancaster County**. The batch asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities and 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**62-017G: United Refining** (15 Bradley St. Warren, PA 16365) for refinery upgrade for throughput (increase of 5,000 barrels per day installation of Coker unit, FCC Hydrotreater, Hydrogen Plant, SRU/Tail Gas Treating/Amine Regeneration Unit, Emergency Pit Flare, Modification of Crude Unit heater and East/West Reformer Heaters) and construction of a cogeneration project (Fluidized Bed Boiler, 6 conveyor towers, coke crusher tower, coke silo, limestone preparation bldg., flyash/bedash bins and limestone dryer/mill) in the City of Warren, **Warren County**. The facility is a Title V Facility.

**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.**

*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.*

**46-0037K: Cabot Performance Materials** (P. O. Box 1608, County Line Rd., Boyertown, PA 19512-1608) for modification of its processes in Buildings 49 in Douglass Township, **Montgomery County**. This company is a Title V facility. This modification will result in hydrogen fluoride and particulate matter emissions increase, but total emissions will be less than 0.1 ton of each pollutant per year. 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 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.

**46-0010C: Montenay Montgomery LP** (1155 Conshohocken Rd., Conshohocken, PA 19428) for modification of its current operating permit conditions for the existing municipal waste combustors in Plymouth Township, **Montgomery County**. This facility is a Title V facility. This modification will result in no emission increases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**35-399-037: WEA Manufacturing** (1400 East Lackawanna Avenue, Olyphant, PA 18448) for construction of a Grunig Interscreen Screen Cleaner in Olyphant Borough, **Lackawanna County**. WEA Manufacturing is a major facility for which Title V Operating Permit 35-00032 has been issued. VOC emissions from the screen cleaner will be 8.19 tons per year. Standard recordkeeping and operating restrictions will be included in the plan approval to ensure the facility is operating within all applicable air quality requirements.

**48-399-046, 48-399-047, 48-399-048: Grupo Imsa, S.A. de C.V.** (United Panel, Inc., P. O. Box 188, Mount Bethel, PA 18343) for construction of a granule manufacturing process, Stenni Process and board finishing process, respectively, in Upper Mount Bethel Township, **Northampton County**. VOC emissions will be less than 49.9 tons per year. Total emissions of hazardous air pollutants (styrene, methyl methacrylate and methylene chloride) from the processes will be in excess of 25 tons per year. As a result, the company will be required to submit an application for a Title V Operating Permit. Particulate matter emissions from the processes will be controlled through the use of baghouses and will be 26.18 tons per year. The plan approvals will include all appropriate monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**40-312-039: Sunoco Partners Marketing and Terminals L.P.** (Ten Penn Center, 3rd Floor, 1801 Market

St., Philadelphia, PA 19103) for installation of new vapor control equipment at bulk gasoline terminal in Edwardsville Borough, **Luzerne County**. This is a major facility subject to Title V permitting requirements. This project involves replacement of existing older air cleaning device with a newer more efficient air-cleaning device. Due to this modification, the VOC emission rate from the facility will be reduce from 80 mg/liter to 35 mg/liter, this calculates to reduction of 41 tons per year of VOC emissions. The Plan Approval will contain conditions requiring the source to show compliance with the emission rate. The Plan Approval and Operating Permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**39-312-048: Sunoco Partners Marketing and Terminals L.P.** (Ten Penn Center, 3rd Floor, 1801 Market St., Philadelphia, PA 19103) for installation of new vapor control equipment at bulk gasoline terminal in Whitehall Township, **Lehigh County**. This is a major facility subject to Title V permitting requirements. This project involves replacement of existing older air cleaning device with a newer more efficient air-cleaning device. Due to this modification the VOC emission rate from the facility will be reduce from 80 mg/liter to 35 mg/liter, this calculates to reduction of 44 tons per year of VOC emissions. The Plan Approval will contain conditions requiring the source to show compliance with the emission rate. The Plan Approval and Operating Permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**06-03112B: Birdsboro Alloying, Inc.** (200C Furnace St., Birdsboro, PA 19508) for a secondary aluminum facility controlled by two afterburners in the Borough of Birdsboro, **Berks County**. This facility is a non-Title V (State only) facility. This construction will result in the potential emissions of 15.9 tons per year of particulate, 34.1 tons per year of NOx, 23.4 tons per year of SOx, 15.5 tons per year of CO and 44.8 tons per year of VOCs. The applicant will be required to test the emissions from the sources. Limits will be placed on the facility emissions of VOC and HAPs. The approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is subject to the requirements of 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants from Secondary Aluminum Facilities.

**07-05035 Grannas Bros. Stone & Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for reactivation of a batch asphalt plant in Frankstown Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. This is a non-Title V facility. The company plans to supply electric power to the batch asphalt plant through the operation of a diesel operated generator set. The plan approval will contain an annual hourly operational condition limiting the emissions of nitrogen oxides to below 6 tons per year. The plan approval will include emission restrictions, work practice standards, monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**36-03001A: Nichia America Corp.** (3775 Hempland Rd., Mountville, PA 17554) for modification of their luminescent materials processing facility in West Hempfield Township, **Lancaster County**. The addition of the processing tanks with respective controls is not expected to increase the already "minor" facility-wide emissions of particulates, acids (such as hydrochloric, acetic and nitric acids) and sulfur dioxide. The Plan Approval and Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05023A: American Color Graphics, Inc.** (215 North Zarfoss Drive, York, PA 17404-5800) for installation of four additional printing units to an existing lithographic press at its facility in West Manchester Township, **York County**. An existing regenerative thermal oxidizer controls the press. The facility is a Title V facility operating under permit number 67-05023. The installation of new equipment will result in an increase of potential VOC emissions of 13.5 tons per year. The approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**67-05069B: Cemex, Inc.** (P. O. Box 220, Thomasville, PA 17364) for installation of three bin vent dust collectors at its Thomasville Facility in Jackson Township, **York County**. The installation of the bin vents will not increase emissions, but rather improve the overall emissions at the plant. Subsequently, the modified source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The Plan Approval and Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

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

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

**07-05025: Sunoco Partners Marketing and Terminals L.P.** (1801 Market St. 15/10 PC, Philadelphia, PA 19103) for an administrative amendment to Title V operating permit number 07-05025. The permit is being amended to incorporate the installation of a vapor combustion unit approved under plan approval number 07-05025A, for the Eldorado Terminal in Allegheny Township, **Blair County**. The facility's major sources of emissions are from the loading rack and associated storage tanks, which primarily emit VOCs. The amended Title V operating permit will contain additional monitoring, record keeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

**37-00059: CR/PL, L.P.—Universal Rundle Plant** (East Cherry St. Extension, New Castle, PA 16102) for a Title V Operating Permit Renewal to operate a reinforced plastic plumbing fixture manufacturing facility in Taylor Township, **Lawrence County**.

**25-00783: Haysite Reinforced Plastics, Inc.** (5599 New Perry Highway, Erie, PA 16509) for reissuance of Title V Operating Permit No. 25-00783 for the fiberglass manufacturing facility in the City of Erie, **Erie County**. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit styrene. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**42-00174: McKean County Solid Waste Authority Landfill** (LR 42034 Hutchins Rd., Sergeant, PA 16740) in Sergeant Township, **McKean County**. McKean County Solid Waste Authority Landfill's air emission sources are the landfill and the enclosed and temporary vent flare and a 30,000-gpd-leachate treatment plant with associated controls. The facility, because of rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

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

**46-0185: Fairhill Fabricators, Inc.** (831 West Fifth St., Lansdale, PA 19446) for operation of a spray booth and its associated air emission control device in Lansdale Borough, **Montgomery County**. This facility is a minor facility. The State Only Operating Permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility operates in accordance with the applicable requirements.

**23-0027: Dyneon, LLC** (50 Milton Drive, Aston, PA 19014) for operation of a plastic processing system consisting of hoods, vibrating screens, mills, ovens and various air emission control devices in Chester Township, **Delaware County**. This facility is a minor facility. The State Only Operating Permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility operates in accordance with the applicable requirements.

**46-00026: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) for operation of two flexographic printing presses and a catalytic oxidizer in Upper Providence Township, **Montgomery County**. This facility is a non-Title V (State only) facility. The State Only Air Quality Operating Permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00073: Alan McIlvain Co.** (5th and Market Sts., Marcus Hook, PA 19061) for operation of a boiler, wood-working machinery and a baghouse in Marcus Hook, **Delaware County**. This facility is a non-Title V (State only) facility. The State Only Air Quality Operating Permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00107: American Stone Mix, Inc.** (1214 Hayes Blvd, Bristol, PA 19061) for operation of a concrete manufacturing plant and baghouses in Bristol, **Bucks County**. This facility is a non-Title V (State only) facility. The State Only Air Quality Operating Permit will include

monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**39-318-107: Hale Trailer Brake and Wheel** (5361 Oakview Drive, P. O. Box 3305, Allentown, PA 18106) for operation of paint spray booth and associated air cleaning device in Upper Macungie Township, **Lehigh County**.

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

**05-03002: Tussey Mountain School District** (R. D. 1 Box 178A, Saxton, PA 16678) for operation of a bituminous coal/No. 2 oil fired boiler at the Tussey Mountain Junior/Senior High School in Liberty Township, **Bedford County**. The facility has the potential to emit 78 tons per year of SOx, 10.5 tons per year of NOx, 5.7 tons per year of PM, 1.4 tons per year of VOC and 12 tons per year of CO. The natural minor operating permit will contain fuel restrictions, monitoring and recordkeeping requirements to keep the facility operating within all applicable requirements.

**06-05090: Chiyoda of America, Inc.** (P. O. Box 470, Thousand Oaks Blvd., Morgantown, PA 19543) for a graphic arts operation consisting of four rotogravure presses controlled by two thermal oxidizers in Caernarvon Township, **Berks County**. The facility is a State only operating permit and not subject to Title V. The facility has taken limits on the emissions of VOC (less than 50 tons per year) and HAPs (10 tons of any one and 25 tons of all HAPS). The facility will be required to record the coating usage and emissions monthly, monitor the collection systems and monitor the operation of the thermal oxidizers. The facility is subject to 40 CFR Part 63, Subpart KK—National Emission Standards for the Printing and Publishing Industries. The permit will include other monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**07-03010: Hollidaysburg Area School District** (201 Jackson St., Hollidaysburg, PA 16648) for operation of its coal, oil and gas fired boilers in Hollidaysburg Borough, **Blair County**. The facility has the potential to emit approximately 3 tons per year of SOx, 2.5 tons per year of PM, 2 tons per year of NOx, 1.5 tons per year of CO and less than 1 ton of VOC (all after control). 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.

**21-05032: The General Castings Co.** (North Queen St., Shippensburg, PA 17257) for operation of an iron foundry in Shippensburg Township, **Cumberland County**. The facility has the potential to emit 82 tons per year of PM-10, 20 tons per year of VOC and 10 tons per year of NOx. The synthetic minor operating permit shall contain additional testing and monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**22-03051: Buse Funeral Home** (9066 Jonestown Rd., Grantville, PA 17028) for operation of its human crematorium in East Hanover Township, **Dauphin County**. The facility has the potential to emit 1.1 tons per year of NOx

and 0.8 ton per year of PM. The Natural Minor operating permit shall contain additional monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**22-05038: The Prudential Insurance Co. of America** (Two Ravinia Drive, Suite 1400, Atlanta, GA 30346) for operation of its gas and No. 4 oil fired boilers at the Harrisburg East Mall in Swatara Township, **Dauphin County**. The facility has the potential to emit 238 tons per year of NOx, 131 tons per year of SOx, 124 tons per year of PM-10, 46 tons per year of CO and 3 tons per year of VOC. The Synthetic Minor operating permit will include testing, monitoring and record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-03037: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for operation of the Kurtz quarry in East Cocalico Township, **Lancaster County**. The facility has the potential to emit more than 10 tons of PM per year. The natural minor operating permit will include emission restrictions, monitoring and record keeping requirements designed to ensure the facility complies with all applicable air quality requirements.

**36-03052: Boose Aluminum Foundry Company, Inc.** (77 North Reamstown Rd., Reamstown, PA 17567) for operation of their aluminum foundry in East Cocalico Township, **Lancaster County**. The foundry has the potential to emit more than 10 tons of PM per year. The natural minor operating permit will include emission restrictions, monitoring and record keeping requirements designed to ensure the facility complies with all applicable air quality requirements.

**36-03066: Southern States Cooperative, Inc.** (1609 River Rd., Marietta, PA 17547) for operation of its Marietta grain handling and storage facility in East Donegal Township, **Lancaster County**. The facility has the potential to emit more than 5 tons of PM per year. The natural minor operating permit will include emission restrictions, monitoring and record keeping requirements designed to ensure the facility complies with all applicable air quality requirements.

**38-03008: Lamont LTD** (525 East Mifflin St., Lebanon, PA 17042) for operation of a surface coating system in the City of Lebanon, **Lebanon County**. The facility has the potential to emit more than 5 tons of VOC per year. The natural minor operating permit will include emission restrictions, monitoring and record keeping requirements and work practice standards designed to ensure the facility complies with all applicable air quality requirements.

**67-03074: Heffner Funeral Chapel & Crematory, Inc.** (1551 Kenneth Rd., York, PA 17404) for operation of its human crematorium in West Manchester Township, **York County**. The facility has the potential to emit 1 ton of NOx per year and 0.4 ton of SOx per year. The Natural Minor operating permit will include testing, monitoring and record keeping requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-03105: American Colloid Co.** (600 Lincoln St., York, PA 17404) for operation of its foundry premix blending and cat litter packaging facility in the City of York, **York County**. The facility has the potential to emit 35 tons of PM-10 per year. The Natural Minor operating permit will include testing, monitoring and record keep-

ing and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**25-00095: Lord Corp.—MPD** (1635 West 12th St., Erie, PA) for a Synthetic Minor Permit to operate a fabricated rubber products manufacturing facility in Erie, **Erie County**.

#### INTERSTATE OZONE TRANSPORT REDUCTION

##### Proposed Revisions to Title V Operating Permit Conditions relating to NOx Budget Trading Program

The Department of Environmental Protection (Department) intends to revise the existing Title V Operating Permit to exempt affected NOx budget units from certain monitoring and reporting requirements contained in 25 Pa. Code §§ 145.1—145.90. These regulations establish a NOx Budget and a NOx Budget Trading Program for NOx budget units for the purpose of achieving the health-based ozone ambient air quality standard. This proposed revision was requested by the permittee as provided in 25 Pa. Code § 145.4(b). This section provides for exemption from the requirements of the NOx Budget Trading Program except for 25 Pa. Code §§ 145.2, 145.3, 145.4(a), 145.7, 145.40—145.43, 145.50—145.57 and 145.60—145.62 by limiting the operating hours of the NOx affected sources located at the facility.

The revised Title V Operating Permit will, beginning in 2003, require the owner or operator of the NOx budget units located at the facility to establish a general account and record the hours of operation of each unit. The revised Title V Operating Permit will also include monitoring, reporting and recordkeeping requirements for each of the NOx budget units.

Persons wishing to file protests or comments on the proposed Title V/Operating Permits or allocations must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed permits or allocations. Any comments or protests filed at the following address must include a concise statement of the objections to the issuance of the permit and/or allocations and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation, where the facility is located, at least 30 days prior to the date of the hearing.

Copies of the proposed permits, allocations and other relevant information are available for review at the following address.

*Bureau of Air Quality: Division of Permits, 400 Market St., P. O. Box 8468, Harrisburg, PA 17105-8468; Contact: John F. Slade, Chief, Division of Permits, (717) 787-4325.*

**95-029: Naval Surface Warfare Center** (5001 S. Broad St., Philadelphia, PA 19112-1403) located in the City of Philadelphia, **Philadelphia County**.

*NOx Affected Sources:*

Combustion Unit	Point ID: 098	Allowance: 1
Combustion Unit	Point ID: 099	Allowance: 0

#### 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.*

**49860201R3. Rosini Coal Co., Inc.** (P. O. Box 226, Gilberton, PA 17934), renewal of an existing coal refuse

reprocessing and coal preparation operation in Coal Township, **Northumberland County** affecting 60.0 acres, receiving stream: Carbon Run, classified for the following use: CWF. Application received March 15, 2002.

**54860105R3. Kuperavage Enterprises, Inc.** (P. O. Box 99, Middleport, PA 17953-0099), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 273.8 acres, receiving stream: Schuylkill River. Application received March 19, 2002.

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

**03960101. T. C. Mining** (R. D. 2, Box 301B, Kittanning, PA 16201). Renewal application for reclamation only of a bituminous surface mine located in Valley Township, **Armstrong County**, affecting 121.2 acres. Receiving streams: unnamed tributaries to South Fork, Pine Creek and South Fork of Pine Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Renewal application received March 20, 2002.

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

**56000104 and NPDES Permit No. PA0235270. Mountainside Excavating, Inc.**, 2692 Salco Rd., Berlin, PA 15530 to PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541. Permit transfer for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 147.2 acres. Receiving streams: unnamed tributaries to Tubs Run; Tubs Run classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 18, 2002.

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

**03851302. NPDES Permit #PA0379302, Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201), to renew the permit for the Rosebud Mine No. 3 in Perry Township, **Armstrong County**, reclamation only, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received January 18, 2002.

**30841307. NPDES Permit #PA0213438, RAG Emerald Resources, L.P.** (158 Portal Rd., P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Greene Township, **Greene County** to add 10.87 surface acres to install No. 5 bleeder shaft, Surface Acres Proposed 10.87, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, tributary to Frosty Run, classified for the following uses: TSF, Frosty Run to Whitley Creek, classified for the following uses: TSF. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 11, 2002.

**03981301. NPDES Permit #PA0215198, Parkwood Resources, Inc.** (P. O. Box 552, Somerset, PA 15501), to revise the permit for the Parkwood Mine in Plumcreek Township, **Armstrong County** to add 886 permit and

subsidence control plan acres, Surface Acres Proposed N/A, Underground Acres Proposed 886, SCP Acres Proposed 886, 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 February 20, 2002.

**03841601. NPDES Permit #PA0213501, Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201), to renew the permit for the Bostonia Coal Prep Plant in Perry Township, **Armstrong County** to renew for reclamation only, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 21, 2002.

**65840701. NPDES Permit #PA0214809, Crows Nest Synfuels, L.P.** (113 Elm St., Suite 300, Cohasset, MA 02025), to renew the permit for the Crows Nest Wash Plant in Hempfield Township, **Westmoreland County** to renew 29.6 acre coal refuse disposal/reprocessing site, 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, tributary to Jacks Run and Jacks Run, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 21, 2002.

**03911302. NPDES Permit #PA0213411, Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201), to renew the permit for the Roaring Run Mine in Kiskiminetas Township, **Armstrong County** to renew prep plant and related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. Application received March 6, 2002.

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

**61020102 and NPDES Permit No. PA 0242101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip and auger operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 14, 2002.

**1475-61020102-E-1 and NPDES Permit No. PA 0242101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining and support activities to within 25 feet of an unnamed tributary to the Allegheny River operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 14, 2002.

**1475-61020102-E-2 and NPDES Permit No. PA 0242101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining and support activities to within 25 feet

of an unnamed tributary to the Allegheny River operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 14, 2002.

**1475-61020102-E-3 and NPDES Permit No. PA 0242101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining and support activities to within 25 feet of an unnamed tributary to the Allegheny River operation in Scrubgrass Township, **Venango County** affecting 133.0 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received March 14, 2002.

**10970102 and NPDES Permit No. PA 0227366. Aspen Minerals, Inc.** (P. O. Box 269, Shippensburg, PA 16254). Renewal of an existing bituminous surface strip operation in Oakland Township, **Butler County** affecting 76.0 acres. Receiving streams: Three unnamed tributaries to Lake Oneida, classified for the following uses: Statewide water uses: WWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application for reclamation only. Application received March 21, 2002.

**33920102 and NPDES Permit No. PA 0211117. Hepburnia Coal Company** (P. O. Box 1, Grampian, PA 16838). Renewal and an existing bituminous surface strip operation in Snyder Township, **Jefferson County**, affecting 195.0 acres. Receiving streams: four unnamed tributaries of Mill Creek to Mill 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 March 21, 2002.

*Noncoal Applications Received*

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

**40910302T2. Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation from Pike's Creek Sand & Stone, Inc. in Lake Township, **Luzerne County** affecting 27.5 acres, receiving stream: none. Application received March 14, 2002.

**40960303T. Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation from Pike's Creek Sand & Stone, Inc. in Lehman Township, **Luzerne County** affecting 54.5 acres, receiving stream: none. Application received March 14, 2002.

**5077SM1T2. Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474), transfer of an existing quarry operation from Pike's Creek Sand & Stone, Inc. in Lehman Township, **Luzerne County** affecting 386.0 acres, receiving stream: none. Application received March 14, 2002.

**6276SM6T and NPDES Permit #PA0595365. Donegal Rock Products, LLC** (148 East Lancaster St., Wayne, PA 19087), transfer of an existing quarry operation from Union Quarries, Inc. in West Donegal Township, **Lancaster County** affecting 51.0 acres, receiving stream: unnamed tributary to Donegal Creek. Application received March 15, 2002.

**01740601A1C6. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809), correction to an existing

quarry for an incidental boundary correction in Cumberland Township, **Adams County** affecting 92.5 acres, receiving stream: Rock Creek. Application received March 18, 2002.

**48970301C and NPDES Permit #PA0223808. Eastern Industries, Inc.** (4401 Camp Meeting Rd., Suite 200, Center Valley, PA 18034), renewal of NPDES Permit in Upper Mt. Bethel Township, **Northampton County**, receiving stream: Jacoby Creek, classified for the following use: CWF. Application received March 21, 2002.

*Hawk Run District Mining Office: Empire Rd., P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**18022802. Harger Utility Contractors, Inc.**, 108 W. Clinton St., Lock Haven, PA 17745. Commencement, operation and restoration of a small industrial minerals (topsoil) permit in Castanea Township, **Clinton County** affecting 1.5 acres. Receiving streams: West Branch Susquehanna River, tributary to Susquehanna River. Application received March 8, 2002.

**08020802. Robert D. English, R. R. 1, Box 1116, Laceyville, PA 18623.** Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Tuscarora Township, **Bradford County** affecting 1 acre. Receiving streams: Tuscarora, tributary to Susquehanna River. Application received March 13, 2002.

## 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 (Department). 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, 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**

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

**E01-231. Eric Baker**, 342 Peach Glen-Idaville Rd., Gardners, PA 17324 in Tyrone and Huntingdon Townships, **Adams County**, ACOE Baltimore District.

To construct and maintain a 4-foot by 24-foot wooden footbridge across Bermudian Creek (WWF) (Mount Holly Springs, PA Quadrangle N: 2.9 inches; W: 12.7 inches) in Tyrone and Huntingdon Townships, Adams County.

**E22-439. Richard Angino, Felicita Golf Course**, 2040 Fishing Creek Valley Rd., Harrisburg, PA 17112 in Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To: (1) maintain an existing recently refurbished single span bridge across Fishing Creek (WWF) having a clear span of 17.92 feet and an underclearance of about 3.17 feet; (2) place fill in about 5,000 square feet of the floodway of Fishing Creek (WWF) in conjunction with the construction of 46 additional vehicular parking spaces for the Felicita Restaurant; (3) waive the replacement of an existing 24-inch by 30-inch corrugated metal pipe with a 70-foot long, 48-inch diameter PVC pipe in an unnamed tributary to Fishing Creek (WWF); and (4) construct a nonjurisdictional stormwater detention impoundment 0.014 de minimis acre of wetlands all for the purpose of developing the second phase of a residential subdivision located adjacent to Felicita Golf Course on the south side of Fishing Creek Rd., SR 0443 about 4.0 miles east of its intersection with SR 0322 (Harrisburg East, PA Quadrangle N: 2.08 inches; W: 12.6 inches) in Middle Paxton Township, Dauphin County.

**E28-296. Charles Jamison, Greene Township**, P. O. Box 215, Scotland, PA 17254 in Greene Township, **Franklin County**, ACOE Baltimore District.

To remove an existing reinforced Concrete T-beam bridge and to construct and maintain a Contech aluminum box culvert structure with a span of 25.16-feet and an underclearance of 6.0-feet on T-536 across an unnamed tributary to Rocky Spring Branch (TSF) (Chambersburg, PA Quadrangle N: 18.0 inches; W: 7.0 inches) in Greene Township, Franklin County.

**E31-181. Eydie Miller, Huntingdon County Commissioners**, 223 Penn St., Huntingdon, PA 16652 in Shirley Township, **Huntingdon County**, ACOE Baltimore District.

To rehabilitate and maintain an existing 2-span bridge having spans of 127-feet, 11-inches and 128-feet, 3-inches across the channel of Aughwick Creek (TSF) at a point at Runk Rd. (T-373) (Butler Knob, PA Quadrangle N: 5.1 inches; W: 1.75 inches) in Shirley Township, Huntingdon County.

**E36-729. John Tshudy, HERCO, Inc.**, 100 W. Hershey Park Drive, Hershey, PA 17033 in East Lampeter, **Lancaster County**, ACOE Baltimore District.

To remove an existing elevated pedestrian walkway not in compliance with ADA rules and regulations and to construct and maintain a 125-foot long, two span prefabricated steel bridge in compliance with current ADA rules and regulations across a manmade canal tributary to Mill Creek (CWF) at a point located within the Dutch Wonderland Amusement Park (Leola, PA Quadrangle N: 5.8 inches; W: 13.2 inches) in East Lampeter, Lancaster County.

**E67-716. Connie Stokes, Dallastown Borough**, 118 E Main St, Dallastown, PA 17313 in Dallastown Borough, **York County**, ACOE Baltimore District.

To construct and maintain 1,200 linear feet of trapezoidal gabion lined stream channel and an onstream detention basin to control additional flood flows in an unnamed tributary to Mill Creek (WWF). The site is located between North Pleasant Avenue and North Walnut St. in Dallastown. (York, PA Quadrangle N: 5.0 inches; W: 2.5 inches) Dallastown Borough, York County.

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

**E17-366. Department of Transportation, Engineer District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 2011, Section A01 Bridge Replacement, in Bigler Township, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 16.9 inches; W: 3.1 inches).

To remove an existing structure and to construct, operate and maintain a precast, reinforced concrete box culvert to carry SR 2011, Section A01, across Upper Morgan Run (CWF) for improved public roadway. The public road crossing shall have a minimum waterway opening of 10-feet (span), 6.5-feet (rise), 40-feet (length) and skew of 60-degrees. The box culvert shall be depressed 1.0-foot. The project will not impact wetlands while impacting a maximum 75-feet of waterway. The project is located along the western right-of-way of SR 0053 approximately 1.1-miles west of SR 2011 and SR 0053 intersection. The permit also authorizes the construction, operation, maintenance and removal of temporary road crossings, stream diversions and cofferdams. Upon completion of the construction project, all temporary structures shall be removed, disturbed areas restore to original contours and elevations and stabilization applied.

**E53-371. Department of Transportation, Engineer District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 1009, Section A01 Bridge Replacement, in Ulysses Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle N: 6.48 inches; W: 7.56 inches).

To remove an existing structure and to construct, operate and maintain a precast, reinforced concrete box culvert to carry SR 1009, Section A01, across Ludington Run (HQ-CWF) for improved public roadway. The public road crossing shall have a minimum waterway opening of 23-feet (span), 8.5-feet (rise), 31-feet (length) and skew of 74-degrees. The box culvert shall be depressed 1.0-foot. Installation of the box culvert shall be completed during stream low flow and dry work conditions by fluming or dams and pumping stream flow around the work area. The project will not impact wetlands while impacting 200-feet of waterway. The project is located along the western right-of-way of SR 0049 approximately 1-mile west of SR 1009 and SR 0049 intersection. The permit also authorizes the construction, operation, maintenance and removal of temporary road crossings, stream diversions and cofferdams. Upon completion of the construction project, all temporary structures shall be removed, disturbed areas restore to original contours and elevations and stabilization applied.

To remove an existing elevated pedestrian walkway not in compliance with ADA rules and regulations and to construct and maintain a 125-foot long, two span prefabricated steel bridge in compliance with current ADA rules and regulations across a manmade canal tributary to Mill Creek (CWF) at a point located within the Dutch Wonderland Amusement Park (Leola, PA Quadrangle N: 5.8 inches; W: 13.2 inches) in East Lampeter, Lancaster County.

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

**E02-1371. Robert W. McCrackin**, 791 Pearce Mill Rd., Wexford, PA 15090. Pine Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a three sided concrete box bridge having a span of 12 feet and an underclearance of 5 feet across the North Fork Pine Creek (CWF) to provide access to a proposed residence. The bridge will be located on the west side of Pearce Mill Rd. approximately 0.5 mile north of its intersection with Route 910 (Mars, PA Quadrangle N: 1.5 inches; W: 3.7 inches).

**E03-405. Wayne Township**, R. D. 1, Dayton, PA 16222. Wayne Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 1.0-foot depressed 19.4-foot x 6.9-foot corrugated metal box culvert in Scrubgrass Creek (CWF) for the purpose of improving transportation safety and roadway standards. The project is located on T-633 (Distant, PA Quadrangle N: 4.6 inches; W: 14.87 inches).

**E30-204. Greene County Commissioners**, 93 East High St., Waynesburg, PA 15370. Cumberland Township, **Greene County**, ACOE Pittsburgh District.

To remove the existing bridge (County Bridge No. 4) and to construct and maintain a bridge having a normal clear span of 20 feet and an underclearance of 2.54 feet across Little Whitely Creek (WWF). The bridge is located on T-517 at a point approximately 0.1 mile west of intersection of S.R. 2019 and T-517 (Masontown, PA Quadrangle N: 20.3 inches; W: 14.9 inches).

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

**E25-013A, Mark Aleks, Cherry St. Marina**, 1501 Peninsula Drive, Erie, PA 16505. Cherry St. Marina, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 1.1 inches; W: 13.9 inches).

To amend Permit No. E25-013 that authorized the maintenance of an existing small craft marina in Presque Isle Bay, Lake Erie at a point near the foot of Cherry St. The proposed amendment is to construct approximately 225 feet of new bulkhead wall and fill the area behind measuring approximately 225 feet wide by 115 feet long (0.6 acre) up to the surrounding existing ground elevations at the southeast corner of the existing marina basin.

**E42-291, Department of Transportation, District 2-0**, 1924-30 Daisy St., P. O. Box 342, Clearfield, PA 16830. S.R. 1011, Section A01, Across Knapp Creek, in Eldred Township, **McKean County**, ACOE Pittsburgh District (Eldred NY-PA Quadrangle N: 16.2 inches; W: 3.5 inches).

To remove the existing structure and to construct and maintain a single span composite prestressed I-beam bridge having a clear span of 126 feet and an underclearance of 24 feet on a 90 degree skew across Knapp Creek on S.R. 1011, Section A01, approximately 350 feet north of the SR 011 and SR 0346 intersection. Project includes temporary impact to .005 acre of wetland.

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market St., Harrisburg, PA 17105.*

**D64-104EA. Consumers Pennsylvania Water Company**, 204 East Sunbury St., Shamokin, PA 17872. Paupack, Township, **Wayne County**, ACOE Philadelphia District.

To breach and remove Red Shale Dam No. 1 across Red Shale Brook (HQ-CWF, MF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 3,800 feet south of the intersection of SR 3028 and T367 (Hawley, PA Quadrangle N: 19.40 inches; W: 14.75 inches).

## DAM SAFETY

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

**D15-359. Somerset Lake Service Corporation, c/o Brandywine Valley Properties**, P. O. Box 7368, Wilmington, DE 19803-7368. To operate and maintain Basin No. 2 at Somerset Lake across a tributary to Broad Run (CWF), for the purpose of detaining stormwater (Kennett Square, PA Quadrangle N: 6.8 inches; W: 16.2 inches) New Garden Township, Chester County.

**D45-275. Camelback Ski Corporation**, P. O. Box 168, Tannersville, PA 18372. To remove approximately 2 acres of accumulated silts and sediments from the reservoir of Barney's Pond Dam. The dam is located across a tributary to Pocono Creek (HQ-CWF) at the Camelback Ski Resort (Mount Pocono, PA Quadrangle, N: 9.80 inches W: 14.35 inches). Pocono Township, Monroe 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. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

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

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

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

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

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

**WQM Permit No. 5402401**, Sewerage, **Foster Township, Schuylkill County**, 19 Lower Beechwood Avenue, Pottsville, PA 17901. This proposed facility is located in Foster Township, **Schuylkill County**.

Description of Proposed Action/Activity: Construction of a wastewater collection and conveyance system to serve Foster Township; specifically, the Buck Run Planning Area (Upper Beechwood, Lower Beechwood, Turkey Row, Hill); Mount Pleasant; Glendower; and the corridor along State Route 901. Wastewater will be conveyed to the Schuylkill County Municipal Authority's sewer system and treatment plant.

**WQM Permit No. 4501409**, Sewerage, **Monroe County Commissioners**, Administrative Center, One Quaker Plaza, Stroudsburg, PA 18360. This proposed facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: Approval is granted for making minor modification to the existing Pleasant Valley Manor Wastewater Treatment Plant. Modifications include the installation of an inorganic solids removal system at the plant headworks and the addition of a 30,000-gallon sludge holding tank and appurtenances.

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

**NPDES Permit No. PA0087742, Amendment No. 1**, Transfer, Sewage, **E/P Campground, Inc.**, 10305 U.S. No. 1, Sebastian, FL 32958. This proposed facility is located in Millcreek Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Furnace Creek in Watershed 3-C.

**NPDES Permit No. PA0084751**, Sewage, **Doubling Gap Center, Inc.**, 1550 Doubling Gap Rd., Newville, PA 17241. This proposed facility is located in Lower Mifflin Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Doubling Gap Run in Watershed 7-B.

**NPDES Permit No. PA0080616**, Sewage, **Rife Road Associates, Mountainview Mobile Home Park**, 20 Erford Rd., Suite 215, Lemoyne, PA 17043. This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conewago Creek in Watershed 7-F.

**WQM Permit No. 3898402**, Transfer, Sewerage, **E/P Campground, Inc.**, 10305 U.S. No. 1, Sebastian, FL 32958. This proposed facility is located in Millcreek Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

**WQM Permit No. 2102401**, Sewerage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025-2796. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the modifications to the construction/operation of pump stations.

**WQM Permit No. 3602404**, Sewerage, **Paradise Township Sewer Authority**, 196 Blackhorse Rd., Paradise, PA 17562. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewer and appurtenances.

**WQM Permit No. 3602403**, Sewerage, **Mount Joy Borough Authority**, 21 East Main St., Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewers and appurtenances.

**WQM Permit No. 0689423 T-1**, Sewerage, **Robert and Linda Bunner**, 1248 Clearview Circle, Allentown, PA 18103. This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment for modifications to the construction/operation of sewage treatment facilities.

**WQM Permit No. 0690411 Amendment 02-1**, Sewerage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Rd., Reading, PA 19611-1513. This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Permit amendment for modifications to the construction/operation of sewage treatment facilities.

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

**WQM Permit No. 1401410**, Sewerage, **University Area Joint Authority**, 1576 Spring Valley Rd., State College, PA 16801. This proposed facility is located in Patton Township, **Centre County**.

Description of Proposed Action/Activity: Construction of sanitary sewer mains, service laterals, manholes and a pump station to serve the Ironwoods Phase III Section A portion of the Gray's Woods Development. The system will convey wastewater to the Spring Creek Pollution Control Facility.

**NPDES Permit No. PA0008419**, Industrial Waste, **Merck & Co, Inc.**, P. O. Box 600, Danville, PA 17281-0600. This existing facility is located in Riverside Borough, **Northumberland County**.

Description of Proposed Action/Activity: This is an amendment to the company's NPDES permit for the discharge of treated wastewater to the Susquehanna River, to reduce the frequency of monitoring for organics.

**NPDES Permit No. PA0228214**, Industrial Waste, **Danone Waters of North America**, 1 Aqua Penn Drive, P. O. Box 938, Milesburg, PA. This existing facility is located in Boggs Township, **Centre County**.

Description of Proposed Action/Activity: This action was an amendment to the company's NPDES permit for the discharge of demineralizer wastewaters to Bald Eagle Creek.

**NPDES Permit No. PA0228494**, CAFO 0291, **Hostetter Management Company**, 120 Lake St., Ephrata, PA 17522-0526. This existing facility is located in Beaver Township, **Snyder County**.

Description of existing activity: This existing farm operation is a sow unit housing 1,520 sows. The manure generated at this facility is exported to a total of 1,460 acres on other farms for nutrient application from 730.9 AEU's.

The receiving stream, Kern Run, is in the State Water Plan watershed 6A and is classified for: CWF.

**WQM Permit No. 5902402**, Sewerage, **Brian Plume**, R. R. 6, Box 133, Wellsboro, PA 16903. This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: This action was for the construction of a single residence sewage treatment plant.

**NPDES Permit No. PA0033928**, Sewage 4952, **Gary R. Butters**, 3465 West Roosevelt Highway, Mansfield, PA 16933. This facility is located in Troy Township, **Bradford County**.

Description of Proposed Action/Activity: Nonmunicipal wastewater treatment facilities serving the Town and Country Estates MHP.

**WQM Permit No. 0872403-T1**, Sewage 4952, **Gary R. Butters**, 3465 West Roosevelt Highway, Mansfield, PA 16933. This facility is located in Troy Township, **Bradford County**.

Description of Proposed Action/Activity: Nonmunicipal wastewater treatment facilities serving the Town and Country Estates MHP.

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

**NPDES Permit No. PA0030082**, Sewage, **Brownsville General Hospital**, 125 Simpson Rd., Brownsville, PA 15417 is authorized to discharge from a facility located at Brownsville General Hospital STP, Redstone Township, **Fayette County** to receiving waters of unnamed tributary to Dunlap Creek.

**NPDES Permit No. PA0031470**, Sewage, **Penns Manor Area School District**, 6003 Route 553 Highway, Clymer, PA 15728-8318 is authorized to discharge from a facility located at Penns Manor Area High School Sewage Treatment Plant, Cherryhill Township, **Indiana County** to receiving waters named Rose Run.

**NPDES Permit No. PA0093432**, Sewage, **West Penn Power Company d/b/a Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601 is authorized to discharge from a facility located at Pleasant Valley Service Center Sewage Treatment Plant, Bullsken Township, **Fayette County** to receiving waters of unnamed tributary of Mounts Creek.

**Permit No. 0278408-A6**, Sewerage, **Upper Allegheny Joint Sanitary Authority**, 320 Fourth Avenue, Tarentum, PA 15084. Construction of Final Clarifier Addition and Ultraviolet Disinfection Installation located in East Deer Township, **Allegheny County** to serve Tarentum and East Deer Township.

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

**NPDES Permit No. PA0043826**, Industrial Waste, **United Erie Manufacturing**, 438 Huron St., Erie, PA 16502. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Outer Erie Harbor.

**NPDES Permit No. PA0104370**, Industrial Waste, **Quality Components, Inc.**, R. R. 2, Box 300, Ridgway, PA 15853. This proposed facility is located in Ridgway Township, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Elk Creek.

**NPDES Permit No. PA0002020**, Industrial Waste, **Motion Control Industries, Inc.**, Gillis Avenue, Ridgway, PA 15853. This proposed facility is located in Ridgway Borough, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Clarion River.

**NPDES Permit No. PA0036480**, Sewage, **Community Country Day School**, 5800 Zuck Rd., Erie, PA 16506. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Walnut Creek.

**NPDES Permit No. PA0221503**, Sewage, **Crab Apple Ridge Golf Course**, 10234 Sharp Rd., Waterford, PA 16441. This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to LeBoeuf Creek.

**WQM Permit No. 1002401**, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the expansion of an already existing wastewater treatment plant.

## II. Oil and Gas Management Permit Action under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**WQM Permit No. 6501201**, Industrial Waste, **Beldon & Blake Corporation**, 22811 Titusville Rd., Pleasantville, PA 16341. This proposed facility is located in Derry Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construct and operate an industrial wastewater treatment facility for the treatment and discharge of groundwater from Coal Bed Methane wells.

### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the

Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market St., P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717)

787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q225	Locke Property Co. 46 Central St. Manchester-by-the-Sea, MA 09144	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10U153	Kishbaugh Development, LLC P. O. Box 80 Effort, PA 18330	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAS107423	Department of Transportation District 4-0 P. O. Box 111 Scranton, PA 18501	Wayne	Waymart Borough Canaan Township	Van Auken Creek HQ-CWF

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

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

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

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of 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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Luzerne County Pittston Township Yatesville Borough	PAR10R232	John M. Giambra 517 Cherry Dr. Exeter, PA 18643	Unnamed tributary to Susquehanna WWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Kingston Township	PAR10R242	JCB Joint Venture 20 Winding Way Dallas, PA 18612	Unnamed tributary to Tobys Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County City of Easton	PAR10U170	Sol Krawitz, Partner Krawitz & Brill Equity 1975 Mack Blvd. Allentown, PA 18103	Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
Northampton County Bangor Borough	PAR10U176	Michael Ruggiero 600 S. Murray St. Bangor, PA 18013	Brushy Meadow Creek TSF-MF	Northampton County Conservation District (610) 746-1971
Schuylkill County Pine Grove Township Washington Township	PAR105838	Schuylkill County Commissioners Schuylkill County Court House 401 N. Second St. Pottsville, PA 17901	Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Lehigh County Weisenberg Township	PAR10Q1032	Richard Thulin 54 S. Commerce Way Suite 175 Bethlehem, PA 18017	Mill Creek CWF	Lehigh County Consevation District (610) 391-9583
City of York Spring Garden Township York County	PAR10Y584	York Hospital Richard Armstrong 1001 S. George St. York, PA 17405	Tyler Run WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Manchester Township York County	PAR10Y589	White Oak Manor Condominiums Michael Barshinger 655 Owen Rd. York, PA 17403	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Newberry Township York County	PAR10Y585	Lanpact Group James E. Craft 2780 York Haven Rd. York Haven, PA 17370	Conewago Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Muhlenberg Township Berks County	PAR10C406	Rick Burkey, Partner Erin Partners 506 Morgantown Rd. Reading, PA 19611	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Muhlenberg Township Berks County	PAR10C409	Walter Greth Greth Development Group P. O. Box 305 Temple, PA 19560-0305		Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Penn Township Perry County	PAR105140	Perry County Business Campus #1 20 W. Main St. New Bloomfield, PA 17062	Shermans Creek Little Juniata Creek	Perry County Conservation District P. O. Box 36 New Bloomfield, PA 17068 (717) 582-8988 ext. 4

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bradford County Ridgebury Township	PAR100828	United States Fish and Wildlife 315 S. Allen St. Suite 322 State College, PA 16801	Bentley Creek WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Ctr. Towanda, PA 18848 (570) 265-3353
Clearfield County Cooper Township	PAR101770	James Surkovch Department of Transportation 1924-30 Daisy St. Clearfield, PA 16630	Moshannon Creek CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Butler County Cranberry Township	PAR10E180	Ehrman Farms, PRD 1700 North Highland Rd. Suite 302 Pittsburgh, PA 15241	Tributary to Wolfe Run (CWF)	Butler County Conservation District (724) 284-5270
Erie County City of Erie	PAR10K189	David Christopher 4800 Pacific Avenue Erie, PA 16506	Millcreek Tube Outfall (WWF-MF)	Erie County Conservation District (814) 796-6700
Erie County Washington Township	PAR10K190	Joseph V. Mahoney 6694 6N W. Edinboro, PA 16412	Cussewago Creek (WWF)	Erie County Conservation District (814) 796-6700
Erie County Millcreek Township	PAR10K191	John Maleno 2236 West 38th St. Erie, PA 16506	Cascade Creek (WWF-MF)	Erie County Conservation District (814) 796-6700

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Center Township Snyder County	PAR214801	Advanced Concrete Systems, Inc. R. R. 2, Box 147A Middleburg, PA 17842	UNT to Tuscarora Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666
Williamsport Lycoming County	PAR124802	Frito-Lay, Inc. P. O. Box 3096 220 North Reach Rd. Williamsport, PA 17701	West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666
Clinton Township Lycoming County	PAR124811	Wenger's Feed Mill, Inc. 101 West Harrisburg Ave. Rheems, PA 17570	Turkey Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666
City of Williamsport Lycoming County	PAR224839	David R. Webb Co, Inc. 206 S. Holland St. P. O. Box 8 Edinburgh, IN 46124	Fox Hollow Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Pittsfield Township Warren County	PAR228311	Meridien Hardwoods of PA, Inc. P. O. Box 227 Pittsfield, PA 16340	Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAR228309	Tony L. Stec Lumber Company, Inc. P. O. Box 117 Garland, PA 16416	Unnamed tributary to Gar Run	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAR708315	IA Construction Corporation 158 Lindsay Rd. Zelienople, PA 16063	Likens Run	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Beaver Township Jefferson County	PAR118324	Miller Welding & Machine Company P. O. Box G Brookville, PA 15825	Beaver Run	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bigler Township Clearfield County	PAG044922	George F. Richards P. O. Box 291 Madera, PA 16661	Alexander Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666
Delmar Township Tioga County	PAG045136	Brian Plume R. R. 6 Wellsboro, PA 16903	UNT to Stony Fork (CWF)	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666
Shamokin Township Northumberland County	PAG044959	Robert G. Herb R. D. 2, Box 487 Cedar Rd. Shamokin, PA 17872	Little Shamokin Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third St., Suite 101 Williamsport, PA 17701 (570) 327-3666
Shenango Township Mercer County	PAG048448	Melvin Webb 227 Oak Hill Rd. West Middlesex, PA 16159	Tributary Shenango River	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Stoneboro Borough Mercer County	PAG048766	Faith Miller 40 Kayser Lane Stoneboro, PA 16153	Unnamed tributary of Sawmill Run	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lancaster County Mt. Joy Township	PAG053504	Getty Properties Corp. 125 Jericho Turnpike Jericho, NY 11753	UNT to Conewago Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Sugarcreek Borough Venango County	PAG058337	Pennzoil—Quaker State Company Goss Gas Products Property 700 Milam, 15th Floor P. O. Box 2967 Houston, TX 77252	Allegheny River	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-7*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Contact Office &amp; Telephone No.</i>
Manor Township Lancaster County	PAG073506	Millersville Borough 10 Colonial Avenue Millersville, PA 17551	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200

*General Permit Type—PAG-8*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Contact Office &amp; Telephone No.</i>
Hampden Township Cumberland County	PAG083569	Hampden Township Pinebrook WWTP 230 S. Sporting Hill Rd. Mechanicsburg, PA 17050	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Middlesex Township Cumberland County	PAG083555	Carlisle Suburban Authority 240 Clearwater Drive Carlisle, PA 17013	John Gleim Farm Middlesex Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Middlesex Township Cumberland County	PAG083555	Carlisle Suburban Authority 240 Clearwater Drive Carlisle, PA 17013	Tracy Gleim Farm Middlesex Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Perry Township Mercer County	PAG098308	Peterman Septic Services 26 Everbreeze Drive Hadley, PA 16130	Peterman Septic Services 2495 Perry Highway Hadley, PA 16130	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Dauphin County Jackson Township	PAG123532	James L. Schwalm 351 Bastian Rd. Halifax, PA 17032	Armstrong Creek	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (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 an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market St., P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 1801503</b> , Public Water Supply.	
Applicant	<b>Porter Township Municipal Authority</b> 26 Spring Run Rd. Mill Hall, PA 17751
Township	Porter Township
County	<b>Clinton</b>
Type of Facility	PWS—approval for construction of an EPD pressure sand filtration plant, 220,000-gallon finished water storage tank, Wells #1 and #3, raw water and backwash water storage tanks and associated transmission mains and controls.
Consulting Engineer	Richard W. Marcinkevage, P.E. 431 South Jones St. Lock Haven, PA 17745
Permit to Construct Issued	March 25, 2002

<b>Permit No., Minor Amendment.</b> Public Water Supply.	
Applicant	<b>Columbia Investment Corporation</b> Country Terrace Estates MHP 6009 Columbia Boulevard Bloomsburg, PA 17815-8800
Township	Main Township
County	<b>Columbia</b>
Type of Facility	PWS—approval for construction of a 22,000-gallon finished water storage tank and ultraviolet light disinfection unit.
Consulting Engineer	Michael J. Pasonick, Jr. P.E. Consulting Engineers & Services 165 North Wilkes-Barre Boulevard Wilkes-Barre, PA 18702
Permit to Construct Issued	March 26, 2002

<b>Permit No., Minor Amendment.</b> Public Water Supply.	
Applicant	<b>Spring Township Municipal Authority</b> P. O. Box 133 Beaver Springs, PA 17812
Township	Spring Township
County	<b>Snyder</b>
Type of Facility	PWS—approval for construction of automatic filter-to-waste capability at existing filter plant and change in pretreatment chemicals from alum and soda ash to polyaluminum chloride and caustic soda.
Consulting Engineer	John R. Williams, P.E. 305 Evergreen Rd. New Cumberland, PA 17070
Permit to Construct Issued	March 18, 2002

<b>Permit No. 1400508</b> , Public Water Supply.	
Applicant	<b>Howard Borough</b> 780 Black St. Howard, PA 16841
PWSID #	4140080
Borough	Howard Borough
County	<b>Centre</b>
Type of Facility	PWS—approval to operate facilities approved under construction permit #1400508, consisting of Well #4 with sodium hypochlorite and polyphosphate treatment.
Permit to Operate Issued	March 21, 2002

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

**Permit No. 3301501**, Public Water Supply.

Applicant **Brockway Borough Municipal Authority**  
501 Main St.  
Brockway, PA 15824

Borough or Township Brockway

County **Jefferson**

Type of Facility PWS

Consulting Engineer Glace Associates, Inc.  
3705 Trindle Rd.  
Camp Hill, PA 17011

Permit to Construct March 21, 2002  
Issued

**Operations Permit** issued to **Consumers Pennsylvania Water Company, Shenango Valley Division**, 665 South Dock St., Sharon, PA 16146, PWSID #6430054, Sharon, **Mercer County** on March 21, 2002, for the operation of facilities approved under Construction Permit #4397502-MA1.

**Operations Permit** issued to **Pennsylvania American Water Company, Ellwood District**, 300 Galley Rd., P. O. Box 1290, McMurray, PA 15317, PWSID #6370011, Franklin Township, **Beaver County** on March 21, 2002, for the operation of facilities approved under Construction Permit #3790501-MA4.

**Operations Permit** issued to **Pennsylvania American Water Company, Ellwood District**, 300 Galley Rd., P. O. Box 1290, McMurray, PA 15317, PWSID #6370011, Koppel Borough, **Beaver County** on March 21, 2002, for the operation of facilities approved under Construction Permit #365W10-T1-MA2.

**Operations Permit** issued to **Pennsylvania American Water Company, Ellwood District**, 300 Galley Rd., P. O. Box 1290, McMurray, PA 15317, PWSID #6370011, Wayne Township, **Lawrence County** on March 21, 2002, for the operation of facilities approved under Construction Permit #3701501.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lenhartsville Borough	P. O. Box 238 Lenhartsville, PA 19559	Berks

Plan Description: The approved plan provides for the construction of a sanitary sewer collection and conveyance system to serve the Borough of Lenhartsville. The plan also provides for the construction of a wastewater treatment plant with a proposed design capacity of 42,300 gallons per day (141 edd @ 300 gpd). The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

### Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act Douglassville Disposal Site, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with 11 parties (Settling Defendants).

The proposed settlement resolves claims of the Department with the Settling Defendants under the HSCA, the CERCLA and other applicable law for response costs expended by the Department at the Douglassville Disposal Superfund Site (Site) located in Union Township, Berks County.

The proposed settlement obligates the Settling Defendants, collectively, to pay to the Department \$784,453.73 in reimbursement of certain of its response costs expended at the Site. The proposed settlement complements settlements in this matter between the Department and 138 de minimis defendants and between the Department and the Federal government.

The Department believes that the proposed settlement is fair, reasonable, practicable, in the public interest and in furtherance of the statutory goals of the HSCA and the CERCLA.

For a period of 60 days beginning with the April 6, 2002, publication date of this notice, the public is invited to review the Consent Decree memorializing the settlement, Monday through Friday, from 8 a.m. to 4 p.m., at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Crystal Snook at (717) 705-6645. The Consent Decree can also be reviewed at the Department's Reading District Office, 1005 Crossroads Boulevard, Reading, PA 19605, from 8 a.m. to 4 p.m., by contacting Donna Good at (610) 916-0100.

After review, the public may submit written comments on the Consent Decree, before June 6, 2002, by mailing them to Crystal Snook at the Department's Harrisburg office at the address previously listed. A person adversely affected by the settlement may also file an appeal from the Consent Decree to the Environmental Hearing Board.

Questions concerning this notice should be directed to Crystal Snook at the telephone number and address previously listed.

## 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:

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

**Bamberger's Inc.**, City of Lebanon, **Lebanon County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid of Pennsylvania, Inc., 30 Hunter Lane, Camp Hill, PA 17011 and Bamberger's Inc., Two Cumberland St., Lebanon, PA 17042, submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to the Site-Specific standard.

**Brenntag Northeast Inc., formerly Textile Chemical Company Huller Lane Facility**, Ontelaunee Township, **Berks County**. Earth Date Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Brenntag Northeast, Inc., P. O. Box 13788, Reading, PA 19612-3788, submitted a combined remedial investigation and final report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific standards.

**Red Rose Transit Authority**, City of Lancaster, **Lancaster County**. Red Rose Transit Authority, 45 Erick Rd., Lancaster, PA 17601 submitted a final report concerning remediation of site soils and groundwater contaminated with lubricating oil compounds. The report is intended to document remediation of the site the Statewide Health Standard.

**Rutherford Intermodal Transfer Facility**, Swatara Township, **Dauphin County**. IT Corporation, 200 Horizon Center Boulevard, Trenton, NJ 08691-1904 (on behalf of Pennsylvania Lines LLC, Three Commercial Place, Norfolk, VA 23510-9241 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market St., Philadelphia, PA 19101-1416) submitted a final report concerning remediation of site soils and groundwater contaminated with PCBs, BTEX, PHCs, PAHs and solvents. The report is intended to document remediation of the site the Statewide Health Standard.

**Federal Mogul Corporation**, City of Lancaster, **Lancaster County**. Environmental Strategies Corporation, Four Penn Center West, Suite 315, Pittsburgh, PA 15276, on behalf of Federal Mogul Corporation, 26555 Northwestern Highway, Southfield, MI 48034, submitted

a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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**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).**

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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:

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

**Heritage Metal Finishing, Inc.**, Elizabethtown Borough, **Lancaster County**. Paul C. Nickalls, 3508 Lisburn

Rd., Mechanicsburg, PA 17055-6712, on behalf of Heritage Metal Finishing, Inc., 800 South Market St., Elizabethtown, PA 17543, submitted a final report concerning the remediation of site soils contaminated with nickel and cadmium. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 15, 2002.

**United States Postal Service Bernville**, Borough of Bernville, **Berks County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Penn Eagle Industrial Park, Bellefonte, PA 16823 (on behalf of Cunningham Associates, 8633 South Bay Drive, Orlando, FL 32819-0498) submitted a final report concerning remediation of site soils and groundwater contaminated with BTEX, PHCs and PAHs. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 18, 2002.

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

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

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

**Permit No. 101390. Waste Management of Pennsylvania, Inc.**, 400 Progress Drive, Telford, PA 18969, Hilltown Township, **Bucks County**. This permit was modified to improve operations at the Indian Valley Transfer Station facility. The permit was issued by the Southeast Regional Office on March 26, 2002.

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

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

**Permit No. 101247. Keystone Sanitary Landfill, Inc.**, P. O. Box 249, Dunmore, PA 18512. A permit approving the reconfiguration of the disposal areas known as the Logan site and the Phase II site area at this municipal waste landfill located in Dunmore and Throop Boroughs, **Lackawanna County**. The approval is also for the installation of a composite liner system, an increase in the thickness of the secondary liner system, the installation of a geonet drainage system for leachate detection, mine subsidence controls including excavation of mine voids and the installation of a geogrid reinforcement layer, Form R (residual waste) updating of analytical procedures for waste characterization, relocation of the materials processing facility and modifications to the security entrance, administration building, internal access roads and parking area. The permit was issued in the Regional Office on March 19, 2002.

## AIR QUALITY

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

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

**46-302-220GP: Plymouth Meeting Mall, Inc.** (1150 Plymouth Mtg. Mall, 500 Germantown, Plymouth Meeting, PA 19462) on March 21, 2002, for two 14 mmBtu/hr boilers in Plymouth Township, **Montgomery County**.

**09-310-063GP: Better Materials Corp.** (852 Swamp Rd., Penns Park, PA 18943) on March 25, 2002, for a Nordberg Tertiary Circuit in Wrightstown Township, **Bucks County**.

**09-310-062GP: Better Materials Corp.** (852 Swamp Rd., Penns Park, PA 18943) on March 25, 2002, for a Robins/Nordberg Symons Circuit in Wrightstown Township, **Bucks County**.

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

**43-328: Energy Resources of America, Inc.—Jamestown Compressor** (West Jamestown Rd., Jamestown, PA 16134) on March 31, 2002, for operation of a natural gas fired compressor engine in Greene Township, **Mercer County**.

**43-271: Great Lakes Energy Partners LLC** (Route 895, Carlton, PA 16311) on March 19, 2002, for operation of two natural gas fired compressor engines in French Creek Township, **Mercer County**.

**61-012: OMG Americas Inc.** (Two Mile Run Rd., Franklin, PA 16323) on March 31, 2002, for operation of a natural gas fired boiler in Sugar creek Borough, **Venango 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.*

**09-0073: Leonard Kunkin Associates** (Cherry Lane, Souderton, PA 18964) on March 19 2002, for operation of two paint spray booths in Hilltown Township, **Bucks County**.

**09-0074A: PCR Enterprises, Inc.** (401 Fairview Avenue, Quakertown, PA 18951) on March 19 2002, for operation of spray booth in Quakertown Borough, **Bucks County**.

**09-0109: Bucks County SPCA** (1665 St. Rd., Lahaska, PA 18931) on March 22, 2002, for operation of a crematory in Solebury Township, **Bucks County**.

**46-0202A: Elan Pharmaceutical Research Corp.** (3000 Horizon Drive, King of Prussia, PA 19406) on

March 22, 2002, for operation of emergency electric generator in Upper Merion Township, **Montgomery County**.

**15-0054A: Highway Materials, Inc.** (680 Morehall Rd., Malvern, PA 19335) on March 22, 2002, for operation of a dryer burner in East Whiteland Township, **Chester County**.

**15-0039: Highway Materials, Inc.** (850 Quarry Rd., Downingtown, PA 19335) on March 22, 2002, for operation of a dryer burner in East Caln Township, **Chester County**.

**09-0059: Saint Mary Medical Center** (1201 Langhorne-Newtown Rd., Langhorne, PA 19047) on March 22, 2002, for operation of three emergency generators in Langhorne Borough, **Bucks County**.

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

**40-312-040: Eldorado Properties Corp.** (P. O. Box 2621, Harrisburg, PA 17105) on March 13, 2002, for installation of an air cleaning device as a back-up unit on gasoline loading racks in Pittston Township, **Luzerne County**.

**40-303-009A: Barletta Materials and Construction, Inc.** (East Broad St., P. O. Box 550, Tamaqua, PA 18252) on March 12, 2002, for modification of a batch asphalt plant and associated air cleaning device along Route 924 in Hazle Township, **Luzerne County**.

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

**28-05029: Fayetteville Contractors, Inc.** (3185 Lincoln Way East, Fayetteville, PA 17222) on March 19, 2002, for construction of a batch mix asphalt plant in Antrim Township, **Franklin County**. This facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**36-05011A: Exxon Mobil Oil Corp.** (1360 Manheim Pike, Lancaster, PA 17601) on March 22, 2002, for modification to a loading rack at its Lancaster Terminal, 1360 Manheim Pike, Manheim Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals.

**67-03113: Advanced Industrial Services, Inc.** (3250 Susquehanna Trail, York, PA 17402-9754) on March 18, 2002, for construction of two metal cutting tables controlled by a cartridge collector at its metal fabrication facility in Manchester Township, **York County**.

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

**65-00914A: Preform Specialties, Inc.** (R. D. 3, Box 250-1, Blairsville, PA 15717) on March 18, 2002, for installation of manufacturing of cemented tungsten carbide blanks in Derry Township, **Westmoreland County**.

**32-00346A: PennAmerican Coal, L.P.** (R. D. 1 Box 119A, Avonmore, PA 15618) on March 21, 2002, for installation of staging and sizing operations at the Burrell Mine in Burrell Township, **Indiana County**.

**04-00711A: AES Hoytdale, LLC** (394 Frankfort Rd., Monaca, PA 15061) on March 22, 2002, for construction for a combined cycle combustion turbine at the Hoytdale facility in Big Beaver Borough, **Beaver County**.

**04-00013: J and L Specialty Steel, Inc.** (1200 Midland Avenue, Midland, PA 15059) for construction of steckel mill and modification of melt shop at the Midland Facility in Midland Borough, **Beaver County**.

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

**43-277B: George and Thomas Cone Co.—Joy Cone** (3435 Lamor Rd., Hermitage, PA 16148) on March 14, 2002, for construction of an incinerator in Hermitage, **Mercer County**.

**37-003C: Essroc Materials, Inc.** (Second St., Bessemer, PA 16112) on March 20, 2002, for installation of baghouses on the #4 and #5 Clinker Coolers in Bessemer, **Lawrence County**.

**62-017F: United Refining Co.** (15 Bradley St., Warren, PA 16365) on March 18, 2002, for modifications to the vacuum heater in Warren, **Warren County**.

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**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.**

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

**23-0004: American Ref-Fuel Co. of DV, L.P.** (10 Highland Avenue, Chester, PA 19013) on March 18, 2002, for operation of a mass burn resource recovery facility in City of Chester, **Delaware County**.

**09-0009B: Webcraft, LLC.** (4371 County Line Rd., Chalfont, PA 18914) on March 20, 2002, for operation of a web offset press in New Britain Township, **Bucks County**.

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

**21-05040A: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) on February 17, 2002, for construction of a limestone crushing/screening facility at its Shippensburg Quarry in Southampton Township, **Cumberland County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

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

**10-300D: Magnetics Division, Spang and Co.** (796 East Butler Rd., Butler, PA 16003) on March 30, 2002, for an automated paint line in East Butler Borough, **Butler County**.

**37-307A: Hobel Brothers Co.—Slippery Rock Salvage** (214 Gardner Avenue, New Castle, PA 16107) on January 30, 2002, for a steel ingot cutting operation in New Castle, **Lawrence 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: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**22-05027: Moyer Packing Co.** (P. O. Box 395, Souderton, PA 18964-0395) on March 18, 2002, for operation of a rendering plant in Washington Township, **Dauphin County**.

**22-05036: Millersburg Area School District** (799 Center St., Millersburg, PA 17061) on March 20, 2002, for operation of two anthracite coal fired boilers at its secondary complex (high school) in Millersburg Borough, **Dauphin County**.

**34-03006: Railworks Wood Products, Inc.** (P. O. Box 251, McAlisterville, PA 17049) on March 18, 2002, for operation of a wood treatment facility in Fayette Township, **Juniata County**.

**36-03134: Wilmac Healthcare, Inc.** (2829 Lititz Pike, Lancaster, PA 17601) on March 22, 2002, for operation of an anthracite coal fired boiler at its nursing and rehabilitation center in Manheim Township, **Lancaster County**.

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

**25-00961: Loger Industries Inc.** (10015 Railroad St., Lake City, PA 16423) on March 18, 2002, for an administrative amendment of the facility's Synthetic Minor Operating Permit to correct typographical errors for their Erie Plant in Lake City Borough, **Erie 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.**

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

**09-320-042: Webcraft, LLC** (181 Rittenhouse Circle, Bristol, PA 19007) on March 20, 2002, for operation of a lithographic printing press in Bristol Township, **Bucks County**.

**15-303-012A: Allan A. Myers, Inc. d/b/a Ind. Con. Mat.** (4045 State Rd., Devault, PA 19432) on March 21, 2002, for a drum mix asphalt plant in Charlestown Township, **Chester County**.

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

**11-00378: Inter-Power/AhlCon Partners, L.P.—Colver Power Project** (141 Interpower Drive, Colver, PA 15927) revised to include emission limits of 753 lbs/hr of SO<sub>x</sub> on a 24-hour rolling average, 1,142 lbs/hr of SO<sub>x</sub> on a 3-hour rolling average and 243 lbs/hr of NO<sub>x</sub> on a 24-hour rolling average for their electric facility in Cambria Township, **Cambria County**.

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

**24-00131: SGL Carbon Corp.—St. Marys Plant** (900 Theresia St., P. O. Box 1030, St. Marys, PA 15857) to incorporate Plan Approval Number 24-0131C for the replacement of dust collectors in St. Marys Borough, **Elk County**.

**33-00137: Village Farms L.P.—Ringgold Plant** (Highway LR 33001, P. O. Box 192, Ringgold, PA 15770) for an administrative amendment to incorporate a name change for the facility in Ringgold Township, **Jefferson County**. The facility's major sources of emissions are three Auxiliary Boilers used to produce heat for a greenhouse.

**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*

*Hawk Run District Mining Office: Empire Rd., P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**17010113 and NPDES Permit No. PA 0243167. Moravian Run Reclamation Co., Inc.**, 605 Sheridan Drive, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine-auger permit in Girard Township, **Clearfield County** affecting 90 acres. Receiving streams: Bald Hill Run and unnamed tributary to Bald Hill Run to the West Branch of the Susquehanna River. Application received September 13, 2001. Permit issued March 15, 2002.

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

**37891601. NPDES Permit #PA0214817, Shamrock Minerals Corp.** (R. D. 2, Box 2139, Wampum, PA 16157), to renew the permit for the Shamrock Prep Plant in New Beaver Borough, **Lawrence County** to renew the existing preparation plant 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. Permit issued March 11, 2002.

**17841608. NPDES Permit #PA0008001, Penfield Collieries, LLC** (1088 Springhurst Dr., Green Bay, WI 54304), to renew the permit for the Penfield Collieries Prep Plant in Huston Township, **Clearfield County** to renew 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. Permit issued March 18, 2002.

**56841321. NPDES Permit #PA001881, Miller Springs Remediation Management, Inc.** (2480 Fortune Drive, Suite 300, Lexington, KY 40509), to renew the permit for the Bird Mine No. 2/No. 3 in Stoney Creek and Conemaugh Townships, **Somerset County** to renew the 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. Permit issued March 20, 2002.

*Noncoal Permits Actions*

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

**44000301. Glenn O. Hawbaker, Inc.** (325 West Aaron Drive, P. O. Box 135, State College, PA 16804), commencement, operation and restoration of a quarry operation in Armagh Township, **Mifflin County** affecting 5.02 acres, receiving stream: none. Application received June 5, 2000. Permit issued March 19, 2002.

**64010812. Kenneth J. Mirch** (P. O. Box 694, Hancock, NY 13783), commencement, operation and restoration of a quarry operation in Manchester Township, **Wayne County**, affecting 5.0 acres, receiving stream: unnamed tributary to Equinunk Creek. Application received November 30, 2001. Permit issued March 20, 2002.

**4874SM2C4 and 4874SM2C6. Cemex, Inc.** (1200 Smith St., Suite 2400, Houston, TX 77002), corrections to an existing quarry operation in Jackson Township, **York County** affecting 214.8 acres, receiving stream: Little Conewago Creek. Applications received January 18, 2000, and August 3, 2001. Corrections issued March 21, 2002.

**58990836. Allen J. Brozonis** (R. R. 4 Box 123G, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received September 7, 1999. Permit issued March 22, 2002.

*Hawk Run District Mining Office: Empire Rd., P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**57012802. Insinger Excavating**, R. R. 4, Box 4207, Dushore, PA 18614. Commencement, operation and restoration of a Small Industrial Minerals (shale) permit in Forks Township, **Sullivan County** affecting 5 acres. Receiving streams: unnamed tributary, tributary to Black Creek. Application received August 15, 2001. Permit issued March 15, 2002.

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

**3572SM22 and NPDES Permit No. PA0202762. Hanson Aggregates PMA, Inc.** (400 Industrial Blvd., New Kensington, PA 15068). Name change from Pioneer Mid-Atlantic for a noncoal mine drainage permit located in South Buffalo Township, **Armstrong County**, affecting 47.21 acres. Receiving streams: unnamed tributaries to Allegheny River. Application received June 8, 2001. Permit issued March 22, 2002.

**65900402 and NPDES Permit No. PA059177. Hanson Aggregates PMA, Inc.** (400 Industrial Blvd.,

New Kensington, PA 15068). Name change from Pioneer Mid-Atlantic for a noncoal surface mine located in Derry Township, **Westmoreland County**, affecting 1,303.0 acres. Receiving streams: unnamed tributaries to both and including Harbridge Run and Tannery Hollow. Application received June 8, 2001. Permit issued March 22, 2002.

**03010407 and NPDES Permit No. PA0250040. Stitt Coal Company, Inc.** (R. D. 1, Box 197A, Ford City, PA 16226). Permit issued for commencement, operation and reclamation of a large noncoal surface mining site located in Kittanning Township, **Armstrong County**, affecting 86.3 acres. Receiving streams: Garrets Run to Allegheny River. Application received November 8, 2001. Permit issued March 22, 2002.

**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.*

**40024002. Holbert Explosives, Inc.** (237 Masthope Plank Rd., Suite A, Lackawaxen, PA 18435), construction blasting in Butler Township, **Luzerne County** with an expiration date of March 31, 2004. Permit issued March 19, 2002.

*Hawk Run District Mining Office: Empire Rd., P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**14024004. Rider Construction, Inc.**, 124 Autumn Circle, Port Matilda, PA 16870, for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 2 days. Permit issued March 19, 2002. Permit expires: April 5, 2002.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

**E35-406. Raymond C. Nemeth**, 8077 Holben Valley Rd., New Tripoli, PA 18066. Lynn Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a three-span steel I-beam bridge, having a center span of 25 feet, end spans of 14 feet and an average underclearance of 9 feet across Ontelaunee Creek for the purpose of obtaining access to a residential site. The project is located adjacent to S.R. 4024 (Mosserville Rd.) approximately 2,000 feet north of the intersection of S.R. 4024 and S.R. 0143 (New Tripoli, PA Quadrangle N: 11.5 inches; W: 1.8 inches).

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

**E44-113. Donald Rossman**, 20 Elsassers Lane, Lewistown, PA 17044 in Decatur Township, **Mifflin County**, ACOE Baltimore District.

Giving its consent to remove an existing structure and to construct and maintain a bridge having a span of 38 feet and an underclearance of 6.8 feet across the channel of Meadow Creek (CWF) and to fill 0.02 acre of emergent wetlands at a point along T-707 for the purpose of constructing a driveway to an existing home (Alfarata, PA Quadrangle N: 10.4 inches; W: 11.9 inches) in Decatur Township, Mifflin County. The permittee is required to provide a minimum of 0.05 acre of replacement wetlands.

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

**E14-409. Pennsylvania State University**, Physical Plant Building, University Park, PA 16802-1119. Duck Pond Bridge, in College Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 5.3 inches; W: 3.4 inches).

To: 1) construct and maintain a steel I-beam and concrete deck; and 2) maintain the existing concrete abutments of a single span bridge with a 15-foot clear span and a minimum underclearance of 5-foot across an unnamed tributary to Slab Cabin Run (Thompson Run) located 50 feet southeast of the intersection of Porter Rd. and SR 0026 to increase the weight bearing capacity of the bridge deck. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-497. Consolidated Sportsman Muncy Creeks, Inc.**, 921 Ellis Artley Rd., Pennsdale, PA 17756. Water Obstruction and Encroachment Joint Permit Application, in Shrewsbury Township, **Lycoming County**, ACOE Susquehanna River Basin District (Picture Rocks, PA Quadrangle N: 7.68 inches; W: 11.6 inches).

To construct and maintain 20 feet of underground conveyance channel lined with geotextile and #4 limestone as well as maintain a 15-foot long limestone lined channel connected to an existing 4 foot diameter cistern in Roaring Run, all of which is located 2.0 miles west of the intersection of SR 0220 and Roaring Run Rd. along Roaring Run Rd. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-368. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. Hungry Hollow Rd. Bridge over Cross Fork Creek, in Stewardson Township, **Clearfield County**, ACOE Baltimore District (Short Run, PA Quadrangle N: 6.3 inches; W: 5.3 inches).

To remove an existing bridge and construct, operate and maintain a single span bridge to carry Hungry Hollow Rd. across Cross Fork Creek. The single span bridge shall be constructed with reinforced concrete spread box beams that provide a minimum normal span of 52-feet, clear width of 22-feet and underclearance of

8.8-foot. Bridge construction shall be conducted in stream low flow conditions. All in-stream abutment and wingwall construction shall be completed in dry work conditions through dam and pumping or fluming stream flow around work areas. Construction work also includes the installation of R-8 rock for footing scour protection. All rock scour protection shall have openings or voids choked with small, clean stone materials to avoid stream flow loss. The bridge is located long the eastern right-of-way of Township Rd. No. 419 approximately 200-feet east of Hungry Hollow Rd. and Township Rd. No. 419 intersection. This permit authorizes the construction, operation, maintenance and removal of temporary stream diversions, cofferdams, road crossings and causeways. All temporary structures shall be constructed with clean rock, clear of fines; upon completion of the bridge, all structures removed with disturbed areas being restored to original contours and elevations.

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

**E02-1361. City of Pittsburgh**, Room 301, City County Building, 414 Grant St., Pittsburgh, PA 15219-2455. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To reconstruct and maintain two pedestrian bridge crossings across Saw Mill Run (WWF). The first bridge is the Overbrook Bridge with a span of approximately 65 feet and minimum underclearance of approximately 20 feet. The second bridge is the Inglewood Bridge with a span of approximately 100 feet and minimum underclearance of approximately 25 feet. The bridges will be used for access to/from the Light Rail Transit and Route 51. The Inglewood Bridge is located along Route 51 across from Englert St. (Pittsburgh East, PA Quadrangle N: 2.4 inches; W: 17.0 inches) and the Overbrook Bridge is located approximately 0.21 mile south also along Route 51 across from Overbrook St. (Pittsburgh East, PA Quadrangle N: 1.8 inches; W: 16.8 inches).

**E02-1364. The Buncher Company**, 5600 Forward Avenue, P. O. Box 81930, Pittsburgh, PA 15217-0930. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill and a pedestrian overlook along the bank side of the Allegheny River (WWF) within the floodway for the purpose of constructing a 1,285-foot long trail. The project is located near River Mile 1.0 (Pittsburgh East, PA Quadrangle N: 13.2 inches; W: 16.5 inches).

**E30-196. Greene County Commissioners**, 93 East High St., Waynesburg, PA 15370. Wayne Township, **Greene County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain existing County Bridge No. 38 having a normal span of 50.0 feet and an underclearance of 8.3 feet across Hoovers Run (WWF) located on T-371, approximately 0.1 mile west of its intersection with S.R. 3013 (Holbrook, PA Quadrangle N: 1.28 inches; W: 3.2 inches).

**E30-197. Greene County Commissioners**, 93 East High St., Waynesburg, PA 15370. Center Township, **Greene County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain existing Greene County Bridge No. 42 having a normal span of 42.0 feet and an underclearance of 8.0 feet across Pursley Creek (HQ-CWF) located on T-487, approximately 0.1 mile west of its intersection with S.R. 3013 (Oak Forest, PA Quadrangle N: 20.48 inches; W: 15.35 inches).

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

**E16-120, Elk Township**, 10089 Route 208, Knox, PA 16232. T424 across Deer Creek, in Elk Township, **Clarion County**, ACOE Pittsburgh District (Clarion, PA Quadrangle N: 20.5 inches; W: 10.9 inches).

To remove the existing structure and to construct and maintain a composite prestressed concrete spread box beam bridge having a clear, normal span of 23.476 meters and a minimum underclearance of 4.933 meters across Deer Creek On T-424 approximately 1.5 kilometers south of SR 322 at Shipperville.

**E25-635, CSX Transportation**, 205 Reiman St., Buffalo, NY 14212-2135. CSX Transportation rail lines across Sixteenmile Creek, in North East Borough, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 15.1 inches; W: 12.65 inches).

To install concrete scour protection along the abutments and wingwalls and to repair and maintain the existing 62.25-foot long stone and concrete arch having a span of 45 feet and a rise of 31 feet across Sixteenmile Creek on the CSX tracks approximately 1,700 feet west of SR 89.

**E25-319B (E25-632), Erie-Western Pennsylvania Port Authority**, 100 State St., Suite 205, Erie, PA 16507-1455. Perry's Landing Marina Expansion, in City of Erie, **Erie County**, ACOE Pittsburgh District.

To amend Department Permit No. E25-319B which authorized the Erie-Western Pennsylvania Port Authority to maintain Piers #2 and #3 including existing marina facilities on Pier #2 and development of Pier #3 in Presque Isle Bay between the foot of Cascade St. and the foot of Poplar St. The amendment is to authorize the Erie-Western Pennsylvania Port Authority to conduct the following activities as shown on the Marina Improvements Site Plan dated November 8, 2001, prepared by Urban Engineers of Erie, Inc.

1. To remove the existing floating wave attenuator to the east of Pier #2.
2. To construct and maintain a Rubble mound breakwater extending approximately 400 feet northeast from the northeast corner of Pier #2.
3. To construct and maintain a rubble mound breakwater extending approximately 470 feet west from the northwest corner of Pier #2.

To construct and maintain dock structures between Piers #1 and #2, providing 118 boat slips.

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## SPECIAL NOTICES

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### Request for Proposals for Municipal Solid Waste Capacity

The following notices are placed through the Department of Environmental Protection as required by section 502(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988.

#### West Chester, Chester County

### Request for Proposals (RFP) for Municipal Solid Waste Disposal Services

In accordance with 25 Pa. Code § 272, Chester County has determined that waste disposal capacity for municipal solid waste (MSW), including construction and demolition waste and sewage sludge generated within Chester County, is required for a minimum of 5 years with an option to renew said contract for an additional 5 years.

Chester County is hereby soliciting proposals for disposal of Chester County-generated MSW, beginning April 1, 2002.

*Solicitation for municipal solid waste disposal services*

Sealed proposals will be received by the Chester County Office of Contracts and Purchasing, Courthouse, Suite 145, 2 North High St., P. O. Box 2748, West Chester, PA 19380-0991 until 3 p.m. on May 17, 2002. The County will publicly open all proposals at that time.

Copies of the RFP may be purchased beginning April 1, 2002, only from the Chester County office of Contracts and Purchasing, Suite 1452, North High St., P. O. Box 2748, West Chester, PA 19380-0991, (610) 344-4705 by prepayment of a nonrefundable cost of \$50 per proposal. Proposers should make checks payable to the County of Chester.

Sealed proposals must include an executed noncollusion affidavit as provided in Section D of the proposal package to be considered by Chester County. Proposals may be submitted only by responsible bidders.

Proposals must be made on the proposal forms and be in accordance with the instruction to proposers contained in this RFP. The proposer is required to submit one original and four copies of the proposal to Chester County at the following address. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement "Proposal for Municipal Solid Waste Disposal Services" and be addressed to Chester County Department of Contracts and Purchasing, Courthouse, Suite 145, 2 North High St., P. O. Box 2748, West Chester, PA 19380-0991, Attention: Peter Navarro, Manager.

Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. Chester County reserves the right to reject any or all proposals, to waive any irregularities and/or informalities in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

**Easton, Northampton County**

**Requests Proposal (RFP) for Municipal Solid Waste Disposal Services**

In accordance with 25 Pa. Code § 272, Northampton County has determined that waste disposal capacity for municipal solid waste (MSW), including construction/demolition waste and sewage sludge generated within Northampton County, is required for a minimum of 5 years with an option to renew said contract for an additional 5 years. Northampton County is hereby soliciting proposals for disposal of Northampton County generated MSW to begin on July 1, 2002.

*Solicitation for municipal solid waste disposal services*

Sealed proposals will be received by the Northampton County Government Center through the Department of Community and Economic Development, 669 Washington St., Easton, PA 18042 until 3 p.m. on December 3, 2001. Northampton County will publicly open all proposals at the Department of Community and Economic Development office at that time.

Copies of the RFP may be purchased on or after October 29, 2001, from the Northampton County Government Center through the Department of Community and Economic Development, 669 Washington St., Easton, PA 18042, (610) 559-3200 by prepayment of a nonrefundable cost of \$50 per proposal. Proposers should make checks

payable to the Northampton County Department of Community and Economic Development.

Sealed proposals must include an executed noncollusion affidavit and proposal bond as provided in Section D of the proposal package to be considered by the Commissioners. Proposals may be submitted only by responsible bidders.

Proposals must be made on the proposal forms and be in accordance with the instruction to proposers contained in this RFP. The proposer is required to submit one original and three copies of the proposal to Northampton County at the following address. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement "Proposal for Municipal Solid Waste Disposal Services" and be addressed to Northampton County Government Center, Department of Community and Economic Development, 669 Washington St., Easton, PA 18042, Attention: Vince Dominach, Executive Director.

Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. Northampton County reserves the right to reject any or all proposals, to waive any irregularities and/or informalities in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of Northampton County.

[Pa.B. Doc. No. 02-527. Filed for public inspection April 5, 2002, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "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 Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to Department's draft technical guidance documents.

*Ordering Paper Copies of Department Technical Guidance*

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

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

*Changes to Technical Guidance Documents*

The 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.

*Correction to Previous Announcement of March 16, 2002*

At 32 Pa.B. 1453 (March 16, 2002), the e-mail address for Foster Diodato was incorrect. The correct e-mail address is fdiodato@state.pa.us.

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: The Department and the State Board for Certification of Water and Wastewater Systems Operators will follow this guidance to direct and support the Water and Wastewater Systems Operator's Certification Act and meet section 1419 of the 1996 amendments to the Federal Safe Drinking Water Act. The document also will ensure the Commonwealth's continued eligibility to receive Federal funding to support the operator certification program, and serve interim functions until promulgation of final-form rulemaking by the Environmental Quality Board. Anticipated Effective Date: July 1, 2002. Comment Period Ends: April 30, 2002. Contact: Foster Diodato at (717) 787-0122 or e-mail at fdiodato@state.pa.us.

*Draft Technical Guidance*

DEP ID: 013-0830-006. Title: Formats for Required Electronic Deliverable CAD Attachments. Description: The Department is in the process of implementing web-based applications and reporting tools to be used by applicants for permits and reporting required by permits or other regulatory requirements. This policy, prepared to assist in this process, establishes the standards, requirements, and acceptable formats for external and internal electronic attachments. The intent of this policy is to ensure the uniformity, reliability and compatibility of Computer Aided Design electronic attachments received by the Department. Anticipated Effective Date: May 18, 2002. Comment Period Ends: May 6, 2002. Contact: Rick Bennett at (717) 705-3870 or e-mail: ribennett@state.pa.us.

*Draft Technical Guidance—Substantive Revision*

DEP ID: 563-2000-655. Title: Stream Protection—Bituminous Underground Mining Operations. Description: This technical guidance document represents a revision of existing guidance which became effective on November 14, 1997. It reflects changes in stream protection that carry over from the 1999 amendments to the Department's water quality regulations. The Department will ensure that underground mining activities maintain the value and reasonably foreseeable uses of continuously flowing perennial streams and, in addition, the existing and designated uses of wetlands, intermittent streams and perennial streams and other surface waters covered by the Department's water quality and waterway management regulations. In implementing this policy, the Department will prevent mining that is likely to result in the loss of an existing use of surface water. The Department will deviate from this position only if it is presented with information affirmatively demonstrating the impacts will be short-lived or can be effectively remedied by proposed mitigation activities. Anticipated Effective Date: July 31, 2002. Sixty-day Comment Period Ends: June 7, 2002. Contact: Harold Miller at (717) 787-5103 or e-mail: harmiller@state.pa.us.

*Final Technical Guidance*

DEP ID: 550-2100-009. Title: Oil and Gas Locational Guidance. Description: It is the policy of the Department to collect location information for environmental data. The Oil and Gas Program (Program) will implement this policy for the information obtained through its permit applications. This document provides guidance for authorizations issued by the Program on how the Program

intends to implement the Department's Locational Policy. Effective Date: April 6, 2002. Contact: David English at (717) 772-2199 or e-mail daenglish@state.pa.us.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-528. Filed for public inspection April 5, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Advisory Health Board Meeting

The Department of Health (Department) gives notice that the Advisory Health Board will meet Friday, April 19, 2002, 10 a.m., Auditorium, The State Museum of Pennsylvania, 300 North Street, Harrisburg, PA, to vote on draft HIV and related reporting regulations, which the Department intends to publish as final within the next 6 months. The Department reserves the right to cancel the meeting without further notice.

Further information regarding the meeting or a copy of the draft final regulations may be obtained by contacting Joel Hersh, Director, Bureau of Epidemiology, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-4677.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, or who require a copy of the draft final regulations in an alternate format (such as, large print, audio tape or Braille) should also contact Joel Hersh at (717) 783-4677, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay services (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-529. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Application of Brookville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brookville Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards for the cardiac catheterization lab contained in this publication: 7.10.H2 (relating to size of the procedure room), 7.10.H3 (relating to provisions for a control room) and 7.10.H4 (relating to equipment room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.  
*Secretary*

[Pa.B. Doc. No. 02-530. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Application of Doylestown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 10.8 (relating to personal care unit for inpatients), 10.15.A5 (relating to hand-washing stations in patient's rooms), 10.24.A22 (relating to ceiling heights) and 10.31.E2.d (relating to bedpan flushing devices in portable water supply systems).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service, (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-531. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Application of Jeanes Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jeanes Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service, (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-532. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Application of Sharon Regional Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sharon Regional Health System has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service, (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-533. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Counties in Which the Annual Rate of Syphilis is at or Above the Level at Which Special Precautions Should be Taken

The Department of Health is providing notice in accordance with 28 Pa. Code § 27.89 (relating to examinations for syphilis) that the annual rate of syphilis in the listed counties based on data collected in 2001 is at or above the level at which special precautions are to be taken:

Allegheny County  
Bucks County  
Delaware County  
Indiana County  
Lehigh County  
Mercer County  
Philadelphia County  
Westmoreland County  
York County

In these counties, as required by 28 Pa. Code § 27.89, a test for syphilis is to be offered to a woman in the third trimester of pregnancy, a woman who has delivered a newborn child and a woman who has delivered a stillborn child. If she does not object, the test shall be performed in accordance with 28 Pa. Code § 27.89. If a pregnant woman objects, the regulation requires the person attending the woman to explain to her the need for the test. With respect to women who have given birth, information relating to the test or the objection to the test is to be recorded in both the woman's medical record, and in the record of the newborn, as the section states.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) or have questions regarding this notice, should contact Stephen J. Kowalewski, Senior Public Health Advisor, Division of STD/TB, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-3981, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-534. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Governor's Council on Physical Fitness and Sports Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting on May 15, 2002, from 9 a.m. to 10 a.m. at the Main Capitol Building, Room 39, East Wing, Harrisburg, PA.

For additional information contact Bonnie Mellott, Manager, Governor's Council on Physical Fitness and Sports, Department of Health, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-2957.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Bonnie Mellott at (717) 787-2957, V/TT (717) 783-6514 for speech and/or

hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 765-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-535. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Sugar Creek Station Skilled Nursing  
and Rehabilitation Center  
R. D. 3, Box 29  
Franklin, PA 16323

Pine Run Health Center  
777 Ferry Road  
Doylestown, PA 18901

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(c) (relating to doors):

Jewish Home of Greater Harrisburg  
4000 Linglestown Road  
Harrisburg, PA 17112

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-536. Filed for public inspection April 5, 2002, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### HealthChoices Behavioral Health Program; Request for Proposals

The purpose of this notice is to announce the Request for Proposals (RFP) for the expansion of the

HealthChoices Behavioral Health Program into the Northeast Zone, which consists of the counties of Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Susquehanna, Wayne and Wyoming.

- The RFP for the HealthChoices Mandatory Behavioral Health Program in this Commonwealth's Northeast Zone currently serves approximately 106,000 Medicaid recipients. The HealthChoices Northeast Behavioral Health RFP # 03-02 will be issued March 29, 2002.

- Proposals must be received by Kathy King-McCarthy, official in charge, Division of Procurement, Bureau of Administrative Services, Department of Public Welfare, Room 106, Health and Welfare Building, Harrisburg, PA 17105, fax (717) 787- 3560, no later than June 28, 2002, at 2 p.m.

- The proposed contract period will be a one 3-year contract with the option of one 2-year extension by letter of mutual agreement. The proposed effective date of the contract is January 1, 2004. The contact person for questions regarding this procurement is Joyce Troutman (717) 772-6728, e-mail address: joycetr@pw.state.us.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 02-537. Filed for public inspection April 5, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cash Spectacular Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Spectacular.

2. *Price:* The price of a Pennsylvania Cash Spectacular instant lottery game ticket is \$10.00.

3. *Play Symbols:* Each Pennsylvania Cash Spectacular instant lottery game ticket will contain one play area featuring a "Lucky Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and \$CASH\$ (10K/MTH/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500 and \$120,000 (\$10,000/MTH/YR).

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,560,000 tickets will be printed for the Pennsylvania Cash Spectacular instant lottery game.

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

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$CASH\$ (10K/MTH/YR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Lucky Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

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

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

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

<i>Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,560,000 Tickets</i>
\$5 × 2	\$10	1:14.29	109,200
\$10	\$10	1:60	26,000
\$5 × 3	\$15	1:30	52,000
\$5 + \$10	\$15	1:37.50	41,600
\$15	\$15	1:150	10,400
\$5 × 2 + \$10	\$20	1:150	10,400
\$5 × 4	\$20	1:75	20,800
\$15 + \$5	\$20	1:150	10,400
\$10 × 2	\$20	1:150	10,400
\$20	\$20	1:150	10,400
\$5 × 5	\$25	1:30	52,000
\$20 + \$5	\$25	1:50	31,200
\$5 × 2 + \$15	\$25	1:50	31,200
\$25	\$25	1:150	10,400
\$5 × 10	\$50	1:521.74	2,990
\$10 × 5	\$50	1:685.71	2,275
\$10 + \$20 × 2	\$50	1:1,600	975
\$50	\$50	1:6,000	260
\$5 × 10 + \$10 × 5	\$100	1:133.33	11,700
\$10 × 10	\$100	1:171.43	9,100
\$20 × 5	\$100	1:400	3,900
\$100	\$100	1:1,200	1,300
\$10 × 10 + \$20 × 5	\$200	1:40,000	39
\$20 × 10	\$200	1:40,000	39
\$50 × 4	\$200	1:60,000	26
\$200	\$200	1:120,000	13
\$50 × 10	\$500	1:120,000	13
\$100 × 5	\$500	1:120,000	13
\$500	\$500	1:120,000	13
\$10,000/MTH/YR	\$120,000	1:520,000	3

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Spectacular, prize money from winning Pennsylvania Cash Spectacular instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Spectacular instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to state lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Spectacular or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-538. Filed for public inspection April 5, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Addendum and Revision of the Listing of 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, published at 31 Pa.B. 7078 (December 29, 2001), a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

#### *Change of Ownership*

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department gives notice of the change of ownership for the following stations:

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (W1, EL1, EM1). The station name, numbers and authorizations will remain the same.

S & D Calibration Services, 115 Walnut Drive, Eighty Four, Washington County, PA 15330 (W61, EM6, EL11). The station name, numbers and authorizations will remain the same.

#### *Change of Ownership and Address*

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department gives notice of the change of ownership and address of the following station (station number S35):

S & D Calibration Services, 134 Camp Lane, Monongahela, Washington County, PA 15317

The new station address will be:

S & D Calibration Services, 193 Route 837, Monongahela, Washington County, PA 15063. The station name, number and authorizations will remain the same.

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 31 Pa.B. 7078 (December 29, 2001) and addenda at 32 Pa.B. 669 (February 2, 2002), 32 Pa.B. 1145 (February 23, 2002) and 32 Pa.B. 1589 (March 23, 2002).

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-539. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has

been submitted to the Department by RGW Development, LLC, seeking to lease highway right-of-way located on the northerly side of State Route 0018 at the intersection with State Route 3007, in Center Township, Beaver County, containing 9,409± square feet or 0.216± acre, for purposes of landscaping and to comply with township set back restrictions.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4835.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-540. Filed for public inspection April 5, 2002, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2002 Changes to the List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries.*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries.*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries.*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries.*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

The Commission intends to consider changes to its list of Class A Wild Trout Streams at its meetings on April 28 and 29, 2002. Persons with comments, objections or suggestions concerning the changes are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, by 4 p.m. on April 26, 2002. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

*Additions*

The Commission will consider adding the following waters to the current list of Class A Wild Trout Waters:

<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length</i>
Berks	Pine Creek	From headwaters downstream to confluence with unnamed tributary	1.8 miles
Carbon	Stony Creek	From confluence with Yellow Run downstream to mouth	2.9 miles
Wyoming	Burgess Brook	From headwaters downstream to mouth	1.2 miles

*Removals*

None

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 02-541. Filed for public inspection April 5, 2002, 9:00 a.m.]

# HOUSING FINANCE AGENCY

## Special Initiatives Program; Invitation to Submit Proposals

The Housing Finance Agency (Agency) invites preliminary proposals (proposals) from entities or individuals

(applicants) seeking funding for developments which will creatively meet affordable housing needs within this Commonwealth not currently addressed by existing Agency programs.

*Program Objectives*

The Agency administers an array of housing funding programs for homeownership, rental housing, emergency mortgage assistance and related supportive housing programs. A complete list of existing Agency programs, application deadlines and contact information is available at www.phfa.org. The Agency recognizes that there may be affordable housing needs that do not coincide with the parameters of its existing programs. In 2002, the Agency has set aside \$2 million to provide funding for selected proposals that will creatively meet affordable housing needs not currently addressed by existing Agency programs.

By this notice, the Agency is inviting submission of Proposals from individuals or profit or nonprofit groups seeking development funding. The Agency encourages creative ideas for developments not otherwise being considered by traditional Agency funding programs. In its review of preliminary proposals, the Agency has not set any parameters on the size of funding request or on the type or number of proposals to be funded. The Agency's review of the proposals submitted may take into consideration factors such as Agency in its sole discretion deems appropriate. Because this program is intended to address affordable housing needs not currently served by existing Agency programs, the Agency will not accept or review proposals which are the same or substantially similar to those which the Applicant, or a related entity, previously submitted to the Agency for consideration under an existing Agency program.

*Program Criteria*

Proposals should provide a narrative description of the proposed development. The proposal should clearly and concisely:

- identify the targeted need and population to be served; and
  - offer an explanation of how the needs of the identified population or area will be served.
- Additionally, while the Agency is seeking program ideas that may not yet be fully developed, to the greatest extent available, the proposal should:
- provide a development budget;
  - outline a development time frame;
  - identify other funding participants and programs involved in the initiative (if any);
  - specify the amount of Agency funding requested and explain how the Agency funds will be used to create a viable strategy for fulfilling the identified housing need; (Note: Agency funds may be used for bricks and mortar, housing development and directly related expenditures to support housing only, for example: land acquisition, infrastructure and development costs.); and
  - identify who the participants in the development will be.

In all instances, proposals must evidence financial viability. Proposals should delineate the income groups being targeted through the housing and the duration of the funded program. The Agency also seeks as much detail as possible regarding the expectations of dates for all significant components of the proposed development,

including funding commitments from all other sources, governmental approvals for the development, site acquisition time frames and estimates of the substantial completion of the development. Proposals capable of being delivered quickly may be preferred. The Agency encourages submission of proposals with participation of entities designated as minority business enterprises (MBE), woman business enterprises (WBE) or disabled business enterprises (DBE) and which affirmatively further fair housing.

Proposals will be considered by the Agency and conditional funding approvals will be provided to the applicants determined to best achieve the guidelines and criteria of the Special Initiative Program (Program). Once preliminary selections have been made by the Agency, applicants will be required to submit additional information including market studies, site analysis, funding commitments, and the like, as determined necessary and appropriate by the Agency. Funding commitment will be made after the Agency reviews the site, determines the facility is financially viable and feasible and determines that the proposal addresses affordable housing needs not currently served by existing Agency programs. Agency funding is subject to ongoing program requirements, the housing finance agency law, and all other applicable Federal, State and local laws and regulations.

Selected applicants must provide evidence of substantial progress to ensure development feasibility within one year of the date of Agency funding approval. The Agency may recapture funds or terminate any commitment or funding reservation in the event of material deviations from the projected time frames.

#### *Application Process*

Applicants should submit four complete copies of the proposal to Robert Bobincheck, Associate Director, Office of Strategic Planning and Policy, Housing Finance Agency, 2101 North Front Street, P. O. Box 8029, Harrisburg, PA 17105-8029.

Proposals must be received by the Agency no later than 2 p.m. Thursday, May 16, 2002.

The proposal/application material will become the property of the Agency. The Agency reserves the right to amend or modify this program at any time and may determine to discontinue this program at any time. Additional proposals and applications may be considered by the Agency at any time. All costs associated with this proposal/application will be the responsibility of the applicant. Questions regarding the program may be submitted to Robert Bobincheck in writing, by mail, fax (717) 780-1833 or e-mail at [bbobincheck@phfa.org](mailto:bbobincheck@phfa.org). Additional information about the Program may be made available from time to time at the Agency's website at [www.phfa.org](http://www.phfa.org).

Information regarding funding decisions is expected to be available in September 2002.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 02-542. Filed for public inspection April 5, 2002, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, March 21, 2002, and took the following actions:

#### *Regulations Approved:*

Insurance Department #11-213: Requirements for All Policies and Forms, Preparation of Forms (repeals 31 Pa. Code § 89.14(b))

#### Approval Order

Public Meeting held  
March 21, 2002

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*Insurance Department—Requirements for All Policies and Forms, Preparation of Forms; Regulation No. 11-213*

On February 21, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department. This rulemaking repeals 31 Pa. Code § 89.14(b). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking repeals a provision relating to time limits for recovery of accidental death benefits. The repeal is based on the Pennsylvania Supreme Court decision in *Burne v. Franklin Life Insurance Company*, 451 Pa. 218, 301 A.2d 799 (1973). In *Burne*, the Court held that accidental death benefit policies may not be sold or issued in Pennsylvania if the death must occur within a certain time period in order for the death benefit to be paid.

We have determined this regulation is consistent with the statutory authority of the Insurance Department (71 P.S. §§ 186, 411 and 412) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

#### *By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-543. Filed for public inspection April 5, 2002, 9:00 a.m.]

## 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>
#7-371	Environmental Quality Board Architectural and Industrial Maintenance Coatings	3/25/02	2/22/04

(31 Pa.B. 6807 (December 15, 2001))

**Environmental Quality Board Regulation No. 7-371  
Architectural and Industrial Maintenance Coatings  
March 25, 2002**

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 Environmental Quality Board (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by February 22, 2004, the regulation will be deemed withdrawn.

**1. General.—Fiscal impact and reasonableness.**

This proposed rulemaking adopts volatile organic compound (VOC) standards for 46 types of architectural or industrial maintenance (AIM) coatings. These limits, based on the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials' Model Rule (Model Rule), are more restrictive than the Federal limits that were adopted in 1998 in the hopes of attaining and maintaining the health-related ozone standard in this Commonwealth. The Ozone Transport Region (OTR) is using the Model Rule to reduce VOC emissions, and the Board has modeled this proposed rulemaking after the Model Rule.

We have four general concerns with this regulation.

First, commentators have suggested a number of adjustments to the proposed rulemaking that more closely track the provisions in the Model Rule. These include an averaging provision (found in § 3.10) and an AIM specific variance provision (§ 3.8.1). Why were these provisions of the Model Rule not included in the proposed rulemaking?

Second, to decrease VOC content in the products included in the regulation, properties and ingredients of the products may not be the same as the higher-VOC products. How will these potential alterations impact the quality of the products? If the quality decreases, and usage of the lower VOC-products increases, could this pattern diminish the intended decrease in VOC? The Board should explain whether this pattern has been anticipated.

Third, in Item 20a of the RAF, the Department of Environmental Protection (Department) estimates the cost of implementing this regulation will be \$65 million per year. This estimate is based on a report "Control Measure Development Support Analysis of Ozone Trans-

port Commission Model Rules" (Report) issued by E.H. Pechan and Associates. Chapter II, Subsection D(3) of the Report states, "Details on the assumptions used for ARB's cost analysis are provided in the "Staff Report for the Proposed Suggested Control Measure for Architectural Coatings'" (Staff Report).

Reviewing the Staff Report, it appears that the economic impact figures contained in the report are based on figures developed and applied to the decreased VOC emissions program in California. This is readily apparent in the "Sources and Treatment of Cost Data" section, which highlights economic data collection from California businesses. How are the figures developed for California applicable to this Commonwealth? The Department should provide its rationale.

Fourth, the proposed rulemaking does not include a scheduled technology assessment on the appropriateness of maintaining future VOC limits. A technology assessment of this type would be valuable in determining whether the proposed rulemaking, once implemented, is effective. The Department should consider adding a future technological assessment to the final-form regulation.

**2. Section 130.302. Definitions.—Clarity.**

Commentators have requested the following terms be added, deleted or incorporated into existing definitions: 1) the reference for roofing should be eliminated from the definitions of "bituminous roof coating" and "bituminous roof primer"; 2) the definition for "specialty primer" should include "odors or effervescence" and "or recommended for application to exterior wood or wood-based surfaces, or for highly alkaline cement, plaster, and other cementitious surfaces"; a definition for "shellac" should be added; and 3) the definition of low solids coating should be changed by adding "or a water-borne clear or semi-transparent stain."

The Board should consider the concerns of the commentators and respond to these concerns in the final-form regulation.

**3. Section 130.303. Standards.—Fiscal impact and Reasonableness.**

Subsection (a)(1)—(3), which address VOC content limits, could have an adverse effect on those industries that manufacture, supply or use AIM coatings. We have two questions about the impact of these sections on this Commonwealth.

First, how do other states in the OTR regulate the same products?

Second, are the Commonwealth's requirements more restrictive than those found in other states? How will the restrictions of these products affect businesses that utilize these materials?

**4. 130.305. Reporting requirements.—Clarity.**

This section requires that "Upon request by the Department, each manufacturer of an architectural or industrial maintenance coating subject to this subchapter shall . . . submit an annual report to the Department."

Commentators have stated that the reporting requirement in this section would not be useful, and should be deleted. We have two questions. First, is the information included in these reports necessary for the Department to have? Second, what criteria will the Department use to determine when the information will be requested?

**5. Table 1. VOC Content Limits for Architectural and Industrial Maintenance Coatings.—Reasonableness and Clarity.**

This table outlines the VOC content limits of AIM coatings. We have two concerns with this table.

First, industrial maintenance coatings in Table 1 have a VOC content limit of 340. The Model Rule has the VOC content level at 250. Why did the Board select the VOC limit to be 340 for industrial maintenance coatings?

Second, commentators have requested the following adjustments or additions be made to Table 1: 1) Calci-mine recoaters; conversion varnish; concrete surface retarders; impacted immersion coatings; nuclear coatings; and thermoplastic rubber coatings; 2) the standards for sanding sealers, varnishes and clear and semi-transparent stains should be raised to 550, 450 and 550, respectively; the standard should be 350 for exterior wood primers, sealers and undercoaters; the standard for floor paints should be changed to 280-400; and 3) and the standard for bituminous roof primers is too low to allow useful application of the product.

The Board should provide the rationale for these standards, as well as the inclusion or omission of products in Table 1.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-544. Filed for public inspection April 5, 2002, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-  
Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-362	Environmental Quality Board Stream Redesignations, Little Bush Kill, et al.	3/26/02
7-365	Environmental Quality Board Heavy-Duty Diesel Emissions Control Program	3/26/02
7-367	Environmental Quality Board Coal Mine Permits/Road Re- quirements	3/26/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-545. Filed for public inspection April 5, 2002, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Agency Contract Termination of Donald K. Martin & Company under Act 143; GuideOne Insurance Group; Doc. No. AT02-03-013**

A prereview conference is scheduled for May 1, 2002, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. A date for a review shall be determined, if necessary, at the prereview conference. At the prereview conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. On or before April 18, 2002, each party shall file with the Administrative Hearings Office a prereview statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Except as established at the prehearing conference, both parties shall appear at the scheduled review prepared to offer all relevant testimony or other 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 for photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 25, 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 May 8, 2002.

Persons with a disability, who wish to attend the previously-referenced review, and require an auxiliary aid, service or other accommodation to participate in the review should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-546. Filed for public inspection April 5, 2002, 9:00 a.m.]

**Allstate Indemnity Company; Private Passenger Automobile Rate Increase**

On March 20, 2002, the Insurance Department (Department) received from Allstate Indemnity Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 12.1% increase amounting to \$20.796 million annually, to be effective May 13, 2002.

Unless formal administrative action is taken prior to May 19, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-547. Filed for public inspection April 5, 2002, 9:00 a.m.]

### **Allstate Insurance Company; Private Passenger Automobile Rate Increase**

On March 20, 2002, the Insurance Department (Department) received from Allstate Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.9% increase amounting to \$36.805 million annually, to be effective May 13, 2002.

Unless formal administrative action is taken prior to May 19, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-548. Filed for public inspection April 5, 2002, 9:00 a.m.]

### **HIGHMARK, Inc. d/b/a Highmark Blue Cross Blue Shield; Filing No. 1-RET-02-HBCBS**

By Filing No. 1-RET-02-HBCBS, Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield, requests approval of initial prospective base rates for: (1) two high deductible Comprehensive Major Medical plans and an associated Freestanding Drug plan for non-Medicare eligible retirees; and (2) for a Medicare Complementary plan with an associated Freestanding Drug plan for Medicare-eligible retirees, both to be offered on a voluntary enrollment basis. The requested effective date of the rates is May 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 Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-549. Filed for public inspection April 5, 2002, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Ronald and Josephine Porcoro; File No. 02-182-01696; Liberty Mutual Fire Insurance Company; Doc. No. PH02-03-029; May 7, 2002, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Kamran Khan; File No. 02-265-00885; Nationwide Mutual Insurance Company; Doc. No. PH02-03-027; May 24, 2002, 11:30 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Richard H. and Genevieve Myers; File No. 02-182-01732; Erie Insurance Exchange; Doc. No. E02-03-028; July 7, 2002, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-550. Filed for public inspection April 5, 2002, 9:00 a.m.]

### UPMC Health Plan; Rate Filing

On March 14, 2002, UPMC Health Plan submitted filing number 1-CRHMO-02-UPMCHP for approval of the Insurance Department (Department). This filing requests approval to adjust base rates for the commercial community HMO, EAHMO, POS and EAPOS. The proposed medical increase for the Enhanced Access HMO is approximately 23%, 22% for the Enhanced Access Point-of-Service and 28% for the Point-of-Service. The proposed rate increase will be effective April 1, 2002, and will generate additional annual revenue of approximately \$60 million.

This filing is available for public inspection during normal working hours at the Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120 within 15 days after the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-551. Filed for public inspection April 5, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Order

Public Meeting held  
March 14, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. OnlineChoice.com, Inc. (2001.0244);  
Doc. No. C-20016078; A-110122*

### Default Order

*By the Commission:*

On August 30, 2001, the Law Bureau Prosecutory Staff instituted a complaint against OnlineChoice.com, Inc. (Respondent), an electric generation supplier (EGS) licensed at A-110122. In the complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by letter dated June 25, 2001, that its surety bond was due to expire on August 27, 2001, and that Respondent had 15 days to provide proof that it had obtained a bond or other approved security in order for its EGS license to remain in force. The Prosecutory Staff complaint also alleged that Commission staff placed a follow-up telephone call to Respondent and heard an automated message system state that Respondent had ceased doing business as of April 30, 2001.

Furthermore, the complaint alleged that on July 31, 2001, the Department of Revenue had informed Commission staff that Respondent has filed for bankruptcy.

The complaint charged that Respondent violated 66 Pa.C.S. § 2809(c)(1)(i) (relating to EGS bonds or other security) and the Commission's regulation at 52 Pa. Code § 54.40 by failing to renew its surety bond.

In addition, the complaint charged that Respondent violated 52 Pa. Code § 54.34(b), by failing to report a material change in the organizational structure or operation that affected its operation in this Commonwealth within 30 days of the date of the change. The complaint requested that Respondent's EGS license be cancelled and that a civil penalty of \$1,000 be imposed as a result of Respondent's failure to renew its bond and notify the Commission of a material change in its operation.

Pursuant to section 2809(c)(1)(i) of the Public Utility Code, 66 Pa.C.S. § 2809(c)(1)(i), no energy supplier license shall be issued or remain in force unless the supplier furnishes a bond or other security approved by the Commission in form and amount to ensure financial responsibility of the EGS.

According to the postal return receipt, service of the complaint was perfected on September 10, 2001. To date, more than 20 days after service of the complaint, no answer has been filed to the complaint, the surety bond has not been renewed, and the Commission has not been formally notified of any material changes in Respondent's business; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.

2. The EGS license held by OnlineChoice.com, Inc. A-110122, is hereby cancelled.

3. A civil penalty of \$1,000 is hereby imposed against OnlineChoice.com, Inc. payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, and due within 20 days of the entry date of this Order.

4. The Secretary strike the name of OnlineChoice.com, Inc. from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.

5. If the civil penalty is not paid pursuant to Ordering Paragraph No. 3, above, the Office of Executive Director is hereby directed to refer the \$1,000 civil penalty to the Office of Attorney General for collection as appropriate.

6. Notice of this Default Order shall be published in the *Pennsylvania Bulletin*.

7. The Secretary serve a copy of this Default Order upon all jurisdictional electric distribution companies (EDC) as well as the Department of Revenue.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-552. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before April 29, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under the application.***

**A-00117714, Folder 2. Tiffany Transportation, Inc.** (42 Cedar Lane, Birdsboro, Berks County, PA 19508), a corporation of the Commonwealth of Pennsylvania—persons for Advance Personnel Staffing, Inc. and Advance Personnel Temporary Services, Inc., between points in the counties of Berks, Lancaster, Schuylkill, Dauphin and York. *Attorney:* Kevin A. Moore, Berkshire Commons, Suite 400, 2201 Ridgewood Road, Wyomissing, PA 19610-1193.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-00118757. Sean McDonough t/d/b/a Northstar Executive Transportation** (P. O. Box 411, Ardmore, Montgomery County, PA 19003)—persons in limousine service, between points in the counties of Chester, Delaware, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return.

**A-00118764. Empire International, LTD, t/d/b/a Empire Chauffeur Service** (P. O. Box 423, Norwood, NJ 07648) a corporation of the State of New Jersey—persons in limousine service, between points in the counties of Bucks, Chester, Delaware, Montgomery, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return.

**Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.***

**A-00114319, Folder 11. (Corrected) Continental Transportation, Inc.** (45 Dorchester Way, Phoenixville, Chester County, PA 19460), a corporation of the Commonwealth of Pennsylvania, additional right—persons in lim-

ousine service, between points in the counties of Bucks, Chester, Delaware, Montgomery, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.***

**A-00118577. Elite Carriages, Inc., Dream Limousines** (200 Pleasant Drive, Johnstown, Cambria County, PA 15904), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all of the right authorized under the certificate issued at A-00110461, to Joseph Natta, Jr., t/d/b/a Dream Limousines, subject to the same limitations and conditions.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-553. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Telecommunications

**A-310806F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc. for approval of a replacement master resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc., filed on March 15, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a replacement master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Now Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-554. Filed for public inspection April 5, 2002, 9:00 a.m.]

### Telecommunications

**A-310486F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Digital Telecommunications, Inc. d/b/a DTI.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Digital Telecommunications, Inc. d/b/a DTI for approval of

a master resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Digital Telecommunications, Inc. d/b/a DTI, filed on March 15, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Sprint and Digital Telecommunications, Inc. d/b/a DTI Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-555. Filed for public inspection April 5, 2002, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #0222.P, Purchase of Audio Visual Equipment, until 2 p.m. on Tuesday, April 16, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available April 9, 2002. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.  
*Executive Director*

[Pa.B. Doc. No. 02-556. Filed for public inspection April 5, 2002, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

May 22, 2002	George R. Smitley (Date of Retirement)	1 p.m.
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	Pamela J. Nicodemus (Change of Retirement)	2:30 p.m.
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Persons with a disability, wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 02-557. Filed for public inspection April 5, 2002, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

- The payment date specified in the contract.
- 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
- The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

**GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!**

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

**New Act 57 Thresholds Effective January 1, 2002**

Act 57 of 1998 provides for annual adjustments to certain thresholds to reflect the annual percentage change in the Composite Construction Cost Index of the United States Department of Commerce occurring in the 1-year period ending December 31 of each year. The Composite Construction Cost Index for the year ending December 31, 1997, was 103.3. The Composite Construction Cost Index for the year ending December 31, 2001, was 119. The difference between the indices for calendar years 1997 and 2001 is 15.7. Therefore, the percentage change in the Composite Construction Cost Index from 1997 to 2001 is 15.1984%. Using this adjustment percentage, the new dollar thresholds for calendar year 2002 follows. The chart also shows the dollar thresholds for each intervening year.

	<b>Original Threshold Amounts</b>	<b>1999 Threshold Amounts</b>	<b>2000 Threshold Amounts</b>	<b>2001 Threshold Amounts</b>	<b>2002 Threshold Amounts</b>
The maximum amount which DGS can authorize for procurement on a no-bid basis for construction projects	\$10,000.00	\$10,235.50	\$10,672.85	\$11,103.58	\$11,519.84
Requirement for contract performance security for construction contracts	\$25,000.00	\$25,588.75	\$26,682.10	\$27,758.95	\$28,799.61
Requirement for performance bonds and payment bonds for construction contracts	\$100,000.00	\$102,355.00	\$106,728.35	\$111,035.82	\$115,198.45
Dollar threshold for approval of Statewide requirements contracts by the State Treasurer	\$1,000,000.00	\$1,023,550.00	\$1,067,283.45	\$1,110,358.18	\$1,151,984.51
Ceiling for establishment of the design professional fee by DGS selections committee	\$20,000,000.00	\$20,471,000.00	\$21,345,668.65	\$22,207,163.60	\$23,039,690.22

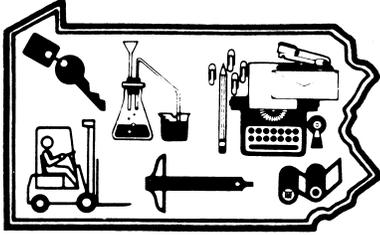
Effective April 15, 2002, the Department of General Services (Department), Bureau of Purchases, will no longer send vendors notices of the availability of invitations for bids or requests for proposals (by fax or other means.) Bidding/contracting opportunities will be posted on the Department's website. Vendors who are interested in competing for a particular contracting opportunity with this Commonwealth will be able to download the particular invitation for bids or request for proposals.

The website address for viewing bidding/contracting opportunities and for obtaining copies of invitations for bids and requests for proposals is [www.dgs.state.pa.us](http://www.dgs.state.pa.us). To access the information on this website, vendors must select "Procurement" followed by "Bidding Opportunities."

If a vendor wishing to participate does not have access to a computer, public libraries offer free access to the Internet. Additionally, a vendor can obtain a copy of an individual invitation for bids or request for proposals by calling Vendor Services at (717) 787-2199 or (717) 787-4705, or by visiting us at 414 North Office Building, Harrisburg, PA.

Contact Susan Plecker, Website Manager, at (717) 787-1105 or Ray Cunningham, Vendor Information Section Supervisor, at (717) 787-5862, concerning questions or problems in gaining access to bidding/contracting opportunities information or in locating and downloading invitations for bids or requests for proposals.

KELLY POWELL LOGAN,  
*Secretary*



## Commodities

**1352111** Emblems—Keystone Patch & American Flag. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001. BID OPENING 04/24/02

**Department:** Corrections  
**Location:** SCI Dallas, Dallas, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**LE-01007** Evinrude Outboard Engine, Model E255FPXSN, 225 HP, Ficht RAM Injection, No Substitutes.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, PA  
**Duration:** One Time Purchase  
**Contact:** Dennis Grove (717) 705-7915

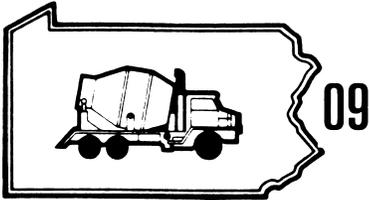
**SRM000929** Perforated ADSN12 Double Wall Plastic Pipe with Bell Ends (smooth lined inside, and corrugated on the outside), two sizes needed 24' x 20' and 18' x 20'. For information or a bid package please fax (717)-861-2932 or e-mail to the purchasing agent listed below. Bid opening will be held on April 17, 2002 at 2:00 p.m.

**Department:** Military Affairs  
**Location:** State Army Board, Bldg. S-0-47, Ft. Indiantown Gap, Annville, PA 17003-5002  
**Duration:** Fiscal Year 2002  
**Contact:** Anita Sommer (717) 861-2928

**#1110** 100 each toner cartridge Optra R for Lexmark laser printer #4039-12R, PART #1382150. Specifications, delivery instructions and any other pertinent information will be included in the invitation to bid package.

**Department:** Revenue  
**Location:** Bureau of Administrative Services, 711 Gibson Blvd., Door #5, Harrisburg, PA 17104  
**Duration:** Bid Opens: APRIL 12, 2002  
**Contact:** (supply) Carol Kirkpatrick (717) 772-0506

## SERVICES



## Construction & Construction Maintenance

**CL-552 Renovations to Frame & Exterior Door Replacement** Clarion University is soliciting bids for renovations to facilities at its Venango Campus in Oil City, PA. The project includes exterior painting, repair of walkways, installation of steps and renovations of restrooms at Frame Hall and retrofitting or replacement of exterior doors on various campus buildings. Contracts to be awarded for General, Plumbing and Electrical work. Bid packages available by check payable to University for \$20, non-refundable, to the attention of Judy McAninch, Contract Specialist, Clarion University, 218 Carrier Hall, Clarion, PA 16214. Pre-Bid Conference: 10 a.m., April 10, at Frame Hall, Oil City, PA. Bids Due: 2 p.m., April 24, 2002.

**Department:** State System of Higher Education  
**Location:** Clarion University, Venango County, Oil City, PA  
**Duration:** 90 Days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist (814) 393-2240

**C45-1-102.2** McMichael Creek Pumping Station Improvements - Electrical, involves replacing all electrical equipment with new electrical service, motor control center, grounding, lighting and other appurtenant items; installing new digital pump station control system; installing new autodialer and telephone service; installing new security intrusion alarm system; and relocating adjacent existing sewage pumping station control panel. This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Borough of Stroudsburg, Monroe County  
**Duration:** 190 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**C45-1-102.1** McMichael Creek Pumping Station Improvements—Civil/Mechanical, involves replacing existing vertical wet-pit pumps and motors with new vertical wet-pit pumps and motors; installing a new pre-fabricated metal pumping station enclosure including heating and ventilating equipment, providing a gantry crane, and installing new bituminous paving and concrete sidewalk to the pumping station enclosure; replacing 8" discharge piping, valves, stem boxes and stands; installing a new 24" gate valve assembly on the gravity stormwater outfall; replacing mechanical float switches with a new pumping station level transducer system and secondary float switches; cleaning and painting all existing piping, valves, manhole covers, access hatch, and miscellaneous metal fabrications; installing a new 16" elastomeric check valve on the pumping station discharge pressure outfall; and refurbishing all wetwell concrete walls and ceiling and cleaning and painting exposed concrete surfaces. This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Borough of Stroudsburg, Monroe County  
**Duration:** 190 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**7926** General construction repairs to bathrooms on Ward 311F at Danville State Hospital. Proof of visit required.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Completion within 200 calendar days of executed contract  
**Contact:** Doris Cavallini (570) 271-4579

**ESU 405-833** East Stroudsburg University is accepting bids on ESU 405-833, Parking Lot Renovation and new electronic gate at Rosenkrans Lot on Campus. For bid package call 610-385-8325 or send non refundable check for \$25 to STV Architects 205 West Welsh Drive Douglassville PA 19518. Pre-Bid conference on April 11, 2002 and Bid Opening on April 30, 2002. For meeting locations and special accommodations call Ann Zaffuto at (570) 422-3595. All responsible firms are invited to participate including MBE/WBE Firms. General construction estimate 50K, Electrical construction estimate 15K.

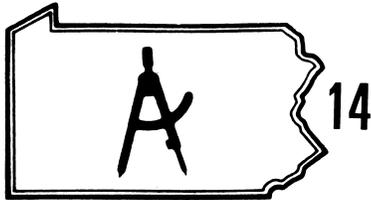
**Department:** State System of Higher Education  
**Location:** East Stroudsburg University, 200 Prospect St., East Stroudsburg, PA 18301  
**Duration:** 75 days after NTP  
**Contact:** STV Architects (610) 385-8325

**FDC-424-999.3** All mechanical work (HVAC & plumbing) associated with ADA site work and a new unisex toilet addition for the Middle Lot Comfort Station, Memorial Lake State Park, Lebanon County. Project estimate: \$0.00 to \$50,000.00. NOTE: Requests for documents may be made ON or AFTER March 25, 2002. Cost for documents is \$15.90, payable by CREDIT CARD ONLY - American Express, Discover, Master Card or Visa.

**Department:** Conservation and Natural Resources  
**Location:** East Hanover Township  
**Duration:** 150 days  
**Contact:** Construction Management Section 717-787-5055

**CL-562 - Refinish Gym Floor, Tippin** Clarion University is soliciting bids for a project to remove and replace existing finish material, letters and other graphics on the maple wood floor of the main gym of approximately 10,500 square feet. Lines for basketball, volleyball and badminton as well as logos and lettering are to be replaced. Pre-Bid meeting: 10 a.m., April 5. Bids Due: 2 p.m., April 17, 2002. Bid packages available for \$15 non-refundable fee by check payable to the university and mailed to Judy McAninch, 218 Carrier Hall, Clarion University, Clarion, PA 16214.

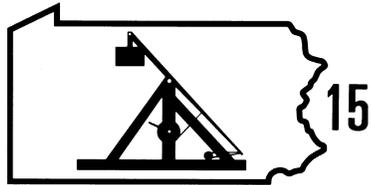
**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion County, Clarion, PA  
**Duration:** 21 days from Notice to Proceed  
**Contact:** Judy McAninch, Contract Specialist (814) 393-2240



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**AMD 16(1175)101.1** Acid Mine Drainage Abatement, Little Mill Creek, involves 12,600 c.y. treatment cell earthwork; 5,373 ton AASHTO No. 3 limestone, 1,400 ton limestone coarse aggregate; 6,300 s.y. impervious lining (PVC); and 1,125 l.f. PVC pipe. This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML Grant.

**Department:** Environmental Protection  
**Location:** Clarion Township, Clarion County  
**Duration:** 190 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**OSM 24(2211)101.1** Abandoned Mine Land Reclamation, Ridgway Hill, involves clearing and grubbing, 221,000 c.y. grading and seeding 26 acres. This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$26.6 million 2000 Pennsylvania AML Grant.

**Department:** Environmental Protection  
**Location:** Ridgway, Elk County  
**Duration:** 330 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**OSM 18(6993)101.1** Abandoned Mine Land Reclamation, Loop Run, involves 319,200 c.y. grading, seeding 25 acres, and planting 11,560 trees. This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$26.6 million 2000 Pennsylvania AML Grant.

**Department:** Environmental Protection  
**Location:** West Keating Township, Clinton County  
**Duration:** 330 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**OSM 63(4492)101.1** Mine Subsidence Control, Muse Road, involves overburden drilling and casing 11 holes; supply and delivery and injection of grout material: 8,061 bags cement, 2,687 tons fly ash and 20 tons/126 l.f. stone (AASHTO No. 57). This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML Grant.

**Department:** Environmental Protection  
**Location:** Cecil Township, Washington County  
**Duration:** 70 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994

**BOGM 02-01** Clean Out and Plug Two (2) Abandoned Gas Wells estimated to be between 3,940 and 4,249 feet each in depth, also involves preparing and restoring well sites, mobilizing and demobilizing plugging equipment, and an estimated amount of 75,200 pounds of plugging material. This project issues April 5, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** North Penn Gas Company, Lawrence Township, Mr. & Mrs. Ray Funk, Department of Transportation, Mr. Hank Leatherman, Mr. Robert Stone and 3rd Hollow Corporation Properties, Tioga, Jackson and Lawrence Townships, Tioga County  
**Duration:** 100 calendar days after notice to proceed  
**Contact:** Construction Contracts Section (717) 783-7994



### Food

**7600-01 THRU 12** Frozen Meat & Meat Products—This is a monthly bid of approximately \$10,000. To receive a bid package each month, fax your request to Becky J. Clapper, Purchasing Agent III @ 814/696-5395.

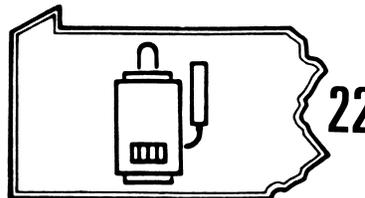
**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rte. 220 @ Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** 01 July 2002 through 30 June 2003  
**Contact:** Becky J. Clapper Fax: 814/696-5395

**7700-01 thru 04** Fresh Bread, Rolls, & Related Products - This is a quarterly bid of approximately \$10,000. To receive a bid package each quarter, fax your request to Becky J. Clapper, Purchasing Agent III @ 814/696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rte. 220 @ Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** 01 July 2002 through 30 June 2003  
**Contact:** Becky J. Clapper Fax: 814/696-5395

**7925** Coffee, Freeze Dried, Decaffeinated.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** July 1, 2002 - June 30, 2003  
**Contact:** Tina Robbins (570) 271-4578



### HVAC Services

**SP3862072001** Sealed bids will be received at Dept. of Conservation and Natural Resources, Park Region #2, P. O. Box 387, 195 Park Road, Prospect, PA 16052-0387 and then publicly opened and read. A bid opening date has not yet been set. For Electrical Repair and/or Maintenance of the electrical equipment at Laurel Hill State Park Complex. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager, Laurel Hill State Park.

**Department:** Conservation and Natural Resources  
**Location:** Dept. of Conservation and Natural Resources, Laurel Hill State Park Complex, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629  
**Duration:** July 1, 2002 to June 30, 2004  
**Contact:** Laurel Hill State Park (814) 445-7725

**SP1116000-014** This Contract is for the repair of one (1) McQuay Centrifugal Chiller, Model No. PEH076, Serial No. 5DQ0301000, Style No. PE5842, converted to 134A refrigerant. A more specific description will be provided in the bid documents.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** Duration of contract to 06/30/02  
**Contact:** Mr. David Schultz (412) 761-1955 x260

**7927** Plumbing repairs to bathrooms on Ward 311F at Danville State Hospital. Proof-of-visit required.

**Department:** Public Welfare  
**Location:** Danville State Hospital  
**Duration:** Completion within 200 days of executed contract  
**Contact:** Doris Cavallini (570) 271-4579

**SP20781008** Remove laundry equipment from Norristown State Hospital and reinstall at Wernersville State Hospital laundry. For detailed specifications please contact the Purchasing Office at Wernersville State Hospital.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Route 422 West, Berks County, Wernersville, PA 19565-0300  
**Duration:** Anticipated Start date July 1, 2002  
**Contact:** Nancy Deininger, Purchasing Agent (610) 670-4129



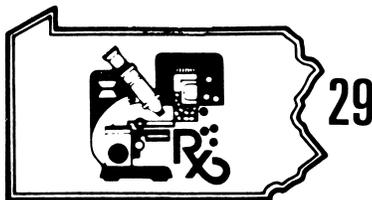
### Janitorial Services

**SP3520024425** Provide janitorial services for the Hawk Run District Office, Hawk Run, Pennsylvania.

**Department:** Environmental Protection  
**Location:** Empire Road, Box 209, Hawk Run, Pennsylvania  
**Duration:** 7/1/02 through 6/30/03  
**Contact:** Sherry Morrow (717) 772-1216

**FM-8511** Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the Troop H, Chambersburg Station. Detailed work schedule to be coordinated with Station Commander. Bid specifications can be obtained from the Facility Management Division.

**Department:** State Police  
**Location:** Troop H, Chambersburg Station, 679 Franklin Farms Lane, Chambersburg, PA 17201  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952



### Medical Services

**OAGCLD8172** Provide medical examinations and tests outlined in bid specifications, Part I through Part V for new applicants and/or employees.

**Department:** Attorney General  
**Location:** Pittsburgh (must be within 25 miles, North)  
**Duration:** 3 years July 1, 2002 - June 30, 2005 with two 1-yr. option to extend.  
**Contact:** Tammy Gutshall (717) 787-4745

**OAGCLD8066** Provide medical examinations and tests outlined in bid specifications, Part I through Part V for new applicants and/or employees.

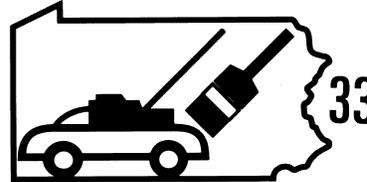
**Department:** Attorney General  
**Location:** Philadelphia (must be within 25 miles)  
**Duration:** 3 years July 1, 2002 - June 30, 2005 with two 1-yr. option to extend.  
**Contact:** Tammy Gutshall (717) 787-4745

**OAGCLD8173** Provide medical examinations and tests outlined in bid specifications, Part I through Part V for new applicants and/or employees.

**Department:** Attorney General  
**Location:** Harrisburg (must be within 25 miles of downtown HBG)  
**Duration:** 3 years July 1, 2002 - June 30, 2005 with two 1-yr. option to extend.  
**Contact:** Tammy Gutshall (717) 787-4745

**LBLA 1287** Lateral rotation air therapy mattresses. Fax requests for bid package to (570) 372-5675.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, 1000 US Highway 522, Selinsgrove, PA 17870  
**Contact:** Arletta K. Ney (570) 372-5670



### Property Maintenance

**Bid #8515** Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Mercer Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Mercer Station, 826 Franklin Road, Mercer, PA 16137  
**Duration:** 11/1/02 to 6/30/05  
**Contact:** Donna Enders (717) 705-5951

**Bid #8519** Furnish all labor, materials & equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Punxsutawney Liquor Control Enforcement facility. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Punxsutawney Liquor Control Enforcement, 305 Sutton Street, Punxsutawney, PA 15767-0497  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8518** Furnish all labor, materials & equipment to remove snow, salting & cindering from the driveways and parking areas, as required at the PA State Police, Hazleton Aviation facility. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Hazleton Aviation Patrol Unit II, Hazleton Municipal Airport, Hazleton, PA 18201  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8516** Furnish all labor, materials & equipment to remove snow, salting & cindering from the driveways and parking areas, as required at the PA State Police, Ephrata Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Ephrata Station, 21 Springhouse Road, Ephrata, PA 17522  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8517** Furnish all labor, materials & equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, York Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** York Station, 110 North Street, York, PA 17403  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8514** Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Greensburg Headquarters & Crime Lab. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

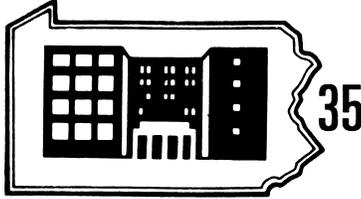
**Department:** State Police  
**Location:** Greensburg Headquarters & Crime Lab, 100 North Westmoreland Avenue, Greensburg, PA 15601-0436  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951

**Bid #8512** Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, Bedford Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Bedford Station, 10565 Lincoln Highway, Everett, PA 15537-7047  
**Duration:** 11/1/02 to 6/30/05  
**Contact:** Donna Enders (717) 705-5951

**Bid #8513** Furnish all labor, materials and equipment to remove snow, salting & cindering from the sidewalks, driveways and parking areas, as required at the PA State Police, DuBois Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** DuBois Station, 101 Preston Way, Falls Creek, PA 15840  
**Duration:** 11/1/02 to 6/30/04  
**Contact:** Donna Enders (717) 705-5951



### Real Estate Services

**93405** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Agriculture with 5,053 useable square feet of office space in Crawford County, PA. with minimum parking for 22 vehicles. The offered space must be located within the City of Meadville or within the Townships of Vernon and West Mead. Downtown locations will be considered. For more information on SFP #93405 which is due on May 20, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Agriculture  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396

**93410** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Revenue with 2,900 useable square feet of office space in McKean County, PA. with minimum parking for 16 vehicles. The offered space must be located within the City of Bradford. Downtown locations will be considered. For more information on SFP #93410 which is due on May 28, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Revenue  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396

**93389** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 10,533 useable square feet of office space in parts of Delaware or Montgomery Counties, PA. with a minimum parking for forty (40) vehicles. Downtown locations will be considered. For more information on SFP #93389 which is due on May 6, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

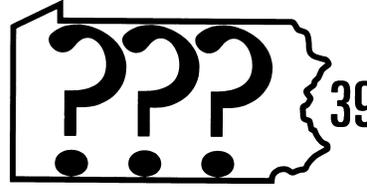
**Department:** Labor and Industry  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Jennings Ward (717) 787-7412

**93390** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Labor and Industry with 9,782 useable square feet of Office space in York County, PA. with a minimum parking for forty (40) vehicles, within Springettsbury Township. Downtown locations will be considered. For more information on SFP #93390 which is due on April 29, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Labor and Industry  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** Jennings Ward (717) 787-7412

**93402** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Revenue with 2,900 useable square feet of office space in Washington County, PA. with minimum parking for 11 vehicles. The offered space must be located within the City of Washington. Downtown locations will be considered. For more information on SFP #93402 which is due on May 20, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Revenue  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396



### Miscellaneous

**040155a** The Pennsylvania Department of Transportation District 4-0 requires the planting of evergreens, ornamental trees, the preparation and planting of shrub beds and grass seeding at a parking area adjacent to the Nicholson Viaduct, Wyoming County. Specifications may be obtained from the District Roadside Unit by faxing your request to (570) 963-4245 Attn: Roadside Unit or by phoning (570) 963-4048 between the hours of 8 am and 4 pm Monday thru Friday.

**Department:** Transportation  
**Location:** Parking area adjacent to the Nicholson Viaduct, Route 11, Wyoming County.  
**Duration:** 18 months  
**Contact:** Martha Spaide (570) 963-4048

**CIV01/02-23** Provide copying service of medical and employment records for categories specified in bid specifications.

**Department:** Attorney General  
**Location:** Statewide  
**Duration:** Two year contract 7/1/02-6/30/04 with one 1-yr. option to extend.  
**Contact:** Jean M. Kreiser (717) 783-2369

**351600002** Contractor to supply bottled water to residences in the Petrolia Water Authority service area. Also to residences outside the area as determined by the Dept. Contractor will also supply bulk potable water to five businesses in Petrolia Borough and a public school in Bruin Borough if needed. Contractor will provide appropriate tanks and plumbing to deliver bulk water to designated buildings. A mandatory pre-bid meeting will be held at a time and place to be specified.

**Department:** Environmental Protection  
**Location:** Petrolia Borough, Butler County, Pennsylvania  
**Date contract is fully executed to June 30, 2002 with an option to extend the contract without bid for four (4) succeeding years.**  
**Contact:** Doug Higby (814) 332-6816

**APR #407019** The contractor shall furnish the necessary labor & materials to have the storm drains on the east end of the State St. Bridge replaced in order to stop excessive rain water from entering the sub-structure and causing further damage to the stored materials.

**Department:** General Services  
**Location:** Bur. of Maintenance Management, State Street Bridge East end, Harrisburg, PA 17125  
**Duration:** April 15, 2002 thru June 30, 2002  
**Contact:** William Myers (717) 787-5412

**pda395** The State Farm Show Commission is requesting a vendor to supply all labor, materials and expertise to design, produce and sell scale model farm implements and other scale model machinery commemorating the 2003 Farm Show to be held January 11 to 18, 2003. The vendor will pay a commission for the right to sell these items.

**Department:** Agriculture  
**Location:** Harrisburg, PA  
**Duration:** 7-1-02 to 6-30-03 with four one year options to renew.  
**Contact:** Mike Mesaris (717) 787-5674

**P43000** Printing of full size plans using state of the art analog and digital equipment. Reproduce Highway Letting Plans from an original plan sheet of 22" x 36" to 22" x 36". Plan sheets must be copied 5 to 25 times. A set of plans may include 300 to 2000 sheets. Originals may be Mylar, vellum, CD ROM disk, or regular bond paper. Price per set of plans includes 2 fasteners on the 22" side, collating, wrapping suitable for mailing, labeling, pick-up and delivery. Original plans must be insured at replacement costs applicable at time of pick-up and the carrier bonded. Original plans may be picked up at the 7th floor Reproduction Room located at 400 North Street, Harrisburg, PA and returned there with completion of reproduction work. Delivery of reproduction work is to be within 48 hours of receipt of pick-up. Reproduced Plans will be delivered to the Sales Store, 5th Floor, 400 North Street Harrisburg, PA. Delivery hours are between 8 a.m. and 2 p.m.

**Department:** Transportation  
**Location:** Bureau of Design, 400 North St., 7th Floor, Harrisburg, PA 17120  
**Duration:** This will be a one-year contract with one-year renewal options for a total of four such renewals  
**Contact:** Nancy Baker (717) 787-3311

[Pa.B. Doc. No. 02-558. Filed for public inspection April 5, 2002, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
2805-01 rip#1	03/20/02	Five Star International	\$ 50,000.00	5610-49	03/15/02	Fl-Hoff Concrete	400,000.00
2805-01 rip#1	03/20/02	Sunbury Motor	50,000.00	5610-49	03/15/02	Frank Casillio & Sons	350,000.00
5610-15 sup#4	03/20/02	Neville Aggregates	400,000.00	5610-49	03/15/02	Glenn Sand & Gravel/ Glenn Redi-Mix	250,000.00
5610-15 sup#4	03/20/02	Valley Forge	400,000.00	5610-49	03/15/02	H. B. Mellott Estate	300,000.00
5610-15 sup#4	03/20/02	Jamestown Macadam	400,000.00	5610-49	03/15/02	Hempt Brothers	300,000.00
5610-15 sup#4	03/20/02	Dushore Materials/ div Haines & Kibblehouse	400,000.00	5610-49	03/15/02	Hoys Construction	250,000.00
5610-15 sup#4	03/20/02	E. R. Lindy Construction/ Leeward Quarry	400,000.00	5610-49	03/15/02	J. D. M. Materials	300,000.00
5610-15 sup#4	03/20/02	Chestnut Ridge Sand/ div Haines & Kibblehouse	400,000.00	5610-49	03/15/02	J. J. Kennedy	400,000.00
5610-49	03/15/02	Allegheny Concrete	300,000.00	5610-49	03/15/02	James W. Quandel & Sons	300,000.00
5610-49	03/15/02	Arrow Concrete	400,000.00	5610-49	03/15/02	John H. Boger & Sons	350,000.00
5610-49	03/15/02	Beaver Concrete	400,000.00	5610-49	03/15/02	Judson Wiley & Sons	350,000.00
5610-49	03/15/02	Berks Products	300,000.00	5610-49	03/15/02	Juniata Concrete	350,000.00
5610-49	03/15/02	Carbondale Concrete	300,000.00	5610-49	03/15/02	LER Concrete Products	300,000.00
5610-49	03/15/02	Castle Builders Supply	300,000.00	5610-49	03/15/02	Little Lise/ Wayne Concrete	250,000.00
5610-49	03/15/02	Central Builders Supply	400,000.00	5610-49	03/15/02	Marion Center Supply	350,000.00
5610-49	03/15/02	Centre Concrete	400,000.00	5610-49	03/15/02	Martin Limestone/ dba New Holland Concrete	350,000.00
5610-49	03/15/02	Coon Industries	400,000.00	5610-49	03/15/02	Masters RMC	400,000.00
5610-49	03/15/02	Cumberland Concrete	400,000.00	5610-49	03/15/02	Meadville Redi Mix Concrete	300,000.00
5610-49	03/15/02	DePaul Concrete	200,000.00	5610-49	03/15/02	New Enterprise Stone & Lime	400,000.00
5610-49	03/15/02	DuBrook	400,000.00	5610-49	03/15/02	Pennsy Supply	300,000.00
5610-49	03/15/02	Earl M Brown	400,000.00	5610-49	03/15/02	Pocono Transcrete	400,000.00
5610-49	03/15/02	Eastern Industries West	300,000.00	5610-49	03/15/02	Porters Concrete	400,000.00
				5610-49	03/15/02	Prospect Concrete	250,000.00
				5610-49	03/15/02	R. W. Sidley	200,000.00

## STATE CONTRACTS INFORMATION

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Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5610-49	03/15/02	Ready Mix Concrete/ Lancaster	250,000.00	5710-01	04/01/02	JMG Enter- prises	286,700.00
5610-49	03/15/02	Schiffer Excavating/ Franklin Concrete	400,000.00	5710-01	04/01/02	Koch Materi- als	1,659,866.40
5610-49	03/15/02	Scranton Craftsmen	250,000.00	5710-01	04/01/02	Marathon Asland Pe- troleum	4,931,949.50
5610-49	03/15/02	Serv-All Con- crete	350,000.00	5710-01	04/01/02	Russell Stan- dard	240,983.00
5610-49	03/15/02	State Aggre- gates	400,000.00	5710-01	04/01/02	Suit-Kote	4,215,614.90
5610-49	03/15/02	Susquehanna Supply	400,000.00	5710-01	04/01/02	T D P S Mate- rials	20,000.00
5610-49	03/15/02	T. C. Redi Mix/New Castle	400,000.00	5710-01	04/01/02	Vestal Asphalt	167,202.00
5610-49	03/15/02	Thompson & Montgomery	350,000.00	5710-01	04/01/02	Warden As- phalt	596,292.58
5610-49	03/15/02	Trenton Group/ Hanover Concrete	400,000.00	5710-01	04/01/02	Whitaker Roads	567,740.66
5610-49	03/15/02	Trenton Group/ Shrewsbury Concrete	400,000.00	5810-03 sup#11	03/27/02	Ciber	5,000.00
5610-49	03/15/02	Union Quar- ries	250,000.00	5810-03 sup#11	03/27/02	Erdas	5,000.00
5610-49	03/15/02	Valley Quar- ries	350,000.00	5810-03 sup#11	03/27/02	Knowledgeplanet	20,000.00
5610-49	03/15/02	W. H. Stone	400,000.00	5810-03 sup#11	03/27/02	Monette Infor- mation Sys- tems	10,000.00
5610-49	03/15/02	Wades Coal &Concrete	400,000.00	5810-03 sup#11	03/27/02	Seebeyond Technology	5,000.00
5610-49	03/15/02	Wayne County Ready Mic Concrete	250,000.00	5810-03 sup#11	03/27/02	Sybase	5,000.00
5610-49	03/15/02	Wine Concrete	400,000.00	5810-03 sup#11	03/27/02	Unisys	15,000.00
5610-49	03/15/02	Wolyniec Construction/J & F Ready Mixed Con- crete	350,000.00	5810-03 sup#11	03/27/02	Young Oppor- tunities	25,000.00
5710-01	04/01/02	Central As- phalt	386,375.00	5820-01 sup#2	03/22/02	Hitachi	10,000.00
5710-01	04/01/02	Daniel B Krieg	120,000.00	5820-01 sup#2	03/22/02	Visual Sound	100,000.00
5710-01	04/01/02	Dosch King Emulsions	11,000.00	7105-05 rip& sup#1	03/21/02	American Furniture/ American of Martinville	100,000.00
5710-01	04/01/02	Eastern Indus- tries	100,000.00	7105-05 rip & sup#1	03/21/02	Biofit Engi- neered Prod- ucts	50,000.00
5710-01	04/01/02	Highway Ma- terials	140,000.00	7105-05 rip & sup#1	03/21/02	Butler Woodcrafters	100,000.00
				7105-05 rip & sup#1	03/21/02	Canadian Atlas/CAF Contract Seating	50,000.00
				7105-05 rip & sup#1	03/21/02	Concept Seat- ing	50,000.00
				7105-05 rip & sup#1	03/21/02	DMI Furniture	50,000.00

## STATE CONTRACTS INFORMATION

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
7105-05 rip & sup#1	03/21/02	David Edward	100,000.00	7520-10	03/04/02	Pyramid School Products	20,286.00
7105-05 rip & sup#1	03/21/02	Desaussure Equipment/ Maywood Furniture	100,000.00	7810-01	02/28/02	Anthony F Ramondo & Son	42,500.00
7105-05 rip & sup#1	03/21/02	ERG International	50,000.00	7810-01	02/28/02	Bear of Pennsylvania	42,500.00
7105-05 rip & sup#1	03/21/02	Environmental Interiors	100,000.00	7810-01	02/28/02	Bitting Recreation	42,500.00
7105-05 rip & sup#1	03/21/02	Epic Furniture Group	50,000.00	7810-01	02/28/02	BJM Industries	42,500.00
7105-05 rip & sup#1	03/21/02	ISE	50,000.00	7810-01	02/28/02	General Recreation	42,500.00
7105-05 rip & sup#1	03/21/02	J. P. Jay Associates	100,000.00	7810-01	02/28/02	George Ely Associates	42,500.00
7105-05 rip & sup#1	03/21/02	JSJ Seating/ Superior Seating	100,000.00	7810-01	02/28/02	Jamestown Advanced Products	42,500.00
7105-05 rip & sup#1	03/21/02	Jaspar Chair	50,000.00	7810-01	02/28/02	Kettle Creek/ Windsor Barrel	42,500.00
7105-05 rip & sup#1	03/21/02	Jaspar Desk	50,000.00	7810-01	02/28/02	Kompan	42,500.00
7105-05 rip & sup#1	03/21/02	LBM/Lizell	100,000.00	7810-01	02/28/02	Lawn & Golf Supply	42,500.00
7105-05 rip & sup#1	03/21/02	Mastercraft Specialties	100,000.00	7810-01	02/28/02	Litchfield Industries	42,500.00
7105-05 rip & sup#1	03/21/02	The New This End Up Furniture	100,000.00	7810-01	02/28/02	Little Tikes Commercial Play Systems	42,500.00
7105-05 rip & sup#1	03/21/02	Tract International	50,000.00	7810-01	02/28/02	Mary Ann Susik/Mas Supply	42,500.00
7105-05 rip & sup#1	03/21/02	Transamerican Office Furniture	550,000.00	7810-01	02/28/02	Miracle Recreation/ Mid Atlantic Park & Playground	42,500.00
7105-05 rip & sup#1	03/21/02	Ulysses Woodcraft	50,000.00	7810-01	02/28/02	Playworld Systems	42,500.00
7105-05 rip & sup#1	03/21/02	World Designs	100,000.00	7810-01	02/28/02	Progressive Products & Materials	42,500.00
7490-03	04/01/02	Mailing Systems	10,000.00	7810-01	02/28/02	Recreation Resource	42,500.00
7490-03	04/01/02	Moore of North America	10,000.00	7810-01	02/28/02	R. J. Thomas	42,500.00
7490-03	04/01/02	Neopost	5,000.00	7810-01	02/28/02	Sofsurfaces	42,500.00
7490-03	04/01/02	Pitney Bowes	10,000.00	7810-01	02/28/02	Speciality Plastics	42,500.00
7490-03	04/01/02	Priority Systems	50,000.00	7810-01	02/28/02	Spectra Turf	42,500.00
7490-03	04/01/02	Transamerican Office Furniture	10,000.00	7810-01	02/28/02	Sportime	42,500.00
7520-10	03/04/02	Adolph Sufrin	120,532.00	7810-01	02/28/02	Wabash Valley	42,500.00

## STATE CONTRACTS INFORMATION

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Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
9550-10	03/22/02	Franklin Industries	116,118.85	9985-15 sup#3	03/13/02	Acurid Commercial Services/Orkin	50,000.00
9550-10	03/22/02	Garden State Highway Products	15,967.90	9985-15 sup#3	03/13/02	Pest Solutions	50,000.00
9550-10	03/22/02	Sigma Industries	85,825.00	1230181-01	03/26/02	Mail-Well Envelope	41,790.00
9905-04	04/01/02	3M TCM	23,995.16	8141880-01	03/26/02	W L Dunn Construction	38,341.16
9905-04	04/01/02	Avery Dennison/Stimsonite	40,242.50	8251140-01	03/26/02	Tenco USA	455,334.00
9905-06	04/01/02	3M	277,115.36	8251300-01	03/26/02	Ralph A Mattioli	42,898.00
9905-06	04/01/02	Avery Dennison	1,666.91	8251560-01	03/26/02	J & J Truck	56,962.00
9905-06	04/01/02	Hershey Paper	4,125.00	8260120-01	03/26/02	AWS Remediation	557,433.00
9985-12	03/15/02	Capitol Wire	100,000.00				

KELLY POWELL LOGAN,  
Secretary

[Pa.B. Doc. No. 02-559. Filed for public inspection April 5, 2002, 9:00 a.m.]

