

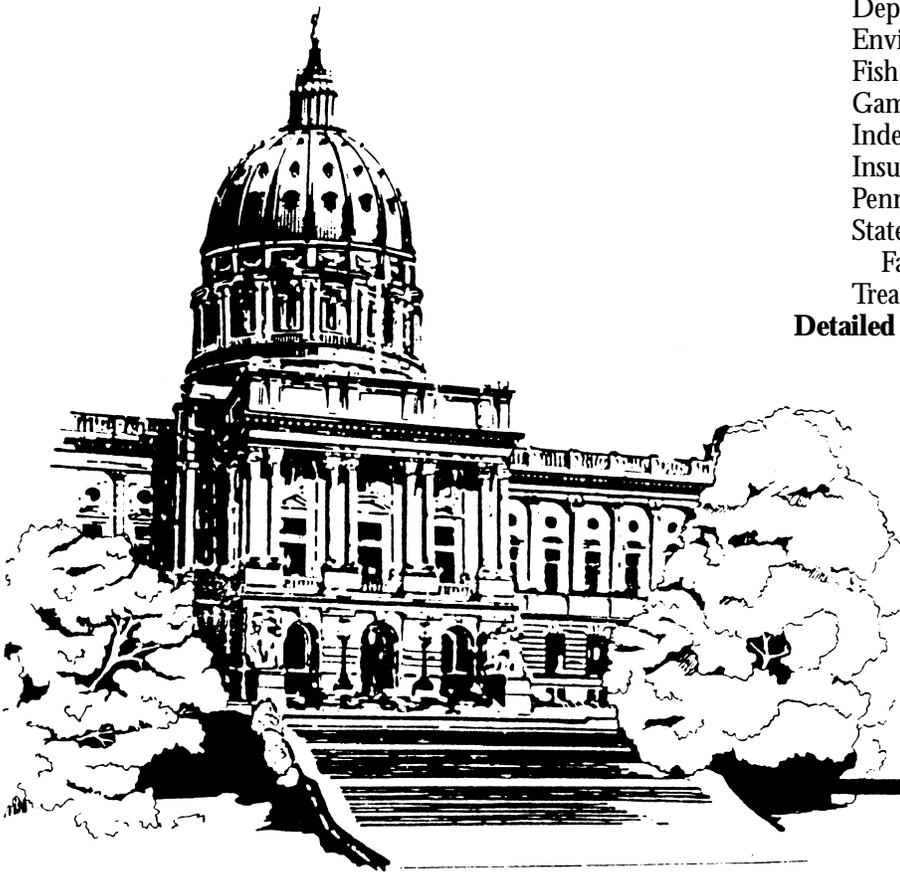
# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Labor and Industry  
Department of Revenue  
Department of State  
Environmental Hearing Board  
Fish and Boat Commission  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors  
Treasury Department

**Detailed list of contents appears inside.**



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**No. 336, November 2002**

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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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# THE GENERAL ASSEMBLY

## Cost-of-Living Factor under the Public Official Compensation Law

Under Section 4(d) of the Public Official Compensation Law (65 P. S. § 366.4(d)), for the 12-month period beginning December 1, 2002, through November 30, 2003, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 2001, through October 31, 2002.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

CPI-U for November 1, 2001, through October 31, 2002, cumulative percentage change—1.5856%.

New salary amount—\$64,638.05.

Under Section 4(d.1) of the Public Official Compensation Law (65 P. S. § 366.4(d)), for the 12-month period beginning December 1, 2001, through November 30, 2002, the additional compensation of the officers and the leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 2001, through October 31, 2002.

The percentage increase and the new compensation amounts have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

<i>Leadership Position</i>	<i>Increase</i>	<i>New Compensation</i>
Speaker/President pro tempore	1.5856%	36,266.07
Majority Floor Leader	1.5856%	29,014.23
Minority Floor Leader	1.5856%	29,014.23
Majority Whip	1.5856%	22,019.57
Minority Whip	1.5856%	22,019.57
Majority Caucus Chairman	1.5856%	13,729.40
Minority Caucus Chairman	1.5856%	13,729.40
Appropriations Chairman	1.5856%	22,019.57
Minority Appropriations Chairman	1.5856%	22,019.57
Majority Caucus Secretary	1.5856%	9,067.21
Minority Caucus Secretary	1.5856%	9,067.21
Majority Caucus Policy Chairman	1.5856%	9,067.21
Minority Caucus Policy Chairman	1.5856%	9,067.21
Majority Caucus Administrator	1.5856%	9,067.21
Minority Caucus Administrator	1.5856%	9,067.21

W. RUSSELL FABER,  
*Chief Clerk  
Senate of Pennsylvania*  
TED MAZIA,  
*Chief Clerk  
House of Representatives*

[Pa.B. Doc. No. 02-2135. Filed for public inspection November 27, 2002, 9:00 a.m.]

# THE COURTS

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[246 PA. CODE CH. 100]

#### Proposed Amendment to Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to provide for the use of a facsimile or preprinted seal in lieu of an original seal, to make other minor technical changes, and to add an official Committee Note to the Rule. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

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

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

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us)  
no later than Monday, January 6, 2003.

By the Minor Court Rules Committee:

THOMAS E. MARTIN, Jr.,  
*Chair*

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF DISTRICT JUSTICES

##### Rule 111. Seal.

A. Each magisterial district shall have and use a seal, which shall be in the custody of the district justice elected or appointed for **[such]** the magisterial district. The official acts of **[said]** the district justice shall be authenticated therewith. There shall be engraved on **[such]** the seal the same device as is engraved on the great seal of the State, and the words "Commonwealth of Pennsylvania," the name of the county, the number of the magisterial district, and the words "District Justice."

**B. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.**

*Official Note:* This rule was amended in 2002 to provide for the use of a facsimile or preprinted seal in lieu of an original seal. See 42 Pa.C.S. § 1512.

Adopted Nov. 28, 1969, effective Jan. 1, 1970[. **Amended**]; **amended** June 30, 1982, effective 30 days after July 17, 1982; **amended and Note added** \_\_\_\_\_, effective \_\_\_\_\_.

#### REPORT

*Proposed Amendment to Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices*

#### FACSIMILE SEAL

##### I. Background

The Committee reviewed Rule 111 at the request of the Special Court Judges Association of Pennsylvania (SCJAP) and in response to the passage of Act 2002-86.<sup>1</sup> Act 86, inter alia, amended Section 1512 of the Judicial Code, 42 Pa.C.S. § 1512, to provide for the use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice.

In 2001, the SCJAP had contacted the Committee and suggested that Rule 111 of the Rules and Standards with Respect to Offices of District Justices be amended to provide for the use of a facsimile seal on documents produced by the District Justice Automated System (DJS), similar to the automated facsimile signature provided for in Rule 113. The SCJAP noted that facsimile or preprinted seals are routinely used on documents originating in the courts of common pleas. In addition, the SCJAP asserted that the use of a facsimile seal would increase the efficiency of the district justice courts and would save money by reducing the number of costly engraved seals needed in the courts. While the Committee saw merit in the SCJAP's suggestion, the Committee, at that time, declined to propose such an amendment to Rule 111 because the statutory scheme relating to judicial seals did not appear to allow the use of a facsimile seal at the district justice level.

Specifically, the Committee noted that district justice seals are governed by statute, Section 1512 of the Judicial Code, 42 Pa.C.S. § 1512 (Seal), and by court rule, Rule 111 of the Rules and Standards with Respect to Offices of District Justices (Seal). Section 1512, at that time, stated, "[e]ach magisterial district shall have a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of the district justice shall be authenticated therewith. There shall be engraved on the seal such inscription as may be specified by general rule." 42 Pa.C.S. § 1512 (West 1981) (emphasis added).

Rule 111 is based on the statute and, as currently written, states:

Each magisterial district shall have and use a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of said district justice shall be authenticated therewith. There shall be engraved on such seal the same device as is engraved on the great seal of the State, and the words "Commonwealth of Pennsylvania," the name of the county, the number of the magisterial district, and the words "District Justice."

<sup>1</sup>The Act of June 28, 2002 (P. L. 518, No. 86, § 1) (hereinafter Act 86).

Rule 111 of the Rules and Standards with Respect to Offices of District Justices (emphasis added).

The Committee believed that the use of the word "engraved" in both the statute and the rule suggested that the legislature and the Supreme Court contemplated the use of an engraved, embossed seal.

As noted above, however, the legislature subsequently amended Section 1512 by adding the language, "[a] facsimile or preprinted seal may be used for all purposes in lieu of the original seal." 42 Pa.C.S. § 1512, as amended by Act 86.

Accordingly, the Committee now proposes that Rule 111 be amended to provide for the use of a facsimile or preprinted seal in lieu of an original seal.

## II. Discussion of Proposed Rule Changes

To provide for the use of a facsimile or preprinted seal, the Committee proposes that Rule 111 be divided in two subdivisions. Subdivision A would contain the existing language of the rule, with only minor editorial changes. A new subdivision B would incorporate into the Rule the language from Section 1512 allowing the use of the facsimile or preprinted seal. Finally, the Committee proposes the addition of an official Committee Note to the Rule to explain the 2002 amendment and to cross-reference Section 1512.

[Pa.B. Doc. No. 02-2136. Filed for public inspection November 27, 2002, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## ADAMS COUNTY

### Local Rules of Court; Administrative Order No. 36 of 2002

#### Order of Court

*And Now*, this 13th day of November, 2002, Adams County Civil Rules 1920(c) and 1920(d) are amended as follows and Criminal Rules 590, 590.1, 590.2, 704 and 704.1 are added. This Order and the following Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* or January 1, 2003, whichever is later. The following Rules shall continuously be available for inspection in the offices of Prothonotary and Clerk of Courts of this Court. Copies may be purchased at the Prothonotary's Office for \$3.00. If the Prothonotary mails the copy, the cost will be \$6.00. Certified copies in the numbers listed shall be provided as follows:

1. Ten to the Administrative Office, Pennsylvania Courts.
2. Two to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. In addition, a 3.5 computer disk with the rules therein shall be provided that office.
3. One each to Civil Procedural Rules Committee, Criminal Procedural Rules Committee, and Domestic Relations Committee.

*By the Court*

JOHN D. KUHN,  
*President Judge*

### Rule 1920(c). Appointment and Compensation of Master.

Rule 1920(c) When a case is at issue and all discovery relating to issues to be submitted has been completed, a party may move for the appointment of a master. The motion shall, under Pa.R.C.P. 1920.74, in item (7) state that notice of the filing of the motion is being given concurrently to opposing attorney/pro se party and list the names of local attorneys who may be interested in the case, or contain a statement that no local attorneys are known to be interested. The Court will appoint a Master to hear the issues set forth in the Motion. The Master shall be compensated at an hourly rate that will be periodically set by administrative order. No motion shall be considered unless there has been deposited with the Prothonotary the sum of \$500.00.

### Rule 1920(d). Procedure Prior to Master's Hearing.

Rule 1920(d) The Master will conduct a pre hearing conference with the attorneys/pro se party. The Master may direct that the attorneys make arrangements for their respective clients to be available to communicate by phone or some other means with the attorneys during the conference. The Master may establish such deadlines for the completion of additional discovery and other matters as may be necessary for the orderly completion of the proceedings. The Master may direct that additional deposits be made by a date certain by one party or by both parties with apportionment as indicated by the Master. In the event of non-compliance, the Master may petition the Court for relief, requesting appropriate sanctions as well as vacation of the Master's appointment. Any party aggrieved by the Master's establishment of deadlines or direction regarding additional deposits may petition the Court for relief. Petitions for relief fined by a party or the Master shall proceed according to Local Rule 206, provided that the response date to a rule issued shall be 10 days rather than 20 days.

### Rule 590. Pleas and Plea Agreements.

(1) The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator on a day(s) which shall be designated as "Plea Day" on the Court Calendar. The day(s) selected shall be at least ten (10) days before the respective trial term.

(2) At the conclusion of each Plea Day, all cases which have not been resolved shall be called by the Commonwealth in open court in a courtroom to be designated. Once the list of remaining cases is called, the Court will not accept any plea for a case on that criminal list unless said plea is to all charges and without agreement as to sentencing. The Court may waive this prohibition against late plea agreements for good cause as the interests of justice require. In the event the Court does find good cause and agrees to take the negotiated plea, such plea may be taken at that time or the case may be continued by the Court for the plea to be taken at another date as the Court may direct.

(3) Requests for continuances should normally be made on Plea Day. If, after the conclusion of Plea Day, either party becomes aware of circumstances justifying a continuance, a request should be filed with the Court and all parties in writing prior to close of business on the Wednesday preceding criminal trial week. The motion shall set forth whether the other parties concur with or oppose the relief requested.

(4)(a) All defendants and all attorneys representing defendants on a respective plea day must attend the call of the criminal list unless:

(i) the case has previously been resolved through plea or other disposition; or

(ii) a date certain has been scheduled for the entry of a plea; or

(iii) a motion for a continuance has been previously presented and granted; or

(iv) the defendant and/or counsel and the District Attorney's Office have agreed that the defendant and/or counsel may be excused from the call of the list.

(b) Failure to comply with the requirements of paragraph 4(a) may result in the imposition of sanctions by the Court including the issuance of a bench warrant and revocation of bail bond.

(5) The Court shall state in open court at the commencement of Plea Day and again in open court after concluding the calling of the criminal trial list that, pursuant to Local Rule 590, Plea Day is the last day during which the Court will accept negotiated pleas of guilty or nolo contendere and, thereafter, a party will be required to go to trial during the following trial term or plead guilty as charged.

(6) By the close of business on the Thursday preceding the criminal trial term, the District Attorney's Office shall provide a copy of the trial schedule to the Court Administrator and the Clerk of Courts Office. The Clerk shall, thereafter, post the schedule. If the trial list is longer than the number of court days available, the Commonwealth shall prioritize the list taking into account Pennsylvania Rule of Criminal Procedure 600. Any cases which have not been set for a specific trial date shall remain on a standby list and may proceed to trial in the event a trial date becomes available. At the conclusion of jury selection for all cases scheduled during a trial term, any remaining cases which cannot be heard due to unavailability of trial days shall be continued by the Court to the following trial term for disposition. Such cases, if not resolved prior thereto, shall receive priority in scheduling during the following trial term. The Court, at all times, reserves the right to set the trial schedule.

(7) If a defendant is represented by counsel and desires to tender a guilty or nolo contendere plea, a Guilty/Nolo Contendere Plea Colloquy substantially in the form set forth in Rule 590.1 shall be completed. The Colloquy shall be executed by the defendant and his counsel and filed with the Clerk of Courts prior to entry of the plea.

(8) When the parties have arrived at a plea agreement, they shall state on the record in open Court and in the presence of the Defendant, the terms of the agreement. The agreement will be confirmed in writing substantially in the form set forth in Rule 590.2 and presented to the Court prior to the entry of any plea. At a minimum, the written agreement must contain ALL terms of the agreement and must be executed by the Commonwealth, the Defendant and Defendant's counsel, if any. Nothing in this Rule will prevent the Judge from ordering for good cause shown and with the consent of all parties and counsel, that specific conditions in the agreement be placed on the record in camera and the record sealed.

*Comment:* Orderly scheduling of jury trials and regard for the convenience of jurors shall be important factors in determining the interests of justice under Pa. R. Crim. P. 106. In order that a trial schedule may be prepared and

announced in accordance with this Rule, requests for continuance ordinarily should be made no later than immediately after the trial list is announced for that particular term. In those instances where witness unavailability or other unforeseeable need arises requiring a continuance subsequent to the call of the trial list, a request for continuance should be made prior to the close of business on the Wednesday preceding the criminal trial term.

Although motions for continuance will obviously be governed by the state rule, the local rule is intended to express Court policy that a definite trial schedule published in advance of trial will reduce inconvenience to the Court, the parties, witnesses and jurors. Timeliness measured from promulgation of the trial list is an important consideration in the decision to grant or deny a continuance request. It is expected that all counsel will act with reasonable diligence and promptness in determining whether a case is ready for trial and that counsel shall be in a position to make that determination, at the latest, on the Wednesday prior to trial.

It is noted that the Court calendar will generally schedule at least two (2) plea days prior to each criminal trial term. The intent of this rule is that each plea day shall be a separate and distinct day concerning applicability of the time limits of this rule and continuances from one plea day to another to avoid the intent of this rule will generally not be granted by the Court except as the interests of justice otherwise require.

#### **Rule 590.1. Form of Plea Colloquy.**

Written Plea Colloquies required by Rule 590 shall substantially be in the following form:

#### **GUILTY PLEA COLLOQUY INSTRUCTIONS**

TO DEFENDANT:

If you choose to plead guilty or nolo contendere, this Guilty Plea Colloquy should be completed by you. By pleading guilty, you are agreeing and admitting that you committed each of the elements of the crimes. By pleading nolo contendere, you are stating that you do not contest the fact that the Commonwealth can prove you committed the crimes. In criminal law, a plea of nolo contendere has the same effect for sentencing purposes as pleading guilty and, therefore, everything contained in this Guilty Plea Colloquy also applies to a plea of nolo contendere. You should read this document carefully and review it with your lawyer. It is IMPORTANT that you understand, agree with and answer truthfully everything contained in this Guilty Plea Colloquy. If you understand and agree with what is said in a paragraph of this document, place your initials on the line provided. If you do not understand or agree with what is said in a paragraph, DO NOT place your initials on the line provided, and you should tell the judge what you do not agree with or understand.

TO THE DEFENDANT'S LAWYER:

You must explain the content and meaning of this Guilty Plea Colloquy Statement to the defendant. If, after your explanation, the defendant does not understand or agree with something, he/she should not initial that paragraph and you must inform the judge of this fact. If the defendant does not speak, understand, read or write the English language or suffers from some physical, emotional or mental problem or is under the influence of



—that I do not have to testify or present any evidence and no one can force me to do so. If I choose not to testify or present any evidence, that cannot be used or held against me. However, if I want to testify and present evidence and witnesses, I may do so.

—I have the right to call witnesses and present evidence including, but not limited to, evidence that I didn't commit the crime charged; that I have an alibi; that there is a mistaken identity; that an insanity defense exists; that my acts were justified or there is other lawful excuse for my acts.

#### **Motions Before Trial**

\_\_\_ 5. I understand, and my lawyer has explained to me, that before I enter a plea of guilty, or before my trial begins:

—I can file motions to ensure that I get a fair trial. These motions may include, but are not limited to, a motion to prevent the Commonwealth from presenting improperly obtained evidence at my trial including any statements that I may have made, test results, identifications and items taken from me or from some place or thing. If I file such a motion, the Commonwealth has the burden of proving that this evidence can be presented at my trial.

—I can file a motion to have the crimes charged dismissed if my trial was not started within three hundred sixty-five (365) days after the date that the criminal complaint was filed against me, not counting any delays caused by me or my lawyer and, if the judge grants my motion, the Commonwealth cannot charge me with those crimes again.

\_\_\_ 6. I understand, and my lawyer has explained to me, that by pleading guilty, I am giving up my right to file any of these pre-trial motions. If I did file any motions that have not yet been decided, by pleading guilty or nolo contendere, I am now giving up the right to have the Court rule on them. If the Court granted any motions filed by the Commonwealth or denied any motions filed by me, by pleading guilty or nolo contendere, I am giving up or losing my right to appeal the judge's decision to a higher court and I can never again raise any of the issues stated in these motions before any court.

#### **Effect of Plea**

\_\_\_ 7. I understand, and my lawyer has explained to me, that if I plead guilty or nolo contendere to any of these charges:

—If I am pleading guilty, I understand that I am agreeing and admitting that I committed each element of these crimes. If I am pleading nolo contendere, I am not contesting that I committed each element of these crimes and I agree that the Commonwealth can prove that I committed each element of these crimes beyond a reasonable doubt. My pleas of guilty or nolo contendere will have the same effect as if I had a trial and was convicted of the crimes to which I have pled guilty or nolo contendere.

—If I was on probation, intermediate punishment, or parole at the time the crimes to which I am pleading guilty or nolo contendere were committed, my pleas in this case mean that I have violated probation/intermediate punishment/parole. I understand that if I have violated my probation or intermediate punishment that I can be re-sentenced to jail and if I violate my parole, I may be re-committed to jail to serve the remainder of my sentence(s) without credit for time on parole. I further understand any sentences that I am

required to serve as a result of a probation, intermediate punishment or parole violation may be in addition to any sentence which I may receive as a result of this plea.

\_\_\_ 8. I understand, and my lawyer has explained to me, that the judge is not bound to accept the terms of any plea agreement that I have with the Commonwealth or with anyone else and that the plea agreement is not binding on the Court unless and until it is accepted by the Court. If the judge decides not to accept the plea agreement, I understand that I will be allowed to withdraw or take back my plea of guilty or nolo contendere. I further understand that at any time prior to my sentencing, I may ask the Court for permission to withdraw my plea of guilty or nolo contendere but I must show a fair and just reason for doing so.

#### **Representation by Counsel**

\_\_\_ 9. I have fully discussed this case with my lawyer including the facts and possible defenses I may have to these charges including, but not limited to: that I didn't commit the crimes charged; that I have been misidentified; that I have an alibi (I was someplace else when the crime was committed); that I was justified in committing the act (self-defense, defense of property or others) or that I had a mental disease or defect which made me incapable of knowing what I was doing or, if I did know, I was not capable of judging that the act was wrong (insanity).

\_\_\_ 10. I understand, and my lawyer has explained to me, all the possible defenses I may have to these charges. I am satisfied that my lawyer knows all the facts and law concerning this case. I am fully satisfied with what my lawyer has done for me and what my lawyer is doing for me today concerning this case. I am fully satisfied that my lawyer has not failed to do anything which I have asked him to do nor has done anything of which I didn't approve. I agree that my lawyer has contacted, or attempted to contact, every witness or source of evidence of which I have advised him and that if contact was unsuccessful, I am satisfied that my lawyer has exhausted all possible leads to locate the witness or evidence.

\_\_\_ 11. I am fully satisfied that my lawyer is ready and able to defend me in this case if I do not plead guilty or nolo contendere to these charges.

\_\_\_ 12. I have not been pressured, forced or threatened to enter into this plea by my lawyer and that my lawyer has left the final decision on whether or not to enter this plea to me.

#### **Knowing and Voluntary Plea**

\_\_\_ 13. I have gone to school for \_\_\_\_\_ years. I can read, write, speak and understand the English language.

\_\_\_ 14. I UNDERSTAND, AND MY LAWYER HAS FULLY EXPLAINED TO ME, ALL THE FACTS AND RIGHTS WHICH I HAVE WHICH ARE CONTAINED IN THIS GUILTY PLEA COLLOQUY AND THAT BY PLEADING GUILTY OR NOLO CONTENDERE, I AM GIVING UP OR LOSING ALL OF THESE RIGHTS.

\_\_\_ 15. I do not have any physical, emotional or mental problems which affect my ability to understand what I am doing today or the rights which have been explained to me today and I am not now under the influence of any narcotics, drugs, alcohol or any other substance.

\_\_\_ 16. I have not been pressured, forced or threatened by anyone to plead guilty or nolo contendere to these charges and I have not been promised anything by

anyone in return for pleading guilty or nolo contendere other than the plea agreement, if any, which has been presented to the judge in writing as part of this proceeding.

\_\_\_ 17. I have had enough time to fully discuss my case and my decision to plead guilty or nolo contendere and everything contained in this guilty/nolo contendere plea colloquy with my lawyer and, by placing my initials on all the lines provided, I am saying that I understand, agree with, and answer truthfully everything contained in this guilty plea statement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant (Signature)

\_\_\_\_\_  
Defendant's Name (Printed)

\_\_\_\_\_  
Defendant's Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Defendant's Age      \_\_\_\_\_  
Defendant's D.O.B.

\_\_\_\_\_  
Statement of Defendant's Attorney

I, \_\_\_\_\_, Esquire, Attorney for the Defendant affirm that I have fully advised the defendant of the

CC Number	(Count)	Plea	Offense Gravity Score	Sentence	
CC- -20 ___	( )	_____	_____	_____	Concurrent with: _____ Consecutive to: _____
CC- -20 ___	( )	_____	_____	_____	Concurrent with: _____ Consecutive to: _____
CC- -20 ___	( )	_____	_____	_____	Concurrent with: _____ Consecutive to: _____
CC- -20 ___	( )	_____	_____	_____	Concurrent with: _____ Consecutive to: _____
CC- -20 ___	( )	_____	_____	_____	Concurrent with: _____ Consecutive to: _____
CC- -20 ___	( )	_____	_____	_____	Concurrent with: _____ Consecutive to: _____

(c) The Defendant agrees that:  
 \_\_\_ fines, if any, will be set by the Court up to maximum allowable by law;  
 \_\_\_ the mandatory fine of \_\_\_\_\_ will be imposed;  
 \_\_\_ he/she shall pay a fine in the amount of \_\_\_\_\_.

(d) The Defendant agrees to pay costs and all fees required by law, local rule of Court or administrating Order of Court.

(e) The Defendant agrees to pay restitution on all charges to which pleas of guilty and/or nolo contendere are entered and on nol prossed charges as follows: \_\_\_\_\_

(f) The Defendant agrees that the standard rules and conditions of probation/IPP/parole will be imposed. The following special conditions shall apply \_\_\_\_\_ . Addi-

content and meaning of this guilty plea colloquy and the defendant has indicated that he/she understands the content and the meaning of the same, I have fully discussed the defendant's decision to plead guilty or nolo contendere with him/her, I have explained to the defendant the elements of any possible penalties for the crimes to which he/she is pleading guilty or nolo contendere and I am satisfied that the defendant's pleas of guilty or nolo contendere are knowingly, voluntarily and intelligently entered.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defense Attorney's Signature

**Rule 590.2. Form of Plea Agreements.**

Written plea agreements required by Rule 590 shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS  
 COUNTY, PENNSYLVANIA CRIMINAL  
 COMMONWEALTH OF PENNSYLVANIA      CC-

V.

The following represents all of the terms of my Plea Agreement with the Commonwealth which I accept.

(a) My prior record score is \_\_\_\_\_ .

(b) The Defendant agrees to plead to the following charges in exchange for the following sentences:

tionally, this plea does not limit the Court's ability to impose other special conditions at the time of sentencing.

(g) The Defendant agrees to the following additional terms of this plea agreement: \_\_\_\_\_

(h) The Defendant agrees that sentencing shall occur: \_\_\_\_\_ at the time the plea is entered and accepted by the Court. \_\_\_\_\_ on \_\_\_\_\_ .

(i) The Defendant agrees that this agreement does not limit the Court's authority in the event the Defendant violates the terms of this sentence and is subject to re-sentencing or revocation. In such an event, the Defendant agrees that the court will have full authority to re-sentence the Defendant to the maximum provided by

law including running the sentences consecutive to each other (one following the other).

(j) The Defendant understands that there may be consequences of this plea which are imposed by law but not set forth in this agreement such as the suspension of motor vehicle operating privileges, limitations on the Defendant's ability to own or possess firearms or other collateral consequences. This agreement does not limit other ramifications which may be imposed by law. If the Defendant has any questions about such ramifications, he/she agrees that they will raise any questions with the Court at the time of their plea. If the Defendant does not raise any questions with the Court, he/she acknowledges they understand the consequences of their plea.

I affirm that I have read the above document in its entirety and that it represents my entire agreement with the Commonwealth and I understand its full meaning and I wish to enter a plea as set forth in this document to the offense or offenses specified.

Date	Defendant
I, _____, Esquire, attorney for the above-named Defendant, state that I have advised my client of the contents and meaning of this document and that this document represents my client's entire agreement with the Commonwealth.	_____

Attorney for Defendant

On behalf of the Commonwealth, I acknowledge that this agreement represents the entire agreement between the Commonwealth and the Defendant.

\_\_\_\_\_  
District Attorney or Assistant District Attorney

**Rule 704.**

At the time of sentencing, the Defendant shall provide the Court with an executed Statement of Post-sentence Rights substantially in the form set forth in Rule 704.1. The Court shall make the Statement of Post-sentence Rights part of the record and shall determine on the record that the Defendant has been advised of his post-sentence rights.

**Rule 704.1. Statement of Post-Sentence Rights.**

Rule 704.1 Statement of Post-sentence Rights required by Rule 704 shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS  
COUNTY, PENNSYLVANIA CRIMINAL  
COMMONWEALTH OF PENNSYLVANIA NO.

V.

**STATEMENT OF POST-SENTENCE RIGHTS**

\_\_\_ 1. I am able to speak, read, write and understand the English language and I am not now under the influence of any drugs, alcohol or other substance which would affect my ability to understand the post-sentence rights contained in this document. By placing my initials on the line provided next to each of the paragraphs in this document, I agree that I have read, understood and, if represented, my lawyer has explained to my satisfaction the content and meaning of each paragraph.

\_\_\_ 2. I have the right to file post-sentence motions with this Court. If I choose to file such a motion, it must

be in writing and must specify the issues which I intend to raise. Such a motion must be filed with the Adams County Clerk of Courts Office within ten (10) days of the date of my sentence. A post-sentence motion may include: a motion challenging the jurisdiction of the Court; a motion challenging the legality of the sentence; a motion asking that the Court modify the sentence imposed; a motion asking that I be permitted to withdraw my plea because it was not voluntarily, knowingly and intelligently entered; or a motion challenging the denial of any motion which I may have had to withdraw my plea(s).

\_\_\_ 3. If I file a post-sentence motion, this Court must decide it within one hundred twenty (120) days of the date that it is filed, unless this Court extends the deadline for up to thirty (30) additional days at my request for good cause. If this Court does not decide my post-sentence motion within this time period, it will automatically be considered denied by operation of law.

\_\_\_ 4. If I file a post-sentence motion, after it is decided, either by Court opinion or by operation of law, I have a right to appeal that decision to the Pennsylvania Superior Court. This appeal may include issues raised in my post-sentence motion and/or other properly preserved issues. If I decide to appeal, a written Notice of Appeal must be filed with the Adams County Clerk of Courts Office within thirty (30) days of the date of denial of my post-sentence motions. If I fail to file a Notice of Appeal with the Pennsylvania Superior Court, I will forever give up or lose my right to appeal to a higher Court on any issues involving my case, my plea or sentencing.

\_\_\_ 5. I also understand that I have the right to appeal directly to the Pennsylvania Superior Court. If I choose to appeal directly to the Pennsylvania Superior Court, I may raise all properly preserved issues which may include those raised in the motion set forth in paragraph 2 above. In order to appeal directly to the Pennsylvania Superior Court, I must file a written Notice of Appeal with the Adams County Clerk of Courts Office within thirty (30) days of the date I am sentenced. If I fail to file a Notice of Appeal within the time required, I will forever give up or lose my right to appeal to a higher Court on any of the issues involving my case, my plea or sentencing.

\_\_\_ 6. If I decide to file a post-sentence motion and/or a direct appeal to the Pennsylvania Superior Court, I have the right to be represented by an attorney. If I cannot afford an attorney, upon my timely request to this Court, one will be provided to me free of charge at no cost or expense to me. I also understand that I have the right to proceed in forma pauperis. I understand that means that I will not be required to pay any costs normally associated with a post-sentence motion and/or an appeal if I am unable to afford those costs.

\_\_\_ 7. I understand I have a qualified right to bail pending the decision on my post-sentence motion(s) and/or appeal to the Pennsylvania Superior Court. Any such bail is conditioned upon my filing a post-sentence motion and/or an appeal to a higher Court.

Date	Signature of Defendant
------	------------------------

**STATEMENT OF DEFENDANT'S ATTORNEY**

I represent the defendant in the above-captioned case. I have explained the post-sentence rights contained in this

document to the defendant and I am satisfied that the Defendant understands these rights.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Attorney

[Pa.B. Doc. No. 02-2137. Filed for public inspection November 27, 2002, 9:00 a.m.]

### WESTMORELAND COUNTY

#### Adoption of New Civil Rules W1920.51, W1920.53, W1920.54, W1920.55-1 and W1920.55-2; No. 3 of 2002

#### Order

*And Now*, this 7th day of November, 2002, *It Is Hereby Ordered* that Westmoreland County Rule of Civil Procedure W1920.51 is rescinded, and that new Rules W1920.51, W1920.53, W1920.54, W1920.55-1, and W1920.55-2 are adopted. The effective date of this Order is January 1, 2003.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

#### **RULE W1920.51 Hearing by the Court; Appointment of Master; Notice of Hearing**

(a) Before any certificate of appointment shall be issued by the prothonotary to any master in those cases initiated by an uncontested complaint in annulment, or a section 3301(a) or (b) divorce, or where an agreement has been reached by the parties on any such other claims that have been raised by the parties, the plaintiff shall deposit the sum of \$140.00 with the prothonotary; \$113.00 of the deposit shall be a minimum fee for the master, \$25.00 shall be a minimum fee for the stenographer and \$2.00 shall be paid to the prothonotary as fee. The court may order additional compensation for the master after the report is filed.

(b) In all other cases, before any certificate of appointment shall be issued by the prothonotary to any master, the party moving for the appointment shall deposit an initial sum of \$250.00 with the prothonotary; \$223.00 shall be a minimum fee for the master, \$25.00 shall be a minimum fee for the stenographer and \$2.00 shall be paid to the prothonotary as a fee. The initial deposit of \$250.00 shall be for one-half days' work. For each half day thereafter the master shall receive a minimum fee of \$150.00; and for each half day of transcribing, the stenographer shall receive a minimum fee of \$20.00. The master shall certify the time expended to the court. The master may petition the court for additional compensation after the report is filed.

(c) No master shall be appointed if a complaint in divorce has been filed under section 3301(c) or (d) and no issues other than divorce are raised.

NOTE: Subsection (c) expands the prohibitions found at Pa.R.C.P. 1920.51 (2)(ii) to include all Section 3301(d) divorces when divorce is the only issue raised.

(d) The master shall give the attorneys for each party at least 10 days' written notice of the time and place of taking testimony and of the claims the master will hear. If there is no appearance entered on behalf of the defendant, the master shall give notice to the defendant

by registered mail, return receipt requested at the last known address of the defendant.

#### **RULE 1920.53 Hearing by Master. Report.**

Subject to the direction and control of the court, the master shall have the usual powers of a referee in equity in regard to the detention of witnesses for examination and the general course of the proceedings. The master shall rule on objections to the competency or relevancy of testimony. If the master sustains the objection the testimony shall not be heard or reported. Parties may file exceptions to the Master's rulings.

NOTE: See: Pa.R.C.P. 1920.33(b) regarding the pre-trial statement.

#### **RULE 1920.54 Hearing by Master. Report. Related Claims.**

The master shall first take testimony on related claims for child support, alimony pendente lite, or counsel fees and expenses. In the event the master must continue until a later date testimony on other issues or claims, the master shall report preliminarily by letter to counsel for each party, the findings, conclusions and recommendations on the preliminary related claims.

#### **RULE 1920.55-1 Alternative Hearing Procedures for Matters Referred to a Master**

All divorce proceedings referred to a master in Westmoreland County, Pennsylvania will proceed pursuant to Pa.R.C.P. 1920.55-2.

#### **RULE W1920.55-2 MASTER'S REPORT. NOTICE. EXCEPTIONS. FINAL DECREE.**

(a) When filing the Original Exceptions to the Master's Report with the Prothonotary, the moving party shall also serve a copy on the Court Administrator—Family Division. Upon receiving exceptions within 10 days of the mailing of the report as provided by Pa.R.C.P. 1920.55-2(b) and (c), the court administrator shall immediately contact the chambers of the assigned judge for a hearing date. The court administrator shall mail notices of the hearing date to the parties by first class mail before forwarding its copy of the exceptions to the assigned judge.

(b) The moving party must file briefs with the assigned judge no later than 20 days before the hearing, and the responding party must file its brief with the assigned judge no later than 10 days before the hearing.

(c) Oral argument shall be restricted to issues addressed in written briefs.

(d) If no party files Exceptions to the Master's Report within 10 days of the mailing of the report, the prothonotary shall immediately deliver the file to the court for entry of the decree.

(e) Unless otherwise directed by the Court, the prothonotary shall pay no master's fee until the master files the report and transcript of testimony. Failure of the master to file the report as required shall result in a forfeiture of the master's fee, and the prothonotary will refund the fee to the party who paid it.

[Pa.B. Doc. No. 02-2138. Filed for public inspection November 27, 2002, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 245]

### Corrective Amendment to 25 Pa. Code § 245.1

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 245.1 (relating to definitions), as deposited with the Legislative Reference Bureau and the official text published at 31 Pa.B. 6615, 6626 (December 1, 2001), and the text published in the February 2002 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 327), and as currently appearing in the *Pennsylvania Code*. Subparagraph (iv) should have been deleted.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 245.1. The corrective amendment to 25 Pa. Code § 245.1 is effective as of February 2, 2002, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 245.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

#### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE VI. GENERAL HEALTH AND SAFETY

#### CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM

#### Subchapter A. GENERAL PROVISIONS GENERAL

#### § 245.1 Definitions.

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

\* \* \* \* \*

*Reportable release*—A quantity or an unknown quantity of regulated substance released to or posing an immediate threat to surface water, groundwater, bedrock, soil or sediment. The term does not include the following, if the owner or operator has control over the release, the release is completely contained and, within 24 hours of the release, the total volume of the release is recovered or removed in the corrective action:

- (i) A release to the interstitial space of a double-walled aboveground or underground storage tank.
- (ii) A release of petroleum to an aboveground surface that is less than 25 gallons.
- (iii) A release of a hazardous substance to an aboveground surface that is less than its reportable

quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C.A. §§ 9601—9675) and 40 CFR Part 302 (relating to designation, reportable quantities, and notification).

*Residential tank*—A tank located on property used primarily for dwelling purposes.

\* \* \* \* \*

[Pa.B. Doc. No. 02-2139. Filed for public inspection November 27, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

### Practice and Procedure

The Environmental Hearing Board (Board) amends Chapter 1021 (relating to practice and procedure) to read as set forth in Annex A. The final-form rulemaking modifies the rules of practice and procedure before the Board by implementing improvements in practice and procedure.

The Board approved the final-form rulemaking at its July 10, 2002, meeting.

#### *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

For further information, contact William T. Phillip IV, Secretary to the Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. If information concerning this notice is required in an alternative form, William Phillip may also be contacted. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service, (800) 654-5984.

#### *Statutory Authority*

The final-form rulemaking is promulgated under the authority of section 5 of the Environmental Hearing Board Act (act) (35 P.S. § 7515), which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

#### *Comments and Revisions to Proposed Rulemaking*

The Board received comments on the proposed rulemaking from the Independent Regulatory Review Commission (IRRC). The Board received no comments from the public. IRRC's comments are addressed in the following section.

#### *Electronic Filing*

Proposed § 1021.31(c) (relating to signing) stated as follows: "The Board may impose an appropriate sanction for a bad faith violation of subsection (b)." IRRC recommended adding a cross-reference to § 1021.161 (relating to sanctions). This has been done in the final-form rulemaking.

Proposed §§ 1021.71—1021.73 (relating to complaints filed by the Department; complaints filed by other persons; and transferred matters) stated as follows: "Service of the complaint shall be by personal service or any form of mail requiring a receipt. . . ." IRRC recommended clari-

fyng the phrase "any form of mail." The final-form rulemaking has been changed to read "certified or registered mail."

Proposed § 1021.73 stated that a complaint shall be filed "within the time period directed to do so by the Board." IRRC recommended specifying the amount of time in which the Board would allow a party to file a complaint. The final-form rulemaking has been revised to read "within the 30-day time period directed by the Board."

Proposed § 1021.94 (relating to dispositive motions) contained requirements for the filing of dispositive motions. IRRC recommended that the section should also contain a cross-reference to § 1021.34 (relating to service by a party). This has been done in the final-form rulemaking.

#### *Sunset Date*

A sunset date has not been established for the final-form rulemaking. The effectiveness of the regulations will be evaluated on an ongoing basis by the Board and the Rules Committee.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 10, 2002, the Board submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 1980 (April 20, 2002), to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy 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 Board 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 September 26, 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 October 24, 2002, and approved the final-form rulemaking.

#### *Findings*

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for administration of the act.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(1) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by amending §§ 1021.2, 1021.31—1021.38, 1021.74, 1021.91—1021.93, 1021.95, 1021.101, 1021.104, 1021.141, 1021.182, 1021.183 and 1021.201 and by adding §§ 1021.39 and 1021.75 to read as set forth at 32 Pa.B. 1980 and by amending §§ 1021.71—1021.73 and 1021.94 and by adding § 1021.31 to read as set forth in Annex A.

(2) The Chairperson of the Board shall submit this order, 32 Pa.B. 1980 and Annex A to the Office of

Attorney General and Office of General Counsel as to legality and form as required by law.

(3) The Chairperson of the Board shall submit this order, 32 Pa.B. 1980 and Annex A to the House and Senate Committees and IRRC, as required by law.

(4) The Chairperson of the Board shall certify this order, 32 Pa.B. 1980 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(5) This order shall take effect upon final-form publication in the *Pennsylvania Bulletin*.

GEORGE J. MILLER,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

**Fiscal Note:** Fiscal Note 106-7 remains valid for the final adoption of the subject regulations.

### **Annex A**

## **TITLE 25. ENVIRONMENTAL PROTECTION**

### **PART IX. ENVIRONMENTAL HEARING BOARD**

#### **CHAPTER 1021. PRACTICE AND PROCEDURE**

##### **DOCUMENTARY FILINGS**

##### **SIGNING, FILING AND SERVICE OF DOCUMENTS**

#### **§ 1021.31. Signing.**

(a) Every notice of appeal, motion, legal document or other paper directed to the Board and every discovery request or response of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, or if a party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number.

(b) The signature to a document described in subsection (a) constitutes a certification that the person signing, or otherwise presenting it to the Board, has read it, that to the best of his knowledge or information and belief there is good ground to support it, and that it is submitted in good faith and not for any improper purpose such as to harass, cause unnecessary delay, or needless increase in the cost of litigation. There is good ground to support the document if the signer or presenter has a reasonable belief that existing law supports the document or that there is a good faith argument for the extension, modification or reversal of existing law.

(c) The Board may impose an appropriate sanction in accordance with § 1021.161 (relating to sanctions) for a bad faith violation of subsection (b).

### **SPECIAL ACTIONS**

#### **§ 1021.71. Complaints filed by the Department.**

(a) When authorized by statute the Department may commence the action by filing a complaint or petition and a notice of a right to respond. The action is commenced when the complaint or petition is filed with the Board.

(b) Service of the complaint or petition shall be by personal service or by certified or registered mail. In the instance of mail, service shall be complete upon delivery. Service of all other documents shall be made in accordance with § 1021.34 (relating to service by party).

(c) The complaint shall set forth the statutory authority under which the Board is authorized to act and shall

set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for action is based.

(d) The notice of a right to respond or defend shall conform to the following:

[Case Caption]  
NOTICE

If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the Board your answers, defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Board without further notice for any claim or relief requested by the Department.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, contact the Secretary to the Board at (717) 787-3483.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

**§ 1021.72. Complaints filed by other persons.**

(a) When authorized by statute, a person may institute an action against the Department by filing a complaint.

(b) Service of the complaint or petition shall be by personal service or by certified or registered mail. In the instance of mail, service shall be complete upon delivery. Service of all other documents shall be made in accordance with § 1021.34 (relating to service by a party).

(c) The complaint shall set forth the statutory authority under which the Board is authorized to act and shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for action is based.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints and formal complaints).

**§ 1021.73. Transferred matters.**

(a) This rule addresses matters transferred to the Board from a court.

(b) Within the 30-day time period directed by the Board, the party who initiated the transferred action shall file a complaint with the Board.

(c) Service of the complaint or petition shall be by personal service or by certified or registered mail. In the instance of mail, service shall be complete upon delivery. Service of all other documents shall be made in accordance with § 1021.34 (relating to service by a party).

(d) The complaint shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for relief is based.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 35.5—35.7 and 35.9—35.11 (relating to informal complaints and formal complaints).

**MOTIONS**

**§ 1021.94. Dispositive motions.**

(a) This section applies to dispositive motions. Dispositive motions shall contain a concise statement of the

relief requested, the reasons for granting that relief, and, where necessary, the material facts that support the relief sought.

(b) Motions for summary judgment or partial summary judgment and responses shall conform to Pa.R.C.P. 1035.1—1035.5 (relating to motion for summary judgment).

(c) Dispositive motions, responses and replies shall be in writing, signed by a party or its attorney and served on the opposing party in accordance with § 1021.34 (relating to service by a party). Dispositive motions shall be accompanied by a supporting memorandum of law or brief. The Board may deny a dispositive motion if a party fails to file a supporting memorandum of law or brief.

(d) A response to a dispositive motion may be filed within 30 days of the date of service of the motion and shall be accompanied by a supporting memorandum of law or brief.

(e) A reply to a response to a dispositive motion may be filed within 15 days of the date of service of the response and may be accompanied by a supporting memorandum of law or brief. Reply briefs or memoranda of law shall be as concise as possible and may not exceed 25 pages. Longer briefs or memoranda of law may be permitted at the discretion of the presiding administrative law judge.

(f) An affidavit or other document relied upon in support of a dispositive motion or response, that is not already a part of the record, shall be attached to the motion or response or it will not be considered by the Board in ruling thereon.

(g) Subsection (c) supersedes 1 Pa. Code § 35.177 (relating to scope and content of motions). Subsection (d) supersedes 1 Pa. Code § 35.179 (relating to objections to motions).

[Pa.B. Doc. No. 02-2140. Filed for public inspection November 27, 2002, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**[49 PA. CODE CHS. 47—49]**

**Fees**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends §§ 47.4 and 47.34 (relating to licensure fees; and registration of continuing education providers, courses and programs) and adds §§ 48.4 and 49.4 (relating to applicability of general provision in Chapter 47) to read as set forth in Annex A.

*A. Effective Date*

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

### B. Statutory Authority

The final-form rulemaking is authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1906(2)).

### C. Background and Purpose

The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

Three licensure groups were added to the Board under the act of December 21, 1998 (P. L. 1017, No. 136), which necessitated a determination of fees for services to the new licensees and applicants. Additionally, it was determined that the existing fees for applications for licensure and original licensure as a licensed social worker and approval as a continuing education provider or program fell short of the actual cost involved in providing the services.

In this final-form rulemaking, fees for the services identified will allocate costs to those who use the service or application.

### D. Response to Comments

Notice of proposed rulemaking was published at 31 Pa.B. 4651 (August 25, 2001). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Society for Clinical Social Work and the Pennsylvania Chapter of the National Association of Social Workers. Both groups objected to the increase in the application fee for approval as a provider or program of continuing education from \$25 to \$40. In developing this fee, an analysis was made of the time it would take to perform all of the functions necessary to review and process an application. In particular, Board staff receives the request for approval of continuing education programs that licensees are required to complete as a condition of license renewal. The Board staff must review these applications. The Board administrator then sends the application and supporting documents to a Board member for evaluation and recommendation to approve or deny. Following the decision, the applicant is notified of the decision. If approved, the program is entered into the computer system. Based upon the analysis that was undertaken to consider the time and manpower involved in performing these functions, a \$40 fee is required.

Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). The final-form rulemaking responds to the comments and suggestions made by IRRC and the HPLC.

The HPLC questioned why the proposal did not delete § 47.4(a)(3) pertaining to a one-time \$30 assessment for licensed social workers licensed during the 1988—1991 licensure cycle. The Board has deleted this in final-form rulemaking. IRRC noted that the proposed rulemaking would have required registration of continuing education providers, courses and programs for licensed marriage

and family therapists or professional counselors but that these two new licensing groups do not yet have requirements for continuing education. IRRC recommended that the course registration be deleted from the final-form rulemaking and that the Board consider developing future rulemaking pertaining to continuing education and registration of program providers. The Board agrees and has deleted these references.

### E. Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"

The Board reviewed this rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order 1996-1. Additionally, in accordance with Executive Order 1996-1, the Board, in developing the rulemaking, solicited comments from the major professional associations representing social workers and the new licensure classes.

### F. Fiscal Impact and Paperwork Requirements

This final-form rulemaking would have a fiscal impact and impose additional paperwork requirements on this Commonwealth in that there are three new licensure groups for which applications would be processed and fees would be received.

The proposed rulemaking should not impose any legal, accounting or reporting requirements on the regulated community.

### G. Sunset Date

The Board continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, 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 October 3, 2002, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 4651, to IRRC and to the Chairpersons of the SCP/PLC and the HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC the SCP/PLC and the HPLC 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 Board has considered the comments received from IRRC, the SCP/PLC and the HPLC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on October 22, 2002, this final-form rulemaking was deemed approved by the HPLC. On October 23, 2002, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 24, 2002, and approved the final-form rulemaking.

### I. Contact Person

Further information may be obtained by contacting Clara Flinchum, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389.

### J. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was 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 in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking does not enlarge the purpose of proposed rulemaking.

(4) The final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this Preamble.

**K. Order**

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 47—49, are amended by amending §§ 47.4 and 47.34 and adding §§ 48.4 and 49.4 to read as set forth in Annex A.

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

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

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

THOMAS F. MATTA, Ph.D.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)*

**Fiscal Note:** Fiscal Note 16A-659 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**GENERAL PROVISIONS**

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker, provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

(1) Application fee for licensure and original license issuance as a licensed social worker	\$ 25
(2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor	\$ 45
(3) Application fee for provisional license and provisional license issuance	\$ 25
(4) Verification of licensure	\$ 15
(5) Certification of license, scores or hours	\$ 25
(6) Application fee for licensure and original license issuance as a clinical social worker, marriage and family therapist or professional counselor	\$ 45

(b) Applicants who were issued licenses prior to June 24, 1989, and who have not paid the appropriate fee in subsection (a) are required to remit the fee within 30

days of receipt of notice from the Board to maintain active licensure status. Failure to remit the required fee within that time will result in the license being placed on inactive status. A licensee holding oneself out as a "licensed social worker" while the license is on an inactive status may be subject to disciplinary proceedings before the Board.

**CONTINUING EDUCATION**

**§ 47.34. Registration of continuing education providers, courses and programs.**

(a) An agency, organization, institution, association or center seeking to offer an organized course or program may apply to the Board as a provider.

(b) An applicant for Board approval as a provider of a course or program shall submit an application, along with a fee of \$40, at least 90 days before the date the course or program commences.

(c) The application shall include the following information:

- (1) The full name and address of the applicant.
- (2) The title of the course or program and core subjects covered.
- (3) The dates and location of the course or program.
- (4) The instructor names, titles, affiliations and degrees.
- (5) The schedule of the course or program—syllabus, lecturer, time allocated and the like.
- (6) The total number of clock hours requested.
- (7) The method of certifying attendance.
- (8) The objectives.
- (9) The course or program coordinator.
- (10) The instruction and evaluation methods.
- (11) The evidence of meeting standards set forth in § 47.35 (relating to standards for courses and programs).

(d) Statements made in the application shall be sworn to be true and correct to the best of the applicant's information, knowledge and belief.

(e) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned.

(f) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of social work or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 47.35.

(g) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit new applications within 10 days after receipt of disapproval. New applications shall document alterations made to meet Board requirements. Notification on new applications will occur as soon as possible within the Board's capability.

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**GENERAL PROVISIONS**

**§ 48.4. Applicability of general provisions in Chapter 47.**

Sections 47.2—47.4 (relating to applicability of general rules; meetings of the board; and licensure fees) apply to this chapter.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS**

**GENERAL PROVISIONS**

**§ 49.4. Applicability of general provisions in Chapter 47.**

Sections 47.2—47.4 (relating to applicability of general rules; meetings of the board; and licensure fees apply to this chapter.

[Pa.B. Doc. No. 02-2141. Filed for public inspection November 27, 2002, 9:00 a.m.]

## Title 52—PUBLIC UTILITIES

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
[52 PA. CODE CHS. 29, 33 AND 35]**

[L-00010154]

### Street Railway Transportation

The Pennsylvania Public Utility Commission (Commission) will delete the existing regulations governing street railway transportation in this Commonwealth. The existing regulations are outdated in light of changes in street railway operations in the Commonwealth.

#### *Executive Summary*

At one time, street railway companies provided passenger service to many areas of this Commonwealth. Over the years, many of these street railway companies went out of business due to the widespread use of automobiles. To preserve street railway passenger service in the Pittsburgh and Philadelphia metropolitan areas, the General Assembly passed legislation authorizing the creation of transportation authorities and empowered those transportation authorities to purchase the assets of the street railway companies operating in those metropolitan areas. These transportation authorities, Southeastern Pennsylvania Transportation Authority (SEPTA) and Port Authority of Allegheny County (PAT) purchased the assets of the street railway companies and began operating street railway systems in the Philadelphia and Pittsburgh metropolitan areas. The Philadelphia and Pittsburgh metropolitan areas are the only places in this Commonwealth where street railway systems still operate.

SEPTA's and PAT's enabling legislation provides that those agencies shall determine the facilities they will operate, the services they will provide and the rates they will charge. The Commission is thus precluded from regulating SEPTA or PAT in these areas. In addition, SEPTA and PAT receive Federal funds for their operations. Receipt of the Federal funds is conditioned upon the authorities having safety programs in place that are monitored by the Department of Transportation (Department). Since the Department monitors the safety programs initiated by SEPTA and PAT, the Commission's regulations at §§ 35.1—35.44 are unnecessary.

The Commission initiated this rulemaking by order adopted November 30, 2001. On December 18, 2001, the Office of Attorney General approved the proposed regulations as to form and content. The *Pennsylvania Bulletin* published the proposed rulemaking on February 9, 2002. The only comments to the proposed rulemaking were filed

by the Independent Regulatory Review Commission (IRRC). The Commission has incorporated those comments into the final-form rulemaking. The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

The contact person in the Law Bureau is David A. Salapa (717) 783-2841.

Public Meeting held  
June 13, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick; Kim Pizzingrilli

*Deletion of Street Railway Transportation Regulations at 52 Pa. Code §§ 35.1—35.44; Doc. No. L-00010154*

#### Order

*By the Commission:*

By Order adopted November 30, 2001, at L-00010154, we initiated a proposed rulemaking under sections 501 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501) and the Commonwealth Documents Law (45 P. S. §§ 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5. The purpose of the proposed rulemaking was to delete existing Commission regulations governing street railway transportation in this Commonwealth. The current regulations are outdated in light of changes in street railway operations in this Commonwealth.

On December 18, 2001, the Office of Attorney General issued its approval of the proposed rulemaking as to form and legality. On January 24, 2002, we delivered copies of the proposed rulemaking to the House Committee on Consumer Affairs, the Senate Consumer Protection and Professional Licensure Committee, IRRC and the Legislative Reference Bureau. The *Pennsylvania Bulletin* published the proposed rulemaking for comment at 32 Pa.B. 797 (February 9, 2002).

The only comments to the proposed rulemaking were filed by IRRC on April 11, 2002. IRRC noted that three additional sections of 52 Pa. Code refer to terms found at Chapter 35, which these regulations propose to delete. IRRC's comments state that § 5.11(b) refers to § 35.1; that § 29.73 uses the term "street railway cars" in the posting notice prohibiting conversation; and that § 33.1 uses the term "street railway" in the definition of "carrier." IRRC recommends that these terms and references should be deleted in the final-form rulemaking since they will become obsolete with the deletion of Chapter 35.

The Commission notes that the regulation at § 5.11(b), cited to in IRRC's comments, actually refers to 1 Pa. Code § 35.1, not 52 Pa. Code § 35.1. The Commission therefore declines to make this change suggested by IRRC.

The Commission agrees with the remaining comments filed by IRRC regarding references to Chapter 35 in §§ 29.73 and 33.1. Section 29.73 refers to "street railway cars" in the posting notice, which prohibits operators of motor or trackless trolley buses, as well as street railway cars, from conversing with passengers while the vehicle is in motion. Our deletion of Chapter 35 eliminates Commission authority over street railway operations. Since the Commission will no longer regulate street railway operations in this Commonwealth, the prohibition of conversation between operators and passengers on street railway cars is unnecessary and will be deleted.

Section 33.1 includes the term "street railway" in the definition of "carrier." Since deleting Chapter 35 will

eliminate the Commission's regulations regarding street railway operations in this Commonwealth, street railways will no longer be carriers for purposes of our regulations. Therefore, it is appropriate to delete their inclusion within the definition of carriers at § 33.1.

After considering the comments filed to the proposed rulemaking, the Commission believes that the regulations as set forth here in Annex A should be adopted as the final-form rulemaking. Accordingly, under sections 501 and 1501 of the Public Utility Code, the Commonwealth Document Law and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we amend the regulations at §§ 29.73, 33.1 and 35.1—35.44 to read as set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. The regulations of the Commission, 52 Pa. Code Chapters 29, 31 and 35, are amended by amending §§ 29.73 and 33.1 and by deleting 35.1—35.3., 35.11—35.13, 35.21—35.26, 35.31—35.36 and 35.41—35.44 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for formal review by the designated standing committees of both Houses of the General Assembly and for formal review and approval by IRRC.
5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note:* The amendments to §§ 29.73 and 33.1 were not included in the proposal at 32 Pa.B. 797. For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5582 (November 9, 2002).)

**Fiscal Note:** Fiscal Note 57-225 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**

**Subchapter B. COMMON CARRIERS**

**MARKINGS AND POSTING NOTICE**

**§ 29.73. Posting notice prohibiting conversation.**

The following notice or a notice approved by the Commission shall be posted in a conspicuous place in the front part of the interior of each bus having seating capacity in excess of nine passengers:

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
ORDER PROHIBITING CONVERSATION**

BY THE COMMISSION:

It is ordered: That operators of motor or trackless trolley buses engaged in intrastate common carrier service be and are hereby prohibited from conversing with passengers while the vehicle is in motion; and, further, that all passengers in such vehicles in motion be prohibited from distracting the attention of the operator by conversation or otherwise.

**CHAPTER 33. RAILROAD TRANSPORTATION**

**Subchapter A. GENERAL PROVISIONS**

**§ 33.1. Definitions.**

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

\* \* \* \* \*

*Carrier*—A railroad, railway company or corporation subject to Commission jurisdiction, which operates a steam or electric railroad in this Commonwealth.

\* \* \* \* \*

**CHAPTER 35. (Reserved)**

**§§ 35.1—35.3. (Reserved).**

**§§ 35.11—35.13. (Reserved).**

**§§ 35.21—35.26. (Reserved).**

**§§ 35.31—35.36. (Reserved).**

**§§ 35.41—35.44. (Reserved).**

[Pa.B. Doc. No. 02-2142. Filed for public inspection November 27, 2002, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION**

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

**Small Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 8, 2002, meeting, adopted the following change:

Amend § 141.22 (relating to small game) to provide lawful methods for taking small game.

This final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 1219 (March 2, 2002).

*1. Introduction*

The Commission amended § 141.22(a) by adding paragraph (8) to make it unlawful to hunt or take small game except woodchucks with a handgun using larger than .40 caliber ammunition.

*2. Purpose and Authority*

Since the codification of the code, lawful methods for taking small game have not been clearly defined. The

language will clearly define the size of firearms for lawfully taking small game.

Section 322(c)(5) of the code (relating to powers and duties of commission) authorizes the Commission to fix the type and number of devices which may be used to take game or wildlife. Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. These sections provide the regulatory authority for the final-form rulemaking.

### 3. *Regulatory Requirements*

The final-form rulemaking will restrict the size of firearms that small game hunters can use.

### 4. *Persons Affected*

Small game hunters will be affected by this final-form rulemaking.

### 5. *Comment and Response Summary*

There were no official comments received with regard to this final-form rulemaking.

### 6. *Cost and Paperwork Requirements*

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

### 7. *Effective Dates*

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

### 8. *Contact Person*

For further information regarding this final-form rulemaking, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### *Findings*

The Commission finds that:

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

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

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.22 to read as set forth at 32 Pa.B. 1219.

(b) The Executive Director of the Commission shall certify this order and 32 Pa.B. 1219 and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-139A remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-2143. Filed for public inspection November 27, 2002, 9:00 a.m.]

## GAME COMMISSION [58 PA. CODE CH. 143] Elk Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 8, 2002, meeting adopted the following changes:

Reserve §§ 143.204 and 205 (relating to unlawful acts; and penalties) and add §§ 143.206—143.208 (relating to validity of license; unlawful acts; and penalties) to establish where elk licenses are valid and whether an elk license is valid for an antlered or antlerless elk.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 3952 (August 10, 2002).

### 1. *Introduction*

The Commission amended Subchapter K (relating to elk licenses) by reserving §§ 143.204 and 143.205 and adding §§ 143.206 and 143.208.

### 2. *Purpose and Authority*

There are currently no provisions in Subchapter K describing where elk licenses are valid or whether an elk license is valid for an antlered or antlerless elk.

Section 2102(a) of the code (relating to regulations) directs the Commission to promulgate regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth. In addition, section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of activities relating to hunting licenses. These sections provide the regulatory authority for the final-form rulemaking.

### 3. *Regulatory Requirements*

The final-form rulemaking will establish limited validity of elk licenses and establish procedures relating to elk licenses.

### 4. *Persons Affected*

Licensed elk hunters will be affected by the final-form rulemaking.

### 5. *Comment and Response Summary*

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

### 6. *Cost and Paperwork Requirements*

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

### 7. *Effective Date*

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

### 8. *Contact Person*

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

*Findings*

The Commission finds that:

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

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by deleting §§ 143.204 and 143.205 and adding §§ 143.207 and 143.208 to read as set forth at 32 Pa.B. 3952 and by adding § 143.206 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 32 Pa.B. 3952 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-148 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTKER LICENSES**

**Subchapter K. ELK LICENSES**

**§ 143.206. Validity of license.**

An elk license is valid for taking elk only in the elk management area designated on the elk license and is valid for an antlerless or antlered elk as designated on the elk license.

[Pa.B. Doc. No. 02-2144. Filed for public inspection November 27, 2002, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF STATE

[4 PA. CODE CHS. 182 AND 183]

### Statewide Uniform Registry of Electors (SURE)

The Department of State (Department) proposes to add Chapter 183 (relating to establishment, implementation and administration of the Statewide Uniform Registry of Electors) and delete Chapter 182 (relating to Statewide central registry feasibility study). The act of January 31, 2002 (P. L. 18, No. 3) (act) provided for a new voter registration law, and repealed the Pennsylvania Voter Registration Act (PVRA) (25 P. S. §§ 961.501—961.5109). Most of the statutory provisions of the PVRA were renumbered or materially revised under the act. Section 1222(f) of 25 Pa.C.S. (relating to SURE system), requires a comprehensive package of regulations, including the promulgation of regulations necessary to establish, implement and administer the Statewide Uniform Registry of Electors (SURE) system.

The act also provides in 25 Pa.C.S. § 1222(e), that the Department will establish, by regulation, a schedule for each county voter registration commission to be connected to the SURE system. This proposal provides for that schedule. Additional regulations to comply with the requirements of 25 Pa.C.S. § 1222(f), will be proposed in the near future. The regulations regarding the implementation schedule are set forth in Annex A.

In addition to adding Chapter 183, the Department also makes two minor amendments to Part VIII. First, the Department corrects the title of Part VIII. Second, the Department deletes Chapter 182, which had provided for a Statewide Central Registry Feasibility Study. Although this study was conducted, the enactment of the act no longer requires regulations for a feasibility study.

Section 2 of the act provides that the promulgation of these regulations is exempt from section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)), and is exempt from the Regulatory Review Act (71 P. S. §§ 745.1—745.14). Public comment is requested in accordance with section 201(4) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201(4)), known as the Commonwealth Documents Law.

#### *Purpose*

The purpose of this proposed rulemaking is to establish a schedule for each county voter registration commission to be connected to the SURE system, as required by 25 Pa.C.S. § 1222(e). The chapter first defines the categories of the counties to be connected to the SURE system in § 183.1. In § 183.2, the regulation sets forth the schedule for each category of county to be connected to the SURE system.

In developing the schedule for connection to the SURE system, the Department seeks to maximize the accuracy, integrity and protection of registration records on a statewide basis in accordance with 25 Pa.C.S. § 1222(e).

#### *Paperwork Requirements*

Paperwork requirements will not be substantially altered as a result of the proposed regulation.

#### *Regulatory Review*

Section 2 of the Act provides that the promulgation of these regulations is exempt from section 204(b) of the Commonwealth Attorneys Act, and is exempt from the Regulatory Review Act.

#### *Public Comment*

Individuals are invited to submit comments in accordance with section 201(4) of the Commonwealth Documents Law. Comments shall be sent within 10 calendar days to L. Lawrence Boyle, Deputy Chief Counsel, Pennsylvania Department of State, 302 North Office Building, Harrisburg, PA 17120 or e-mail at lboyl@state.pa.us.

C. MICHAEL WEAVER,  
*Secretary of the Commonwealth*

**Fiscal Note:** 16-30. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART VIII. BUREAU OF [ LEGISLATION, COMMISSIONS AND ELECTIONS ] COMMISSIONS, ELECTIONS AND LEGISLATION

#### Subpart D. ELECTIONS

#### CHAPTER 182. [ STATEWIDE CENTRAL REGISTRY FEASIBILITY STUDY ] (Reserved)

#### § 182.1. [ Definitions ] (Reserved).

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

**Act**—The Pennsylvania Voter Registration Act (25 P. S. §§ 961.101—961.51-7).

**Department**—The Department of State of the Commonwealth.

**Secretary**—The Secretary of the Commonwealth.

**Central registry**—A database containing voter registration information. ]

#### § 182.2. [ Procedure ] (Reserved).

[ (a) Section 301(3) of the act (25 P. S. § 961.301(3)) requires the Secretary to prescribe a procedure to conduct a study of the technological needs and other aspects of the development and implementation of a Statewide central registry. This study will be performed by an independent contractor. The contractor will be selected through competitive requests for proposals utilizing the procedures delineated in the Commonwealth of Pennsylvania's Contracting for Services Manual, Management Directive M215.1 (as amended).

(b) Copies of Management Directive M215.1 (as amended) may be obtained by writing to the Department of State, Bureau of Legislation, Commissions and Elections, 304 North Office Building, Harrisburg, Pennsylvania 17120. ]

(*Editor's Note:* The following Subpart is new and is printed in regular text to enhance readability.)

#### Subpart E. STATEWIDE UNIFORM REGISTRY OF ELECTORS (SURE)

#### CHAPTER 183. ESTABLISHMENT, IMPLEMENTATION AND ADMINISTRATION OF THE SURE

Sec.

183.1.

Definitions.

183.2.

Schedule for connection to the SURE system.

**§ 183.1. Definitions.**

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

*Group 1 counties*—Armstrong, Dauphin, Fayette, Franklin, Greene, Perry, Somerset, Washington and Westmoreland Counties.

*Group 2 counties*—Carbon, Luzerne, Monroe, Montgomery, Pike, Schuylkill and Wayne Counties.

*Group 3 counties*—Chester, Delaware, Juniata, Lehigh, Mifflin, Northampton and Philadelphia Counties.

*Group 4 counties*—Bedford, Berks, Blair, Centre, Lancaster, Lebanon and York Counties.

*Group 5 counties*—Clinton, Columbia, Fulton, Huntingdon, Lycoming, Snyder and Union Counties.

*Group 6 counties*—Bradford, Crawford, Elk, Lackawanna, Montour, Potter, Sullivan, Susquehanna and Wyoming Counties.

*Group 7 counties*—Clarion, Erie, Forest, Lawrence, Mercer, Tioga, Venango and Warren Counties.

*Group 8 counties*—Cambria, Cameron, Clearfield, Indiana, Jefferson, McKean, and Northumberland Counties.

*Phase 1 counties*—Adams, Butler and Cumberland Counties.

*Phase 2 counties*—Allegheny and Bucks Counties.

*Phase 3 counties*—Group 1 counties, Group 2 counties, Group 3 counties, Group 4 counties, Group 5 counties, Group 6 counties, Group 7 counties and Group 8 counties.

**§ 183.2. Schedule for connection to the SURE system.**

(a) Phase 1 counties shall be connected to the SURE system by December 31, 2002.

(b) Phase 2 counties shall be connected to the SURE system by the May 20, 2003, municipal primary.

(c) Phase 3 counties shall be connected to the SURE system by the November 4, 2003, municipal election. Phase 3 counties shall be connected in the following order:

- (1) Group 1.
- (2) Group 2.
- (3) Group 3.
- (4) Group 4.
- (5) Group 5.
- (6) Group 6.
- (7) Group 7.
- (8) Group 8.

[Pa.B. Doc. No. 02-2145. Filed for public inspection November 27, 2002, 9:00 a.m.]

**TREASURY DEPARTMENT**

[61 PA. CODE CH. 951]

**Estimation Calculations for Determining Unclaimed Property Liability**

The Treasury Department (Treasury) proposes to add § 951.8 (relating to estimation calculations) to read as set

forth in Annex A. This proposed rulemaking sets forth the estimation procedures to be used by the Treasury when a holder of unclaimed property has insufficient records to determine its actual amount of liability.

*Effective Date*

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

*Statutory Authority*

Under section 1301.26(b) of The Fiscal Code (act) (72 P. S. § 1301.26(b)), the Treasury is required to promulgate regulations regarding estimation calculations that the Treasury may use, under section 1301.23(b) of the act (72 P. S. § 1301.23(b)), if a holder of unclaimed property has insufficient records to conduct an examination as authorized under section 1301.23(a) of the act.

*Background and Purpose*

Although holders of unclaimed property should maintain records to account for their liability, the Treasury routinely encounters holders who maintain partial or no records prior to an examination by the Treasury. Therefore, it is necessary for the Treasury to estimate this liability when holders cannot have their unclaimed property liability determined due to a lack of, or inadequate, recordkeeping.

*Description of Proposed Amendment*

The proposed rulemaking would add § 951.8 to authorize the Treasury to apply estimation calculations when records are insufficient to conduct an examination as authorized under section 1301.23 of the act.

The proposed rulemaking is necessary to encourage better recordkeeping regarding unclaimed property within the holder community to ensure that rightful owners are notified of their right to claim this property in the custody of holders.

The proposed rulemaking is limited in its application and would not be authorized when records are available to conduct an examination by the Treasury.

*Fiscal Impact and Paperwork Requirement*

The proposed rulemaking will have no fiscal impact on the Commonwealth or its political subdivisions. Furthermore, the proposed rulemaking is not anticipated to require any legal requirements, or create any additional accounting, reporting or other paperwork not currently being performed by the Treasury during its examinations of holders.

*Sunset Date*

The Treasury continuously monitors the cost effectiveness of its regulations and, therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. §§ 745.5(a)), on November 18, 2002, the Treasury submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Standing Committees (Committees). Also, the Treasury has prepared and provided IRRC and the Committees with a detailed Regulatory Analysis Form (RAF). A copy of this RAF 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 Treasury 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 Treasury, the General Assembly and the Governor of objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Carole Huberman-Talerico, CPA, Director, Pennsylvania Treasury Department, Bureau of Unclaimed Property, Riverfront Office Center, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, within 30 days of publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

BARBARA HAFER,  
*State Treasurer*

**Fiscal Note:** 64-3. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART VIII. TREASURY DEPARTMENT**

**CHAPTER 951. ABANDONED AND UNCLAIMED  
PROPERTY**

**§ 951.8. Estimation calculations.**

(a) A holder subject to an examination of records as provided for in section 1301.23(a) of The Fiscal Code (72 P. S. § 1301.23(a)) is required to comply with requests by the State Treasurer or an authorized third party to make records available for examination.

(b) When no holder's records exist or when a holder's records are insufficient for examination, the State Treasurer may apply sampling and estimation procedures to determine a holder's liability. Sampling and estimation procedures shall be applied in accordance with standards of the American Institute of Certified Public Accounts and the United States General Accounting Office.

[Pa.B. Doc. No. 02-2146. Filed for public inspection November 27, 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 November 19, 2002.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-12-02	Community Banks Millersburg Dauphin County	16 N. George St. York York County	Opened
11-12-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	37-41 Brown Street Middletown Dauphin County (Drive-In Facility)	Filed
11-14-02	Citizens Bank of Southern Pennsylvania Greencastle Franklin County	24 N. Cedar Street Lititz Lancaster County	Approved
11-14-02	Community Banks Millersburg Dauphin County	309 Woodward Road Westminster Carroll County, MD	Approved
11-14-02	The Legacy Bank Harrisburg Dauphin County	4231 Trindle Road Camp Hill Cumberland County	Filed

#### SAVING INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

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## 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 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>
PA0010987 (Minor Renewal)	Department of the Army Tobyhanna Army Depot 11 Hap Arnold Blvd. AMSEL-TY-RK-E Tobyhanna, PA 18466-5086	Coolbaugh Township Monroe County	Hummeler Run 2A	Y
PA0034746 (Minor Renewal)	Hometown Li'l Wolf, LLC 3411 Li'l Wolf Drive Orefield, PA 18069	North Whitehall Township Lehigh County	Unnamed tributary to Coplay Creek 2C	Y

*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>
PA0070190	Allegheny East Conference 7th Day Adventists—Pine Forge Academy P. O. Box 266 Pine Forge, PA 19548	Berks County Douglass Township	Manatawny Creek 3D	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, 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>
PA0110485 (Sewerage Nonpublic)	United Water Pennsylvania P. O. Box 4151 Harrisburg, PA 17111-0151	Columbia South Centre Township	Susquehanna River 5D	Y

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

**PA0103217**, Sewage, **Greene Township Municipality, Tate Road Sewage Treatment Plant**, 9333 Tate Road, Erie, PA 16509-6049. This facility is located in Greene Township, **Erie County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary of Four Mile Creek in Greene Township, Erie County. This is an existing discharge.

The receiving stream, unnamed tributary of Four Mile Creek, is in Lake Erie watershed and classified for WWF, MF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics. There is no existing/proposed downstream potable water supply (stream and public).

The proposed effluent limits for Outfall 001 based on a design flow of 0.0078 MGD:

<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		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		9
(11-1 to 04-30)	13.5		27
Phosphorus as "P"	1.0		
Total Residual Chlorine	1.5		3.0
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0222437**, Sewage, **PEC Management II**, 215 Steingrabe Road, Mercer, PA 16142. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Activity: discharge of treated sewage.

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 Beaver Falls Municipal Authority intake on the Beaver River located at Eastvale, 37 miles below the point of discharge.

The receiving stream, unnamed tributary to Neshannock Creek, is in watershed 20-A and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.012 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Total Residual Chlorine	1.5		3.5
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

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

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

**PA0055875A1**, Sewage, **Upper Hanover Authority**, P. O. Box 205, East Greenville, PA 18041. This application is for amendment of an NPDES permit to discharge treated sewage from Macoby Creek STP in Upper Hanover Township, **Montgomery County**. This is an existing discharge to an unnamed tributary to Macoby Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.150 mgd are as follows:

<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>	10	15	20
Total Suspended Solids	10	15	20
Ammonia (as N)	3.0		6.0
Phosphorus (as P)			
(4-1 to 10-31)	1.0		2.0
Fecal Coliform		200 colonies/100 ml as a geometric average	
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
pH		Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

**PA0050831**, Sewage, **HPC Associates**, 2 Neshaminy Interplex, Suite 301, Trevoise, PA 19047. This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Meadowbrook Apartments and Washington Mill Subdivision in Abington Township, **Montgomery County**. This is an existing discharge to Pennypack Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.154 mgd are as follows:

Parameter	Average	Instantaneous
	Monthly (mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	0.5	1.17
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

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

**PA0011177**, Industrial, **Bethlehem Steel Corporation**, 1170 Eighth Avenue, Bethlehem, PA 18016-7699. This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES to discharge treated industrial waste water.

The receiving stream, Lehigh River, is in the State Water Plan watershed #2C and is classified for WWF, aquatic life, water supply treatment. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 013 based on a design flow of 1 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Inst.
Total Suspended Solids			100	
Total Dissolved Solids			Monitor and Report	
Oil and Grease			15	30
pH			6.0 to 9.0 Standard Units at all times	

The proposed effluent limits for Outfall 044 based on a design flow of .3 MGD.

Parameter	Average	Maximum	Instantaneous
	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)
Oil and Grease	15		30
pH	6.0 to 9.0 Standard Units at all times		
Total Suspended Solids *	100		
Total Dissolved Solids *	Monitor and Report		
* DRBC Requirement			

The EPA waiver is in effect.

**PA0011801**, Industrial, **Ashland Specialty Chemical Co., Inc.**, P. O. Box 2219, Columbus, OH 43216. This proposed facility is located in Glendon Borough, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES to discharge treated industrial waste.

The receiving stream, Lehigh River, is in the State Water Plan watershed #2C and is classified for WWF, water supply, aquatic life, recreation. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .031 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Ammonia as N	22.5	45	20	40	50
TSS	33.7	67.4	30	60	75
Oil and Grease	16.8		15		30
Temperature					110°F
pH			Within limits of 6.0—9.0 SU at all times		
TDS	1,463		1300	2600	3250

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
True Color					100pt-co
Total Organic Carbon					Monitor and Report
Chemical Oxygen Demand					Monitor and Report
Fluoride					Monitor and Report
Total Silver					Monitor and Report

**PA0063011**, Industrial, **Hazleton City Authority—Water Department**, 400 East Arthur Gardner Parkway, Hazleton, PA 18201-7359. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge water from Lehigh Reservoir into Dreck Creek Reservoir.

The receiving stream, Dreck Creek, is in the State Water Plan watershed #5D and is classified for HQ, CWF. The nearest downstream public water supply intake for Dreck Creek Reservoir—Dam F is located on the Dreck Creek, .5 mile below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 MGD.

In addition to the effluent limits, the permit contains the following major special conditions: The applicant will be required to perform a third quarter (July-September) biological assessment during the first year of this permit.

**PA0070254**, Sewage, **Lynn Township Sewer Authority**, P. O. Box 208, New Tripoli, PA 18066. This proposed facility is located in Lynn Township, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, Ontelaunee Creek, is in the State Water Plan watershed #2C and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the City of Reading is located on Maiden Creek, approximately 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .008 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	25	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Dissolved Oxygen	A minimum of 5 mg/l at all times.		
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.3		.7

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

**PA0080519**, Sewage, **Antrim Township**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225. This facility is located in Antrim Township, **Franklin County**.

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

The receiving stream, Conococheague Creek, is in Watershed 13-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on the Potomac River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.2 MGD are:

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
NH <sub>3</sub> -N	Monitor and Report		
Total Phosphorus	2.0		4.0
Hg			
(Interim)	Monitor and Report		
(Final)	0.00146		0.00292

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dibenzo (a,h) anthracene (Interim) (Final)	Monitor and Report 0.00057		Monitor and Report 0.0011
Benzo (k) fluoranthene (Interim) (Final)	Monitor and Report 0.00057		Monitor and Report 0.0011
Benzo (a) pyrene (Interim) (Final)	Monitor and Report 0.00057		Monitor and Report 0.0011
Benzo (a) anthracene (Interim) (Final)	Monitor and Report 0.00057		Monitor and Report 0.0011
3,4-Benzofluoranthene (Interim) (Final)	Monitor and Report 0.00057		Monitor and Report 0.0011
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 48,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

**PA0246905**, CAFO, **Lauden Farms**, 2248 Back Road, Halifax, PA 17032. Murray L. Laudenslager has submitted an application for an Individual NPDES permit for an expanding CAFO known as Lauden Farms, 2248 Back Road, Halifax, PA 17032 in Wayne Township, **Dauphin County**.

The CAFO is situated near Powell Creek in Watershed 6-C, which is classified for TSF. The CAFO will be designed to maintain an animal population of approximately 1,493.3 animal equivalent units (AEUs) consisting of 850 mature Holstein cows, 150 15-month old heifers, 125 9- to 15-month old heifers and 150 calves. The animals will be housed in a free stall barn and two heifer barns. Manure will be stored in two below house storage pits and a steel slurry tank. The total capacity of the manure storage facilities will be 20 2,814,000 gallons in below house pits and 250,000 gallons in the stop/slurry storage tank. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate Technical Guide Standards. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

**PAG123568**, CAFO, **Fred and Cindy England, Penn England Farm**, R. D. 1, Box 152, Williamsburg, PA 16693. This proposed facility is located in Catherine Township, **Blair County**.

Description of Proposed Activity: The Penn England Farm is an existing dairy farm with a total AEUs of 1,444.6. An estimated quantity of total annual manure production is 32,392 tons. The operation consists of 1,310 dairy animals and 15 swine. The manure containment facility is a two-stage storage system. Stages 1 and 2 contain 0.58 million and 3.0 million gallons of active depth. The system is designed to store manure from 800 mature milking animals for 180 days. All of the 6,890,017 gallons and 2,653 tons of manure generated on the farm is used on the farm.

The receiving stream, Frankstown Branch Juniata River, is in the State Water Plan watershed 11-A and is classified for WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where

applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

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

**PA0028631**, Sewerage, SIC 4952, **Mid-Cameron Authority**, 421 North Broad St., Emporium, PA 15834. The proposed discharges are located in Shippen Township, **Cameron County**.

Description of Proposed Activity: Activity is the pending issuance of an NPDES permit for four discharges in association with the Emporium Shippen Township Wastewater Treatment Plant. Outfall 001 is the existing (and expanded) wastewater treatment plant outfall location. Effluent is currently discharged from the plant through Outfall 001 up to 1.05 MGD. Presently, flow in excess of 1.05 MGD is released through a combined sewer overflow, Outfall 002. An expansion of the treatment plant is proposed. Upon initiation of operation of the expanded plant, effluent will be discharged through Outfall 001 up to 2.5 MGD. Outfall 002 will be abandoned. Flow from 2.5 MGD to 3.7 MGD will travel through "side stream" treatment facilities, including screening, aerated grit, clarification and chlorine contact. Discharge from the "side stream" treatment will flow to a constructed wetland. The overflow from the constructed wetland will be discharged through Outfall 003 (CSO-Related Bypass). In addition, flow from the treatment plant will be diverted to the wetland during dry periods to sustain plant life. During extreme precipitation events, flow in excess of 3.7 MGD will be discharged directly to the Driftwood Branch of Sinnemahoning Creek through Outfall 004 (Expanded Plant CSO).

The receiving stream, Driftwood Branch of Sinnemahoning Creek, is in the State Water Plan Watershed 8A and is classified for TSF. There are no affected downstream public water supply intakes.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

<i>Parameter</i>	<i>Average Daily (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Minimum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)		1.0			
CBOD <sub>5</sub>					
(5-1 to 9-30)		15	23		30
(10-1 to 4-30)		18	27		36
TSS		30	45		60
NH <sub>3</sub> -N					
(5-1 to 9-30)		5	8		10
(10-1 to 4-30)		6	9		12
Total Cl <sub>2</sub> Residual		0.36			1.18
Fecal Coliforms:					
(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				
pH		6.0 to 9.0 at all times			

**PA0228664**, Industrial, SIC 4941, **Glen Hope Water Authority**, P. O. Box 116, Glen Hope, PA 16645. This proposed facility is located in Glen Hope Borough, **Clearfield County**.

Description of Proposed Activity: Pending issuance of an NPDES permit for a proposed discharge from the public water supply treatment plant.

The receiving stream, an unnamed tributary to Blue Run, is in the State Water Plan watershed 8C and is classified for CWF. There are no nearby downstream public water supply surface water intakes.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	60	75
Iron (Total)	2	4	5
Manganese (Total)	1	2	2.5
Total Cl <sub>2</sub> Residual	0.5	1.0	1.3
pH	6.0 to 9.0 at all times		

**PA0228656**, Industrial, SIC 4941, **Irvona Municipal Authority**, P. O. Box 247, Berwind Street, Irvona, PA 16656. This proposed facility is located in Irvona Borough, **Clearfield County**.

Description of Proposed Activity: Pending issuance of an NPDES permit for a proposed discharge from the public water supply treatment plant.

The receiving stream, North Witmer Run, is in the State Water Plan watershed 8C and is classified for CWF. There are no nearby downstream public water supply surface water intakes.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	60	75
Iron (Total)	2	4	5
Manganese (Total)	1	2	2.5
Total Cl <sub>2</sub> Residual	0.5	1.0	1.3
pH	6.0 to 9.0 at all times		

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

**PA0025003**, Sewage, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated sewage from Tub Run Recreation Area STP in Henry Clay Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River Reservoir, 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 Ohiopyle Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.025 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
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0094544**, Sewage, **U. S. Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated sewage from Somerfield South Recreation Area STP in Addison Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River Reservoir, 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 Ohiopyle Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.00135 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
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217816**, Sewage, **Regina Lembie**, R. R. 2, Dunbar, PA 15431. This application is for renewal of an NPDES permit to discharge treated sewage from Sunny Dale Gardens Mobile Home Park WWTP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary Jacobs 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 Westmoreland County Municipal Authority at McKeesport.

Outfall 001: existing discharge, design flow of 0.026 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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	.36			.85
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.

**PA0219321**, Sewage, **Shanksville Borough**, P. O. Box 58, Shanksville, PA 15560-0058. This application is for issuance of an NPDES permit to discharge treated sewage from Shanksville Borough STP in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony Creek, which are classified as a CWF 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 Hooversville Municipal Authority on Stony Creek.

Outfall 001: new discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	30,000/100 ml as a geometric mean			
Total Residual Chlorine*	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

\*This parameter shall only be applicable if chlorination is used for disinfection.

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

**PA0238881**, Sewage, **Joel E. Brown**, 9089 Old Waterford Road, Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Activity: A small flow treatment facility serving one existing and one proposed single residence dwellings.

The receiving stream, an unnamed tributary of Walnut Creek, is in the Lake Erie watershed and classified for CWF, MF, 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, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider until Lake Erie.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0008 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
	CBOD <sub>5</sub>	10	
Total Suspended Solids	20		40
Phosphorus	1.0		
Total Residual Chlorine	Monitor and Report		
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
Fecal Coliform	200/100 ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

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

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

Persons wishing to comment on an application are invited to submit a statement to the office noted before the application, within 15 days from the date of this public notice. Comments received within 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. 3602416**, Sewerage, **Rustic Meadows Camping & Golf Resort, Inc.**, 1980 Turnpike Road, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of a new package treatment plant to replace their existing onlot system.

**WQM Permit No. 0602411**, Sewerage, **North Heidelberg Sewer Company**, P. O. Box 609, Bernville, PA 19506. This proposed facility is located in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction/modification of pump stations, sewage treatment plant and outfall and headwall.

**WQM Permit No. 0602412**, Sewerage, **Amity Township**, 2400 Weavertown Road, Douglassville, PA 19518. This proposed facility is located in Amity Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the replacement of Pump Station #4.

**NPDES Stormwater Individual Permit**

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

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

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

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

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

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

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

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10S121	Stroudsburg Area School District 123 Linden St. Stroudsburg, PA 18360	Monroe County Stroud Township	Flagler 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 who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 4802503, Public Water Supply.**

Applicant	<b>East Allen Township Municipal Authority</b>
Township or Borough	East Allen Township, <b>Northampton County</b>
Responsible Official	Dr. L. Scott Cericola, Authority Chairperson East Allen Township Municipal Authority 5340 Nor-Bath Boulevard Northampton, PA 18067
Type of Facility	PWS System
Consulting Engineer	Hanover Engineering Associates, Inc. Ronald B. Madison, P. E. 252 Brodhead Road, Suite 100 Bethlehem, PA 18017-8937
Application Received Date	November 1, 2002 Wil-Mar Water System

Description of Action	System upgrades—well testing for an additional source of supply (emergency well), installation of a 14,000 gallon finished water storage tank, a booster pump system (two 25 gpm pumps) and appurtenances (that is, valves, meters, gauges, taps and the like) to allow upgrades to function with original system.
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*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 6702517, Public Water Supply.**

Applicant	<b>Audubon Park Inc.</b>
Municipality	Monaghan Township
County	<b>York</b>
Responsible Official	Kurt E. Suter, Owner 322 South Hanover Street Carlisle, PA 17013
Type of Facility	PWS
Consulting Engineer	Max E. Stoner, P. E. Glace Associates, Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Application Received Date	October 16, 2002

Description of Action	Construction Permit Application for Well No. 2 and treatment. The application seeks approval to use the well at a maximum rate of 15 gallons per minute. Treatment will include nanofiltration to remove sulfates and total dissolved solids. Disinfection will be done through continued use of sodium hypochlorite; however, new feed equipment will also be provided.
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*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1402507, Public Water Supply.**

Applicant	<b>The Pennsylvania State University</b>
Township	Ferguson Township, <b>Centre County</b>
Responsible Official	Robert E. Cooper, P. E. Manager of Engineering Services The Pennsylvania State University Office of Physical Plant University Park, PA 16802
Type of Facility	PWS
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	November 12, 2002

Description of Action Installation of chlorination facilities for Well 28A  
*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 6102501**, Public Water Supply.

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

Township or Borough Barkeyville Borough, **Venango County**

Responsible Official James Coursen, Chairperson

Type of Facility PWS

Consulting Engineer Joseph P. Pacchioni, P. E.  
 Hickory Engineering Inc.  
 3755 East State Street  
 Hermitage, PA 16148

Application Received Date November 8, 2002

Description of Action New water treatment plant and new well.

**Permit No. 1002505**, Public Water Supply.

Applicant **Stoneworth Apartments, Inc.**  
 124 Eastwood Drive  
 Butler, PA 16001

Township or Borough Worth Township, **Butler County**

Responsible Official Marc A. Fort, Owner

Type of Facility PWS

Consulting Engineer Gray Warnick Engineering  
 662 West New Castle Road  
 Butler, PA 16001

Application Received Date November 7, 2002

Description of Action Construction of a water supply system to service a proposed apartment complex, including wells, raw water storage and treatment facilities.

## 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.*

**PPL Hummelstown Substation**, Derry Township, **Dauphin County**. PPL Electric Utilities, Two North Ninth Street, Allentown, PA 18101 submitted a Notice of Intent to Remediate site soils contaminated with PCBs. 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 *Patriot News* on October 31, 2002.

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

**Scientific Systems, Inc.—Carolean Drive Property**, College Township, **Centre County**. Blazosky Associates, Inc., on behalf of Scientific Systems, Inc., 349 North Science Park Road, State College, PA 16803, has submitted a Notice of Intent to remediate soil and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet a combination of the Site-Specific Standard and the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* in October 2002.

## MUNICIPAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM022, Lehigh County**, 7676 Industrial Boulevard, Allentown, PA 18106. Processing and beneficial use of treated wastewater solids generated at the Lehigh County Pretreatment Facility, for agricultural utilization and mine reclamation, as a soil conditioner and a fertilizer. Central Office received the application on September 26, 2002, and it was determined administratively complete on November 15, 2002.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

Copies of 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 constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

## PLAN APPROVALS

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

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

**48-309-122: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for replacement/installation of an air cleaning device to control emissions from the No. 3 raw mill sweep and separator systems at the Nazareth III, in Nazareth Borough, **Northampton County**.

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

**06-03117B: Custom Processing Services, Inc.** (2 Birchmont Drive, Reading, PA 19606-3266) for construction of a product grinding mill controlled by a fabric collector in Exeter Township, **Berks County**.

**06-05069B: East Penn Manufacturing, Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for construction and modification of various sources controlled by various control devices at a lead/acid storage battery plant in Richmond Township, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources.

**07-03045A: Youngs, Inc.** (P. O. Box 71, Frederick Road, Roaring Spring, PA 16673) for construction of a new feed mill onto an existing warehouse in Taylor Township, **Blair County**.

**67-03110A: Govesan Manufacturing, Inc.** (939 Monocacy Road, P. O. Box 7804, York, PA 17404) for construction of an additional powder coating manufacturing line controlled by an integral cartridge collector in the City of York, **York County**.

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

**43-170E: Werner Co., Greenville Division** (93 Werner Road, Greenville, PA 16125) for modification to

existing plan approval to increase throughput thereby increasing emissions for the pultrusion process Sugar Grove Township, **Mercer County**.

**10-341A: Wholesale Auto Rehab Services** (21095 Route 19, Cranberry Township, PA 16066) for construction of an automotive refinishing operation consisting of nine spray booths in Cranberry Township, **Butler County**.

**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.**

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

**06-03089A: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) for construction of an architectural stone bagging operation in Douglass Township, **Berks County**. The facility is a non-Title V (State only) facility. This construction will result in a potential particulate emission rate of 1.7 tons per hour. The source is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for New Stationary Sources. The approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**67-05004G: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) for installation of a new chip bin on the pine/softwood fiber line. HVLC gases will be collected and routed to the No. 3 Recovery Boiler via the existing Pine HVLC Collection System. This installation is subject to 40 CFR Part 60, Subpart BB—Standards of Performance for Kraft Pulp Mills and 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous air Pollutants from the Pulp and Paper Industry. No increase in emissions due to the burning of HVLC gases in the No. 3 Recovery Boiler is expected.

The P. H. Glatfelter Co. is a pulp and paper mill in Spring Grove Borough, **York County**. The facility currently has a Title V Permit No. 67-05004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

The following special conditions will be included in the plan approval:

1. The permittee shall comply with all provisions of the facility's Title V Operating Permit No. 67-05004 in the execution of the modifications authorized under this plan approval.

2. The facility is subject to 40 CFR Part 63 Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry and shall comply with all applicable provisions of the Subpart.

3. The chip bin installation is subject to 40 CFR Part 60 Subpart BB—Standards of Performance for Kraft Pulp Mills and the facility shall comply with all applicable provisions of the Subpart.

The Title V Operating Permit contains emission limitations, recordkeeping, monitoring reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The Title V Operating Permit will be modified to include Recovery Boiler No. 3 as a control device for Source ID 111.

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

**08-399-003E. OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for installation of an air cleaning device, an eductor/venturi/packed tower prescrubber, to be used in series with an existing scrubber to control the emissions from a molybdenum pentachloride reactor in North Towanda Township, **Bradford County**.

The molybdenum pentachloride reaction emits molybdenum particulate matter, chlorine and hydrogen chloride. The resultant emissions of molybdenum particulate matter, chlorine and hydrogen chloride will be 0.289 lb/hr, 0.06 lb/hr and 0.031 lb/hr respectively. These emissions will be further controlled in the existing scrubber.

The Department's evaluation of the proposed prescrubber suggests that it will comply with all air quality regulatory requirements. Based on this finding, the Department intends to issue a plan approval for the installation of the prescrubber.

The Department intends to place conditions in the plan approval to ensure compliance with all applicable air quality regulatory requirements. The following is a summary of the most important conditions:

1. Emissions from the reactor shall be captured at an efficiency of no less than 100% and ducted to the prescrubber.

2. The prescrubber shall utilize a caustic solution as a scrubbing medium.

3. The tower and eductor spray nozzles shall each be maintained at a flow rate of 4–6 gpm at all times of operation.

4. The packed bed shall have a minimum packing height of 36 inches.

5. The prescrubber shall be equipped with instrumentation capable of monitoring recirculating flow rate and the pH level on a continuous basis.

6. The prescrubber shall be equipped with instrumentation to measure the pressure differential across the prescrubber.

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#### PUBLIC HEARINGS

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, 17-705-4702.*

**06-05024B: Reliant Energy Mid-Atlantic Power Holdings, LLC** (P. O. Box 1050, Johnstown, PA 15907-1050). The Department has made a preliminary determination to issue a plan approval and amendments to the State Implementation Plan (SIP) for the Titus Station in Cumru Township, **Berks County**.

The proposed plan approval and SIP revision adopts new sulfur dioxide emission limits for the three boilers used in the generation of electricity controlled by electrostatic precipitators, low NOx burners with SOFA and low sulfur coal. The emissions from the sources will not be changed and may result in a reduction in sulfur dioxide due to the use of lower sulfur coals. The proposed new sulfur dioxide limits are 2.7 pounds per million Btu (3 hour block average) and 2.4 pounds per million Btu (24 hour block average). The facility is a major source subject to Title V. The facility is also subject to acid rain and the NOx allowance regulations. The plan approval will in-

clude monitoring, recordkeeping, reporting and work practice requirements designed to keep the source operating within these limits and all other air quality requirements. The Title V Operating Permit No. 06-05024 presently covers the facility.

According to 40 CFR 52.21(l)(2), an alternative to the air quality models specified in 40 CFR Part 51, Appendix W (Guideline on Air Quality Models) may be used to model air quality if the EPA approves the substitute model. As an alternative to the EPA Guideline Models, AERMOD was used in the air quality analysis for the proposed modification to the Reliant generating facility. Specific approval for the use of AERMOD in this analysis was granted by the EPA Region III Administrator and was consistent with the recommendations under section 3.2 of Appendix W to 40 CFR Part 51.

Pertinent documents are available at the Reading District Office. Reviews may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8:30 a.m. and 3 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal and the use of the nonguideline model, AERMOD. The hearing will be held on January 7, 2003, at 9 a.m. in the Reading District Office. The public is invited to comment on the proposal and SIP revision. Persons wishing to give testimony at the hearing should contact Roger Fitterling at (610) 916-0100 to reserve a time to present testimony. Oral testimony will be limited to 10 minutes. Groups or organizations are required to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearings. Persons interested in submitting written comments should send their comments to Roger Fitterling, Air Quality, 1005 Cross Roads Boulevard, Reading, PA 19605, no later than January 31, 2003.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Jeff Minskey at (717) 705-4709 or the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### 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.

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

**46-00060: Department of Public Welfare—Norristown State Hospital** (1001 East Sterigere Street, Norristown, PA 19401) for an Administrative Amendment to Title V Operating Permit No. 46-00060 in Norristown Borough, **Montgomery County**. The permit is being amended to incorporate changes approved under Plan Approval No. 46-0060A (for two 56.25 mmBtu/hr boilers). The facility's other major emission points include 4 boilers and 23 emergency generators. The amended Title V Operating Permit will contain all necessary monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00015: Occidental Chemical Corp.** (375 Armand Hammer Boulevard, P. O. Box 699, Pottstown, PA 19464)

for an administrative amendment to Title V Operating Permit 46-00015 in Lower Pottsgrove Township, **Montgomery County**. The permit is being amended to incorporate changes based on the appeal of the Title V Operating Permit, as well as to incorporate changes approved under plan approval number PA-46-0015A Product Collector for Line No. 6. The facility's major emission points include 38 dispersion resin reactors, 23 suspension resin reactors, 4 spray dryers, 4 grinders, 4 primary dust collectors and 3 secondary dust collectors. The amended Title V Operating Permit will contain the necessary monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements and will include the revision listed:

Section D, Source 104, Condition #005(c) and Source 129, Condition #004(c)—the operating range of the pressure drop across each of the baghouses has revised to be maintained at a minimum 0.5 inch and a maximum of 12 inches (w.g.) at anytime when the lines are operating.

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

**52-00001: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, South East Charleston, WV 25325) for operation of a natural gas compressor station in Milford Township, **Pike County**. This action is a renewal of the Title V Operating Permit issued in 1997.

**40-00017: Pennsylvania Power and Light Martins Creek LLC** (2 North Ninth Street, GENN5 Allentown, PA 18101-1179) for operation of two combustion turbines in Laflin Borough, **Luzerne County**. This action is a renewal of the Title V Operating Permit issued in 1997.

**40-00008: Offset Paperback Manufacturing, Inc.** (P. O. Box North Dallas, PA 18612) for operation of a book printing/manufacturing operation in Dallas Township, **Luzerne County**. This action is a renewal of the Title V Operating Permit issued in 1998.

**40-00002: Transcontinental Gas Pipeline** (P. O. Box 1396, Houston TX 77251-1396) for operation of a natural gas transmission station in Buck Township, **Luzerne County**. This action is a renewal of the Title V Operating Permit issued in 1998.

**54-00004: Gilberton Power Co.** (50 Eleanor Avenue, Frackville, PA 17931) for operation of a power generation plant in West Mahanoy Township, **Schuylkill County**. This action is a renewal of the Title V Operating Permit issued in 1998.

**40-00022: Pennsylvania Power and Light Co.** (2 North Ninth Street-GENN5, Allentown, PA 18101-1179) for operation of a combustion turbine site in Hazle Township, **Luzerne County**. This action is a renewal of the Title V Operating Permit issued in 1997.

**39-00025: Lehigh Cultured Marble/Macungie FAB** (111 Lehigh Street, Macungie, PA 18062) for operation of marble casting and coating process in Macungie Borough, **Lehigh County**. This action is a renewal of the Title V Operating Permit issued in 1997.

**39-00014: Department of Public Welfare—Allentown State Hospital** (1600 Hanover Avenue, Allentown, PA 18109) for operation of boilers in the City of Allentown, **Lehigh County**. This action is a renewal of the Title V Operating Permit issued in 1998.

**40-00019: Cascades Tissue Group PA Inc./ Pittston** (901 Sathers Drive, Pittston, PA 18640) for operation of

printing in Pittston Township, **Luzerne County**. This action is a renewal of the Title V Operating Permit issued in 1998.

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

**16-00124: Dominion Peoples** (5093 Truittsburg Road, Fairmount City, PA 16224) for the reissuance of a Title V Operating Permit to operate a natural gas compressor station in Redbank Township, **Clarion County**. The facility's major emission sources include natural gas-fueled compressor engines. The facility is a major facility due to its potential to emit VOCs and NOx.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**47-00001: PPL Montour, LLC** (2 North Ninth Street, Allentown, PA 18101) for operation of their electricity generating facility in Derry Township, **Montour County**. In accordance with 25 Pa. Code § 127.541, the Title V Operating Permit revision is to incorporate the renewal of their Title IV, Phase II (Acid Rain) permit into their Title V operating permit. This facility is also subject to the acid rain requirements of Title IV of the Federal Clean Air Act and 25 Pa. Code § 127.531. Phase II is a continuation of the Acid Rain Program and it became effective on January 1, 2000, for SO<sub>2</sub> and NOx. The Title IV, Phase II renewal permit will be valid from January 1, 2003, through December 31, 2007. The Title IV, Phase II, permit establishes sulfur oxide allowances for the stations two utility boilers. It also establishes a nitrogen oxides emission limitation of 0.45 lb/mmBtu of heat input for boilers 1 and 2.

**55-00001: Sunbury Generation, LLC** (1088 Spring Hurst Drive, Green Bay, WI 54304) for operation of their electricity generating facility in Shamokin Dam Borough, **Snyder County**. In accordance with 25 Pa. Code § 127.541, the Title V Operating Permit revision is to incorporate the renewal of their Title IV, acid rain, permit into their Title V operating permit. This facility is also subject to the acid rain requirements of Title IV of the Federal Clean Air Act and 25 Pa. Code § 127.531. Phase II is a continuation of the Acid Rain Program and it became effective on January 1, 2000, for SO<sub>2</sub> and NOx. The Title IV Phase II, renewal permit will be valid from January 1, 2003, through December 31, 2007. The Title IV, Phase II, permit establishes sulfur oxide allowances for the stations six boilers. It also establishes a nitrogen oxides emission limitation of 0.50 lb/mmBtu of heat input for boilers 3 and 4.

**17-00001: Reliant Energy, Mid-Atlantic Power Holdings, LLC** (1001 Broad Street, Johnstown, PA 15907) for operation of their Shawville electricity generating station in Bradford Township, **Clearfield County**. In accordance with 25 Pa. Code § 127.541, the Title V Operating Permit revision is to incorporate the renewal of their Title IV, acid rain, permit into their Title V operating permit. This Title V facility is also subject to the Acid Rain Requirements of Title IV of the Federal Clean Air Act and 25 Pa. Code § 127.531. Phase II is a continuation of the Acid Rain Program and it became effective on January 1, 2000, for SO<sub>2</sub> and NOx. The proposed Title IV Phase II, renewal permit will be valid from January 1, 2003, through December 31, 2007. The Title IV Phase II permit establishes sulfur oxide allowances for the stations four utility boilers. It also establishes nitrogen oxides emission limitations of 0.50 lb/

mmBtu of heat input for boilers 1 and 2 and 0.45 lb/mmBtu of heat input for boilers 3 and 4.

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

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

**54-00028: Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948) for operation of their anthracite coal preparation plant in Mahanoy Township, **Schuylkill County**.

**66-00003: Deer Park Lumber Inc.** (R. D. 4, Box 280, Tunkhannock, PA 18657) for operation of their wood processing and drying operation in Tunkhannock Township, **Wyoming County**.

**54-00036: Ginther Coal Co.** (P. O. Box 989, Pottsville, PA 17901) for operation of their coal processing operation in Blythe Township, **Schuylkill County**.

**54-00031: Good Samaritan Regional Medical Center** (700 East Norwegian Street, Pottsville, PA 17901) for operation of their health care facility in Pottsville, **Schuylkill County**.

**45-00010: H. G. Smith Crematory** (2120 North 5th Street, Stroudsburg, PA 18360) for operation of their cremation operation in Stroudsburg Borough, **Monroe County**.

**39-00051: Jaindl's Turkey Farm** (3150 Coffeetown Road, Orefield, PA 18069) for operation of their turkey farm and processing facility in North Whitehall, **Lehigh County**.

**54-00025: Leiby's Restaurant, Inc.** (Routes 309 and 443, South Tamaqua, PA 18252) for operation of their incinerator at restaurant operation in Tamaqua Borough, **Schuylkill County**.

**40-00038: The Lion, Inc.** (700 North Pennsylvania Avenue, Wilkes-Barre, PA 18705) for operation of their malt beverage manufacturer in the City of Wilkes-Barre, **Luzerne County**.

**48-00045: Tolino's Fuel Service** (Box 8, Flicksville, PA 18050) for operation of their fuel service facility in Washington Township, **Northampton County**.

**40-00046: Wilkes-Barre General Hospital** (North River and Auburn Streets, Wilkes-Barre, PA 18764) for operation of their health service facility in the City of Wilkes-Barre, **Luzerne County**.

**35-00017: Art Print Co.** (6 Stauffer Industrial Park, Taylor, PA 18517-9620) for operation of their sheeted offset lithographic printing operation facility in Taylor Borough, **Lackawanna County**.

**35-00039: Community Medical Center** (1800 Mulberry Street, Scranton, PA 18510) for operation of their medical trauma center community medical center in the City of Scranton, **Lackawanna County**.

**39-00013: Kraft General Foods** (P. O. Box 39, Fogelsville, PA 18501) for operation of their food product manufacturing facility in Upper Macungie Township, **Lehigh County**.

**54-00043: Gould Pumps, Inc.** (500 East Centre Street, Ashland, PA 17921) for operation of their pump manufacturing and foundry operation in Ashland Borough, **Schuylkill County**.

**64-00002: Western Wayne School District—R. D. Wilson Elementary Center** (P. O. Box 316, Waymart, PA 18472) for operation of their school building, facility in Canaan Township, **Wayne County**.

**64-00005: Wayco, Inc.** (P. O. Box Y, Waymart, PA 18472) for operation of their asphalt concrete production operation in Waymart Borough, **Wayne County**.

**40-00057: Slusser Brothers Trucking and Excavating Co., Inc.** (125 North Warren Street, Hazleton, PA 18201) on December 4, 2001, for operation of a Facility Synthetic Minor Operating Permit in Dorrance Township, **Luzerne County**.

**40-00056: Slusser Brothers Trucking and Excavating Co., Inc.** (125 North Warren Street, Hazleton, PA 18201) on December 3, 2001, for operation of a Facility Synthetic Minor Operating Permit in Hanover Township, **Luzerne County**.

**35-00045: Eureka Stone Quarry, Inc.** (P. O. Box 247, Chalfont, PA 18914) on December 4, 2001, for operation of a Facility Synthetic Minor Operating Permit in Covington Township, **Lackawanna County**.

**39-00052: Eastern Industries, Inc.** (4401 Camp Hearing Road, Suite 200, Center Valley, PA 18034) on November 28, 2001, for operation of a Facility Synthetic Minor Operating Permit in North Whitehall Township, **Lehigh County**.

**54-00047: Pennsy Supply Co., Inc.—Summit Station Stone Crushing and Screening** (P. O. Box 3331, Harrisburg, PA 17105) on December 4, 2001, for operation of a Facility Synthetic Minor Operating Permit in Wayne Township, **Schuylkill County**.

**45-00014: Mack Printing Co.** (34 North Crystal Street, East Stroudsburg, PA 18301) on December 28, 2001, for operation of a Facility Synthetic Minor Operating Permit in East Stroudsburg Borough, **Monroe County**.

**48-00008: Mack Printing Co.** (1991 Northampton Street, Easton, PA 18042-3189) on December 28, 2001, for operation of a Facility Synthetic Minor Operating Permit in Wilson Borough, **Northampton County**.

**45-00013: All American Olympic Division** (140 2nd Street, Stroudsburg, PA 18360) on March 9, 2001, for operation of a Facility Synthetic Minor Operating Permit in Stroudsburg Borough, **Monroe County**.

**45-00003: Reliant Energy; Middle Smithfield Station, Shawnee CT Facility** (1001 Broad Street, Johnstown, PA 15907-1050) on February 23, 2001, for operation of a Facility Synthetic Minor Operating Permit in Middle Smithfield Township, **Monroe County**.

**39-00023: Mobil Oil Corp.** (1134 North Quebec Street, Allentown, PA 18103) on June 12, 1998, for operation of a Facility Synthetic Minor Operating Permit in the City of Allentown, **Lehigh County**.

**35-00048: Simpson Stone Quarry** (202 Main Street, Laflin, PA 18702) on December 27, 2001, for operation of a Facility Natural Minor Operating Permit in Fell Township, **Lackawanna County**.

**40-00048: Pike's Creek Sand and Stone, Lehman Township Plant No. 1** (P. O. Box 196, Lucon Road, Skippack, PA 19474) on December 4, 2001, for operation of a Facility Natural Minor Operating Permit in Lehman Township, **Luzerne County**.

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

**07-05035: Grannas Brothers. Stone and Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for operation 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. Electric power will be supplied to the batch asphalt plant through the operation of a diesel engine operated generator set. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the annual hours of operation of the generator set and the annual batch asphalt plant production. The expected emissions are: particulate 4.14 tpy, SO<sub>x</sub> 16.31 tpy, VOC 11.04 tpy, CO 14.89 tpy and NO<sub>x</sub> 9.25 tpy. The operating permit will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**67-05096: Blockhouse Co., Inc.** (3285 Farmtrail Road, York, PA 17402) for operation of its wood furniture manufacturing facility in Manchester Township, **York County**. The facility VOC emissions will be limited to less than 25 tpy. Facility emissions of individual and aggregate HAPs will be limited to less than 10 tpy and 25 tpy, respectively. The Synthetic Minor Operating Permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**62-00012: Reliant Energy Mid-Atlantic Power Holding, LLC—Warren Generating Station** (Route 6, Warren, PA 16365) in Conewango Township, **Warren County**. Reliant Energy Mid-Atlantic Power Holding, LLC—Warren Generating Station air emission sources are four coal-fired boilers. The facility, because the boilers are listed in Table 2 (Phase II Allowance Allocations) of 40 CFR 73.10, is a Title IV facility and is therefore subject to the acid rain requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**42-00193: Allegheny Bradford Corp. Manufacturing** (1522 South Avenue, Lewis Run, PA 16738) for a Natural Minor Operating Permit to operate a stainless steel polishing operation in Lewis Run Borough, **McKean County**.

## MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to 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 such 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. Such 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*

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

**17020116 and NPDES Permit No. PA0243400.** **Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Commencement, operation and restoration of a bituminous surface mine-auger permit in Bell Township, Mahaffey Borough, **Clearfield County** affecting 67 acres. Receiving streams: Chest Creek and unnamed tributaries to Chest Creek classified for CWF. There is no downstream potable water supply intake from the point of discharge within 10 miles downstream of proposed mine site. Application received October 24, 2002.

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

**33020101 and NPDES Permit No. PA0242047.** **Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 87.1 acres. Receiving streams: Nicely Run and unnamed tributaries, classified for CWF. There

are no potable surface water supply intakes within 10 miles downstream. Revision to include an additional 1.6 acres to allow the construction for erosion and sedimentation controls. Application received November 14, 2002.

#### *Noncoal Applications Received*

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

**7874SM3A1C4 and NPDES Permit PA0612537.** **Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), quarry with renewal existing discharge of treated mine discharge in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek, classified for CWF. The first potable water supply intake from point of discharge is Allentown Water Works. Application received November 5, 2002.

**7973SM2C8 and NPDES Permit PA0043901.** **Better Materials Corp.** (P. O. Box 196, Penns Park, PA 18943), quarry with a renewal of existing discharge of treated mine discharge in Wrightstown Township, **Buck County**, receiving stream: unnamed tributary to Neshaminy Creek, classified for WWF and MF. The first potable water supply intake from the point of discharge is Philadelphia Suburban Water Company. Application received November 7, 2002.

**40870301C4 and NPDES Permit PA0593818.** **Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105), quarry with renewal of existing discharge of treated mine drainage in Dorrance Township, **Luzerne County**, affecting 85.8 acres. Receiving stream: Balliet Run and unnamed tributary to Big Wapwallopen Creek, classified for CWF. There are six potable water supply intakes within 10 miles downstream from the point of discharge. Application received November 8, 2002.

**7774SM1A1C7 and NPDES Permit PA0044555.** **Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), quarry with renewal existing discharge of treated mine discharge in Oley Township, **Berks County**, receiving stream: unnamed tributary to Limekiln Creek, classified for WWF. Application received November 12, 2002.

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

**17022802.** **Cynthia E. Russell**, R. D. 1, Box 179, Laurel Run Road, Curwensville, PA 16833. Commencement, operation and restoration of a Small Noncoal (Sandstone) Permit in Pike Township, **Clearfield County** affecting 5 acres. Receiving stream: Anderson Creek. Application received October 29, 2002.

**08020814.** **Frank A. Remington**, R. R. 2, Box 195, New Albany, PA 18833. Commencement, operation and restoration of a Small Noncoal (Flagstone) Permit in Overton Township, **Bradford County** affecting 1 acre. Receiving streams: unnamed tributary, tributary to Loyalsock Creek. Application received October 31, 2002.

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

**37020306.** **The East Fairfield Coal Co.** (10900 South Avenue, P. O. Box 217, North Lima, OH 44452). Commencement, operation and restoration of a clay, limestone and coal operation in North Beaver Township, **Lawrence County** affecting 176.4 acres. Receiving streams: four unnamed tributaries to Honey Creek, classified for HQ. There are no potable surface water supply intakes within 10 miles downstream. Application received November 13, 2002.

**4914-37020306-E-1. The East Fairfield Coal Co.** (10900 South Avenue, P. O. Box 217, North Lima, OH 44452). Application for a stream encroachment to conduct mining activities within 100 feet of an unnamed tributary to Honey Creek in North Beaver Township, **Lawrence County** affecting 176.4 acres. Receiving streams: four unnamed tributaries to Honey Creek, classified for HQ. There are no potable surface water supply intakes within 10 miles downstream. Application received November 13, 2002.

#### ABANDONED MINE RECLAMATION

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 491, Beccarria Township, Clearfield County, 141 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, by 4 p.m. on December 30, 2002, to be considered. Telephone inquiries shall be directed to Chuck Lonkart, Division of Mine Hazards, (717) 787-3448.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E07-364. Daniel Detwiler**, P. O. Box 33, Bakers Summit, PA 16614 in Catharine Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 42-inch reinforced concrete pipe in the channel of Yellow Spring Run (WWF) at a point approximately 1,500 feet upstream of its mouth (Spruce Creek, PA Quadrangle: N: 3.32 inches; W: 7.0 inches) in Catharine Township, Blair County.

**E28-310. Lisa Myers, Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Quincy Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 53-inch by 36-inch concrete elliptical pipe stream enclosure with a length of 1,100 linear feet at the channel of an unnamed tributary to West Branch Antietam Creek (CWF) to improve traffic safety conditions at SR 2007, Section 007, Segment 0170, Offset 2050 to 3,227 located at the Village of Quincy (Waynesboro, PA Quadrangle N: 9.46 inches; W: 10.3 inches) in Quincy Township, Franklin County.

**E67-729. Lisa Myers, Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in East Hopewell and Chanceford Townships, **York County**, ACOE Baltimore District.

To remove the existing bridge and to construct and maintain a new bridge having a single span of 43 feet and a minimum underclearance of 5.7 feet across the North Branch of Muddy Creek (CWF) on SR 2075, Section 001, Segment 0040, Offset 2310 located at the Village of Laurel (Stewartstown, PA Quadrangle N: 13.7 inches; W: 1.48 inches) in Chanceford and East Hopewell Townships, York County.

**E67-732. Justin Conway**, 1895 Manor Road, York, PA 17406 in Lower Windsor Township, **York County**, ACOE Baltimore District.

To construct and maintain an aluminum box culvert with a span of 12 feet 1 inch and an underclearance of 6 feet 7 inches in an unnamed tributary to Cabin Creek (WWF) (Red Lion, PA Quadrangle N: 15.91 inches; W: 7.42 inches) in Lower Windsor Township, York County.

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

**E12-133. Cameron County Conservation District**, 100 East Fourth St., Emporium, PA 15834. North Creek Watershed Stabilization Project, in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 9.9 inches; W: 4.5 inches).

The stabilization project consists of seven sites along the North Creek Watershed and one site on Waldy Run, tributary to North Creek. The work to be completed on these eight sites are proposed as biomat placement, live stake plantings, bank reconstruction, root wad installa-

tion, riprap placement and final grading, seeding and mulching. This project proposes to benefit 8 miles of stream by improving water quality and habitat. Waldy Run and North Creek are both listed as HQ-CWF and the project does not propose to impact any wetlands.

**E41-514. Neil F. Dunkle**, P. O. Box 334, Jersey Shore, PA 17740-0334. Water Obstruction and Encroachment Permit Application, in Mifflin Township, **Lycoming County**, ACOE Susquehanna River Basin District (Waterville, PA Quadrangle N: 5.16 inches; W: 0.46 inch).

To remove an existing timber frame bridge and construct and maintain a single span steel frame bridge having a span of 16 feet and a minimum underclearance of 6.5 feet; maintain a single span steel frame bridge having a span of 24.75 feet and a minimum underclearance of 6.5 feet; a single span steel frame walk bridge having a span of 22 feet, a width of 4 feet and a minimum underclearance of 4.6 feet, as well as a steel frame walk bridge having a span of 50 feet, a width of 4 feet and a minimum underclearance of 5.5 feet all of which are located over the First Fork of Larry's Creek (HQ-CWF). The site is located along First Fork Road in Mifflin Township, Lycoming County. The constructed bridge will not impact any jurisdictional wetlands while impacting 350 feet of waterway.

**E41-518. Borough of Muncy**, 14 North Washington Street, Muncy, PA 17756. Four thousand feet of Glade Run channel dredging, in Muncy Borough and Muncy Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 14.9 inches; W: 4.8 inches).

To dredge 4,000 feet of Glade Run 2.5 feet deep in Muncy Borough, Lycoming County. This project proposes to have a significant impact on Glade Run, which is designated as a WWF. This project does not propose to impact any jurisdictional wetlands.

**E49-265. Upper Augusta Township Municipal Authority**, R. R. 1 Box 310C, Sunbury, PA 17801. Packer Island Sewer System, in Upper Augusta Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 1.77 inches; W: 5.31 inches).

To construct and maintain a sewage pumping station in the floodplain of the Susquehanna River (WWF). The project is located along the southern right-of-way of SR 0147 Upper Augusta Township, Northumberland County. The sewer pumping station will not impact any jurisdictional wetlands while permanently impacting 384 square feet of floodplain.

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

**E20-526. Richard F. Schroeckenstein**, 10785 Konneyaut Trail, Conneaut Lake, PA 16316. Schroeckenstein Solid Dock in Conneaut Lake, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 20.5 inches; W: 6.6 inches).

To install steel sheet piling and rehabilitate and maintain the existing 12-foot wide by 50-foot long solid fill dock along the eastern shore of Conneaut Lake at 10785 Konneyaut Trail north of Iroquois Drive.

**E24-228. Elk County Commissioners**, P. O. Box 448, Ridgway, PA 15853-0448. T-308 Bridge (Maxwell Run Bridge) in Spring Creek Township, **Elk County**, ACOE Pittsburgh District (Hallton, PA Quadrangle N: 1.6 inches; W: 8.5 inches).

To remove the existing structure and to construct and maintain a three span steel I-beam bridge having two clear spans of 31.31 meters each and a clear span of 40.15 meters and having an underclearance of 7.28 meters on a 90° skew across the Clarion River (CWF) at the intersection of T-301 and T-308. The new bridge would be located approximately 22 meters downstream of the existing structure. The project includes the temporary impact of 0.049 acre of wetlands and the construction of a temporary causeway and cofferdams for construction.

**E33-211. John Depp**, Hamilton, PA 15744. Depp Stream Restoration, in Perry Township, **Jefferson County**, ACOE Pittsburgh District (Valier, PA Quadrangle N: 8.75 inches; W: 12.25 inches).

Realign approximately 300 feet long by 40 feet wide reach of Foundry Run (CWF) to minimize erosion and reduce the possibility of flooding at the John Depp residence. The project will eliminate a sharp bend in the stream within 50 feet of buildings on the Depp residence. The realignment will be approximately 280 feet long by 30 feet wide. Root wads will be installed in a dike that will divert the flow from the existing channel to the new channel. The construction of the new channel will include biomat with live stakes and seeding of all disturbed areas. The abandoned channel will be recontoured to prevent ponding and will be reseeded.

A 110-foot long by 55-foot wide spoiling and material storage area will be developed within 50 feet of Foundry Run to facilitate the realignment. The area will be restored upon completion of the project.

**E37-146. Department of Transportation, District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017-2853. SR 1016, Section L02 Across Taylor Run, in Plain Grove Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 13.6 inches; W: 6.9 inches).

To remove the existing structure and to construct and maintain a prestressed spread/adjacent box beam bridge having a clear span of 38.5 feet and an underclearance of 5.33 feet on a 90 degree skew across Taylor Run (CWF) on SR 1016, Section L02 approximately 2.1 miles west of the intersection of SR 1016 and Interstate 79. Project includes the permanent impact of 0.196 acre of PSS and PFO wetland, the temporary impact of 0.018 acre of wetland and contribution to the Pennsylvania Wetland Replacement Fund for replacement of permanently impacted wetland. Project also includes widening and reconstruction of the roadway for approximately 580 feet east of the bridge and 410 feet west of the bridge.

#### DAM SAFETY

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

**D10-119. Borough of Zelenople**, 111 West New Castle Street, Zelenople, PA 16063. To modify, operate and maintain Scholars Run Diversion Dam across Scholars Run (WWF), impacting approximately 300 feet of stream for the purpose of increasing the normal pool elevation of the reservoir with removable flashboards to divert additional water from Scholars Run into the Zelenople raw water reservoirs. The flashboards will increase the height of the dam by 2 feet (Zelenople, PA Quadrangle N: 10.2 inches; W: 1.2 inches) in Jackson Township, **Butler County**.

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**ACTIONS**


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**FINAL ACTIONS TAKEN UNDER  
THE CLEAN STREAMS LAW AND THE  
FEDERAL CLEAN WATER  
ACT—NPDES AND WQM PART II  
PERMITS  
INDUSTRIAL WASTE AND  
SEWERAGE WASTEWATER**

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

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

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

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

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


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

**NPDES Permit No. PA0052965**, Industrial Waste, **Rex Heat Treat-Lansdale, Inc.**, 8th Street and Valley Forge Road, Lansdale, PA 19446. This proposed facility is located Lansdale Borough, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to West Branch of Neshaminy Creek-Neshaminy-2F.

**NPDES Permit No. PA0057045**, Industrial Waste, **Shryock Brothers, Inc., Dorlans Paper Mill**, Route 282 and Dorlans Mill Road, Downingtown, PA 19355-0415. This proposed facility is located in Downingtown Borough, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into East Branch of Brandywine Creek-3H.

**WQM Permit No. 2302404**, Sewerage, **Pantos Corporation**, 202 Black Matt Road, Douglassville, PA 19518. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the construction and operation to install a dechlorination system at the existing Painter's Crossing wastewater treatment plant.

**WQM Permit No. 1596405**, Sewerage, **Willistown Township Board of Supervisors**, 688 Sugartown Road, Malvern, PA 19355. This proposed facility is located in Willistown Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of a WQM permit for the Penns Preserve STP with a spray irrigations system.

**WQM Permit No. 4602413**, Sewerage, **East Norriton Township**, 2501 Stanbridge Street, East Norriton, PA 19401-1616. This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the construction and operation to install a new submersible pump station to replace the existing station.

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

**NPDES Permit No. PA0038270**, Industrial Waste, **Sunoco Partners Marketing & Terminals, L. P.**, 1801 Market Street, Philadelphia, PA 19103-1699. This proposed facility is located in Rush Township, **Schuylkill County** and discharge to Little Schuylkill River.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

**NPDES Permit No. PA0062723**, Industrial Waste, **Sunoco Partners Marketing & Terminals L. P.**, 1801 Market Street, 19/10PC, Philadelphia, PA 19103. This proposed facility is located in Whitehall Township, **Lehigh County** and discharges to the Lehigh River.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

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

**NPDES Permit No. PA0082007 and WQM Permit No. 3102401**, **Dudley-Carbon-Coalmon Joint Municipal Authority**, P. O. Box 276, Dudley, PA 16634. This proposed facility is located in Carbon Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to Shoup Run and Construction/Operation Sewage Treatment Facilities (Phase 1).

**NPDES Permit No. PA0087007 (A1) and WQM Permit No. 0586402 (T1)**, **Kimberly A. Browell, II**, 6827 Bedford Valley Road, Bedford, PA 15522-6114. This proposed facility is located in Cumberland Valley Township, **Bedford County**.

Description of Proposed Action/Activity: Transfer of permits.

**WQM Permit No. 3602414**, Sewerage, **Borough of Ephrata**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Ephrata and East Cocalico Townships, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of sewers and appurtenances.

**WQM Permit No. 3602415**, Sewerage, **Lancaster County Bible Church**, 2392 Mount Joy Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of aquapoint bioclere denitrification treatment system with a drip irrigation disposal field.

**WQM Permit No. 0602410**, Sewerage, **Exeter Township Berks County Authority**, 4975 DeMoss Road, Reading, PA 19606. This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of the Glen Oley Farms force main and submersible pump station to serve 30 homes. The pump station will be located on Beecham Road. The 6-inch force main will discharge into an existing manhole on Lime-stone Drive.

**WQM Permit No. 3602204**, Industrial Waste, **Steven Graybeal, Graywood Farms, LLC—Terra-Gro, Inc. Compost Facility**, 225 Mason Dixon Road, Peach Bottom, PA 17563. This proposed facility is located in Fulton Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of leachate/stormwater storage pond for a composting facility using dairy and horse manure.

**WQM Permit No. 2202201**, CAFO, **Murray Laudslager, Laudan Farms**, 2248 Back Road, Halifax, PA 17032. This proposed facility is located in Wayne Township, **Dauphin County**.

Description of Proposed Action/Activity: Expansion of existing manure storage facilities by adding a new 132 foot x 112 foot x 10 foot below house concrete manure pit to the end of the main dairy barn. A perimeter drain will control groundwater and can serve to monitor leakage from the expansion.

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

**NPDES Permit No. PA0113778**, Sewerage SIC 4952, **Brookside Manor Associates**, 215 West Church Road Suite 106, King of Prussia, PA 19406-3207. This existing facility (Pleasant View Estates MHP) is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit for the discharge of 0.03 million gallons per day to the Susquehanna River.

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

**NPDES Permit No. PA0034185-A1**, Sewage, **Kenneth Hurlbut**, 4751 Kendor Drive, Lower Burrell, PA 15068 is authorized to discharge from a facility located at High Meadows MHP STP, Allegheny Township, **Westmoreland County** to receiving waters named unnamed tributary of Allegheny River.

**NPDES Permit No. PA0092487**, Sewage, **Nino Barsotti**, Star Route, Mt. Pleasant, PA 15666 is authorized to discharge from a facility located at Nino Barsotti Restaurant STP, Bullskin Township, **Fayette County** to receiving waters named unnamed tributary of Jacobs Creek.

**Permit No. 3002402**, Sewage, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, P. O. Box 752, Waynesburg, PA 15370. Construction of sewage pumping stations, force mains, gravity sewers located in

Franklin Township, **Greene County** to serve Eastview and West Waynesburg Pumping Stations.

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

**NPDES Permit No. PA0044041**, Industrial Waste, **Corry Fish Culture Station, Benner Spring Fish Research Station, Fish and Boat Commission**, 1225 Shiloh Road, State College, PA 16801-8495. This proposed facility is located in Wayne Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Spencer Creek and the South Branch of French Creek.

**NPDES Permit No. PA0044067**, Industrial Waste, **Union City Fish Culture Station, Benner Springs Fish Research, Fish and Boat Commission**, 1225 Shiloh Road, State College, PA 16801-8495. This proposed facility is located in Union Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Bentley Run.

**NPDES Permit No. PA0101192**, Industrial Waste, **Borough of Falls Creek Water**, 117 Taylor Avenue, P. O. Box 418, Falls Creek, PA 15840. This proposed facility is located in Borough of Falls Creek, **Jefferson County**.

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

**NPDES Permit No. PA0006441**, Industrial Waste, **CSX Transportation, Inc.**, 500 Water Street—J275, Environmental Department, Jacksonville, FL 32202. This proposed facility is located in Bell Township, **Jefferson County**.

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

**NPDES Permit No. PA0101052**, Industrial Waste, **Municipal Authority of the Borough of Union City, Water Filtration Plant**, 12 South Main Street, Union City, PA 16438. This proposed facility is located in Union Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Bentley Run.

**NPDES Permit No. PA0030104**, Sewage, **Polk Center, Department of Public Welfare**, P. O. Box 94, Polk, PA 16342. This proposed facility is located in Borough of Polk, **Venango County**.

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

**WQM Permit No. 2402403**, Sewerage, **City of St. Marys**, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857-1994. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This project is for the Elk Creek Interceptor replacement.

**WQM Permit No. 2002422**, Sewerage, **Dave Buchanan**, 19640 Knowlton Parkway, Apartment 305, Strogsville, OH 44149. This proposed facility is located in West Shenango Township, **Crawford County**.

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

#### 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.

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

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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 and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Mercer County West Salem Township	PAR104381	St. Paul Homes 339 Jamestown Road Greenville, PA 16125	Shenango River tributary WWF	Mercer County Conservation District (724) 662-2242
Bedford Borough Bedford County	PAR100462	Friendship Village 348 Friendship Village Rd. Bedford, PA 15502	Raystown Branch of the Juniata River TSF	Bedford County Conservation District 702 W. Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
N. Middleton Township Cumberland County	PAR10148R	Kollas and Cosiopolous Kingsbrook 1104 Fernwood Ave. Camp Hill, PA 17011	Wertz Run WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
N. Middleton Township Cumberland County	PAR10149R	Kollas and Cosiopolous Kingsbrook 1104 Fernwood Ave. Camp Hill, PA 17011	Wertz Run WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Tioga County Ward Township	PAR106648	Sylvan Glen, Inc. Thaddeus Stevens P. O. Box 61 Gaines, PA 16921-0061	Fellows Creek Tioga River CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Union County East Buffalo Township	PAR106846	Gary E. Baylon Brook Park Village Phase III 115 Farley Circle Suite 100 Lewisburg, PA 17837	Limestone Run WWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Forest County Howe Township	PAR102702	Synd Enterprises, Inc. R. D. 2, Box 132 Sugar Grove, PA 16350	Tionesta Creek CWF Unnamed tributary to Tionesta Creek CWF	Northwest Region Oil and Gas Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6860
<i>General Permit Type—PAG-3</i>				
Lackawanna County Taylor Borough	PAR502201	Alliance Sanitary Landfill, Inc. 398 Keyser Avenue Taylor, PA 18517	Unnamed tributary to St. Johns Creek Snake Run WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Cecil Township Washington County	PAR206137	Miller Centrifugal Casting Co. P. O. Box 456 Cecil, PA 15321-0456	Millers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
West Shenango Township Crawford County	PAG048849	Dave Buchanan 19460 Knowlton Parkway, Apt. 305 Strogsville, OH 44149	Unnamed tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wilmington Township Mercer County	PAG048478	John P. and Melinda J. Holfelder 4579 New Castle Rd. New Wilmington, PA 16142	Tributary West Branch Little Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-10</i>				
Northampton County Bethlehem City	PAG102207	Conectiv Bethlehem, LLC P. O. Box 6066 Newark, DE 19714-6066	Lehigh River	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

## PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service,

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

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

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

#### SAFE DRINKING WATER

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

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

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 W. Hersheypark Drive, Hershey, PA 17033, PWS ID 1090074, Lower Makefield Township, **Bucks County** on November 8, 2002, for the operation of facilities approved under Construction Permit 0902503.

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

**Permit No. 2202507**, Public Water Supply.

Applicant	<b>Lower Dauphin School District</b>
Municipality	Londonderry Township
County	<b>Dauphin</b>
Type of Facility	Installation of a granular activated carbon system for the removal of Benzene, TCE and MTBE at the Londonderry Elementary School.
Consulting Engineer	William E. Fisher, P. E. Moore Engineering Company 3637 Columbia Ave. Lancaster, PA 17603
Permit to Construct Issued	November 18, 2002

**Operations Permit** issued to **Cornwall Borough Municipal Authority**, 7380007, Cornwall Borough, **Lebanon County** on November 18, 2002, for the operation of facilities approved under Construction Permit No. 3801507 MA.

**Operations Permit** issued to **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on November 18, 2002, for the operation of facilities approved under Construction Permit No. 2202504 MA.

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

**Permit No. 1402505**, Public Water Supply.

Applicant	<b>Mount Eagle Water Association</b> 288 Mount Eagle Road Howard, PA 16841
Township	Howard Township
County	<b>Centre</b>
Type of Facility	PWS—approval to construct new Well #1, sodium hypochlorite and polyphosphate treatment facilities, 47,000 gallon finished water storage tank, 1,200 feet of 6-inch transmission and distribution mains and associated controls.
Consulting Engineer	Kerry A. Uhler & Associates 140 Rear West High Street Bellefonte, PA 16823
Permit to Construct Issued	November 13, 2002

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

Applicant	<b>Mansfield University</b> c/o Ben Jones, Director of Facilities Mgt. and Operation Brooks Maintenance Building Mansfield, PA 16933
Borough	Mansfield Borough
County	<b>Tioga</b>
Type of Facility	PWS—approval designating optimal corrosion control treatment under the lead and copper rule.
Permit to Operate Issued	November 13, 2002

#### WATER ALLOCATIONS

#### Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

**WA 22-172C**, Water Allocations, **Millersburg Area Authority, Dauphin County**. The Authority was granted the right to withdraw up to 236,500 gallons per day gpd from the Wiconisco Creek located in Upper Paxton Township, Dauphin County. Consulting Engineer: Gene C. Koontz, P. E., Gannett Fleming, Inc. Permit issued November 12, 2002.

#### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

**Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act**  
**M. W. Manufacturing Site, Valley Township, Montour County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305)

and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with Nassau Metals Corporation, formerly AT&T Nassau Metals Corporation (Nassau), regarding past response costs incurred by the Department at the M. W. Manufacturing Site (Site) located in Valley Township, Montour County.

Historically, M. W. Manufacturing Company operated a metal reclamation business at the Site and specialized in recovering copper and lead from electrical and telephone wire and cable it bought as scrap. Nassau sent scrap wire and cable to the M. W. Manufacturing Company for processing and disposal at the Site. M. W. Manufacturing Company's operations involved separating the plastic insulation from the metal wire, stockpiling the discarded insulation on Site and recovering and salvaging the metal for resale. These activities resulted in releases of hazardous substances and contaminants to the environment at the Site. Based upon a preliminary characterization of the Site, heavy metals and organic solvents have been detected. It is believed that hazardous substances and/or contaminants associated with the Site have migrated, spilled or were placed on neighboring properties. There is a threat to the public health, safety and the environment from the continued release and threat of release of hazardous substances and contaminants at and from the Site.

The Department has determined that response actions are and were necessary to abate the release and threatened release of hazardous substances and contaminants at the Site. The Department and Nassau entered into a proposed Consent Order and Agreement (COA). Under terms of the proposed settlement, Nassau will pay the Department \$120,000 as reimbursement for past response costs.

This notice is provided under section 1113 of the HSCA (35 P.S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed COA that contains the specific terms of the settlement is available for public review and comment. The proposed COA can be examined from 8 a.m. to 4 p.m. at the Department's office at 208 West Third Street, Suite 101, Williamsport, PA 17701 by contacting Michael Welch at (570) 321-6525. A public comment period on the proposed COA will extend for 60 days from November 30, 2002. Persons may submit written comments regarding the proposed COA to the Department by January 29, 2003, by submitting them to Michael C. Welch, Environmental Program Manager at the previous address.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation

to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office 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:

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

**Conseco Property—Coalport**, Beccarria Township, **Clearfield County**. Mountain Research, LLC, on behalf of Conseco, Inc., 105 Bradford Road, Stonewood Commons III, Suite 200, Wexford, PA 15090 has submitted a Final Report within 90 days of release concerning soil contaminated with No. 2 fuel oil. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

### **HAZARDOUS WASTE TRANSPORTER LICENSE**

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

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

*Hazardous Waste Transporter License Issued*

**EnPro Services, Inc.**, 12 Mulliken Way, Newburyport, MA 01950. License No. **PA-AH 0696**. Effective October 30, 2002.

*Hazardous Waste Transporter License Renewed*

**Transport Rollex LTEE**, 910 Boul Lionel-Boulet, Varennes, PQ J3X 1P7. License No. **PA-AH 0544**. Effective November 7, 2002.

**Environmental Equipment and Services, Inc.**, 2188 US 322, Swedesboro, NJ 08085. License No. **PA-AH 0472**. Effective October 30, 2002.

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

*Hazardous Waste Transporter License Expired*

**Race Inc. d/b/a Envirocure**, 665 William Pitt Way, Pittsburgh, PA 15238. License No. **PA-AH 0340**. Effective October 31, 2002.

**T.A.G. Transport, Inc.**, P. O. Box 146, Rockwood, TN 37854. License No. **PA-AH 0539**. Effective October 31, 2002.

### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received**

under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (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.*

*Infectious and Chemotherapeutic Waste Transporter License Issued*

**MAC Healthcare Services, LLC**, 21 Jacobs Ln., Scotch Plains, NJ 07076. License No. **PA-HC 0215**. Effective October 30, 2002.

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

**Determination of Applicability for General Permit 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR037D002. WPS Empire State Inc.**, 1088 Springhurst Dr., Green Bay, WI 54304-5495. The beneficial use of coal and petroleum coke ash for use in reclamation activities on disturbed land at permitted mine sites regulated under the Department's Bureau of Mining and Reclamation and at abandoned mine sites regulated under the Department's Bureau of Abandoned Mine Reclamation or with another governmental agency. The Department approved the determination of applicability on November 8, 2002.

Persons interested in reviewing the general permit may contact the General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### **MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION**

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Roy's Sanitation Service**, 303 Walnut Street, Norristown, PA 19401. Authorization No. WH0377. Effective November 12, 2002.

**Tom Shipton Disposal Service**, 958 West Line Road, Linden, PA 17744. Authorization No. WH0479. Effective November 12, 2002.

**Vogel Disposal Service, Inc.**, 121 Brickyard Road, P. O. Box 847, Mars, PA 16046-2911. Authorization No. WH0555. Effective November 12, 2002.

**Milan Express, Inc.**, 437 Serviss Ave., North Brunswick, NJ 08902. Authorization No. WH0605. Effective November 12, 2002.

**Luis E. Navarro**, Apt. 7, 18-20 Wright Ave., Jersey City, NJ 07306. Authorization No. WH1900. Effective November 12, 2002.

**Stanislaw Smotrzyk**, Apt. 1, 72 President St., Passaic, NJ 05055. Authorization No. WH1901. Effective November 12, 2002.

**Rodolfo Javier Madrigal**, 77 Wallis Ave., Jersey City, NJ 17306. Authorization No. WH1902. Effective November 12, 2002.

**Suad Musanovic**, 62 Wolfe Road, Budd Lake, NJ 07828. Authorization No. WH1903. Effective November 12, 2002.

**Harley Fanego**, Apt. 1, 165 62nd St., West New York, NY 07093. Authorization No. WH2042. Effective November 12, 2002.

**Shanai Trucking**, 275 Beech St., Hackensack, NJ 07601. Authorization No. WH2043. Effective November 12, 2002.

**Segundo M. Caseres**, 547 N. 9 St., Newark, NJ 07107. Authorization No. WH0619. Effective November 12, 2002.

**Bandele Trucking Inc.**, 711 Ogden Ave., Teaneck, NJ 07666. Authorization No. WH0620. Effective November 12, 2002.

**Klodian Hysa**, 21 Boniface Drive, Pine Bush, NY 12566. Authorization No. WH0621. Effective November 12, 2002.

**Wilman A. Martinez Co.**, Suite 9, 61 Lincoln Highway, South Kearny, NJ 07032. Authorization No. WH0622. Effective November 12, 2002.

**Intek Auto Leasing Inc.**, 372 N. 7 St., Newark, NJ 07107. Authorization No. WH0623. Effective November 12, 2002.

**Klever Ortiz**, 7610 5th Ave., North Bergen, NJ 07047. Authorization No. WH0624. Effective November 12, 2002.

**Jorge Bunay**, 372 N. 7 St., Newark, NJ 07107. Authorization No. WH0625. Effective November 12, 2002.

**Franklin Mendoza**, 372 N. 7 St., Newark, NJ 07107. Authorization No. WH0626. Effective November 12, 2002.

**Intex Motor Leasing**, 464 Hudson Terrace, Englewood Cliffs, NJ 07632. Authorization No. WH0627. Effective November 12, 2002.

**First Colonial Funding Corp.**, 209 Mt. Prospect Ave., Newark, NJ 07104. Authorization No. WH0628. Effective November 12, 2002.

**Watkins Leasing Co.**, Box 259, Goose Hill Road, Jefferson, ME 04348. Authorization No. WH0629. Effective November 12, 2002.

**Joaquim G. Campos**, No. 1, 276 Ampere Parkway, Bloomfield, NJ 07003. Authorization No. WH0630. Effective November 12, 2002.

**Isaias A. Soto**, 324 49th St., Brooklyn, NY 11220. Authorization No. WH0631. Effective November 12, 2002.

**Zoltan G. Gott**, 752 Grier Ave., Elizabeth, NJ 07202. Authorization No. WH0632. Effective November 12, 2002.

**EBS Express Corp.**, 40 Monmouth Road, Elizabeth, NJ 07208. Authorization No. WH0633. Effective November 12, 2002.

**Luis Campos**, 51 Honiss St., Belleville, NJ 07109. Authorization No. WH0634. Effective November 12, 2002.

**Antonio Teixeira**, Apt. 2, 22 Monroe St., Newark, NJ 07105. Authorization No. WH0635. Effective November 12, 2002.

**Dzemali Kovacevec**, 67 Van Duzer St., Staten Island, NY 10302. Authorization No. WH0636. Effective November 12, 2002.

**D & M Leasing Inc.**, 2 Fish House Road, South Kearny, NJ 07032. Authorization No. WH0637. Effective November 12, 2002.

**Francisco Dasilva**, 97 Brill St., Newark, NJ 07105. Authorization No. WH0638. Effective November 12, 2002.

**Landi Alushillari**, 20-30 Merle Place, Staten Island, NY 10305. Authorization No. WH0639. Effective November 12, 2002.

**Neritan Stermasi**, 3038 Hull Ave., Bronx, NY 10467. Authorization No. WH0641. Effective November 12, 2002.

**Jorge E. Miranda Guerrero**, 305 Greylock Pky., Belleville, NJ 07109. Authorization No. WH0643. Effective November 12, 2002.

**Jose A. Barralagra**, 739 Murray St., Elizabeth, NJ 07201. Authorization No. WH0644. Effective November 12, 2002.

**Stacy Manakides**, 29 Flint Road, East Rockaway, NY 11518. Authorization No. WH0645. Effective November 12, 2002.

**Cesar Campos**, 279 N. 6th St., Newark, NJ 07107. Authorization No. WH0646. Effective November 12, 2002.

**Jorge E. Herrera**, Fl. 1, 539 Roosevelt Ave., Carteret, NJ 07008. Authorization No. WH0647. Effective November 12, 2002.

**Klever R. Orozco**, 165 Main St., Belleville, NJ 07109. Authorization No. WH0648. Effective November 12, 2002.

**Northern Points Transportation Inc.**, 6217 Polk St., West New York, NJ 07093. Authorization No. WH0649. Effective November 12, 2002.

**Pedro & Son Trucking**, 233 Kearny Ave., Perth Amboy, NJ 08861. Authorization No. WH0733. Effective November 12, 2002.

**John P. Urgiles Co.**, 823 22nd St., Union City, NJ 07087. Authorization No. WH0734. Effective November 12, 2002.

**Pegasus of Polanco Trucking**, Suite 916, 375 State St., Perth Amboy, NJ 08861. Authorization No. WH0735. Effective November 12, 2002.

**Father & Sons New York Inc.**, 543 NW 33rd, Oklahoma City, OK 73118. Authorization No. WH0736. Effective November 12, 2002.

**Ralph Ramlal**, Suite 208, 310 NE 28th St., Oklahoma City, OK 73105. Authorization No. WH0737. Effective November 12, 2002.

**Adelso R. Davila**, 8112 Bendell Dr., Houston, TX 77017. Authorization No. WH0738. Effective November 12, 2002.

**Alberto Martinez-Reyes**, 679 State St., Perth Amboy, NJ 08861. Authorization No. WH0739. Effective November 12, 2002.

**Felipe Trucking**, Suite 208, 310 NE 28th St., Oklahoma City, OK 73105. Authorization No. WH0740. Effective November 12, 2002.

**Marco A. Martinez**, 6820 N. Classen, Oklahoma City, OK 73116. Authorization No. WH0742. Effective November 12, 2002.

**Makxs Trucking Inc.**, Suite 208, 310 NE 28th St., Oklahoma City, OK 73105. Authorization No. WH0743. Effective November 12, 2002.

**Knights Carriers Corp.**, 521 Linden Ave., Elizabeth, NJ 07202. Authorization No. WH0744. Effective November 12, 2002.

**Bheem Amrit**, 130-08 1216th Ave. South Oz, Jamaica, NY 11420. Authorization No. WH0745. Effective November 12, 2002.

**David Collazo**, 2783 Atlantic Ave., 2nd Floor, Brooklyn, NY 11207. Authorization No. WH0747. Effective November 12, 2002.

**Benoit Transport LLC**, 46 Piaget Ave., Clifton, NJ 07011. Authorization No. WH0748. Effective November 12, 2002.

**Guillermo Jurado**, 144 South Pine Ave., South Amboy, NJ 08879. Authorization No. WH0749. Effective November 12, 2002.

**Johnny Gonzales**, 53 Washington St., Perth Amboy, NJ 08861. Authorization No. WH0750. Effective November 12, 2002.

**Oswaldo G. Recalde**, Apt. 1A, 248 E. 111th St., New York, NY 10029. Authorization No. WH0751. Effective November 12, 2002.

**Coyote Trucking Inc.**, 256 Stagg St. 2r, Brooklyn, NY 11206. Authorization No. WH0752. Effective November 12, 2002.

**Odyssey Waste Service LLC**, 413 S. Broad St., Philadelphia, PA 19147. Authorization No. WH0755. Effective November 12, 2002.

**USA Town & Country Hauling & Recycling**, 15 Mullen Road, Enfield, CT 06082. Authorization No. WH0756. Effective November 12, 2002.

**Somers Sanitation Service Inc.**, 15 Mullen Road, Enfield, CT 06082. Authorization No. WH0757. Effective November 12, 2002.

**KR Leasing LLC**, 15 Mullen Road, Enfield, CT 06082. Authorization No. WH0758. Effective November 12, 2002.

**Gladiators Trucking Corp.**, P. O. Box 367, 69-01 Polk St. Suite 2, West New York, NJ 07093. Authorization No. WH0732. Effective November 14, 2002.

**RRR Trucking Inc.**, 105 Jamaica Ave., Medford, NY 11763-3503. Authorization No. WH0759. Effective November 14, 2002.

**Lower Chichester Township**, P. O. Box 1255, 1410 Market St., Linwood, PA 19061-4114. Authorization No. WH0781. Effective November 14, 2002.

**Warrington Disposal Service**, 1277 Donation Hill, P. O. Box 422, Cooperstown, PA 16317-0422. Authorization No. WH0782. Effective November 14, 2002.

**Donald G. Bock**, Shiloh Road, P. O. Box 366, Bigler, PA 16825. Authorization No. WH0788. Effective November 14, 2002.

**Richard W. Pinto**, 375 Zion Road, Hillsborough, NJ 08844. Authorization No. WH0789. Effective November 14, 2002.

**My Two Eyes LLC**, 842 Ulster Heights Road, Elleville, NY 12428. Authorization No. WH0790. Effective November 14, 2002.

**Hakan Rodop**, 6939 Torresdale Avenue, Philadelphia, PA 19135. Authorization No. WH0791. Effective November 14, 2002.

**Swoyersville Borough**, 675 Main Street, Swoyersville, PA 18704-1203. Authorization No. WH0707. Effective November 14, 2002.

**Boydco Roll Off Services, Inc.**, 2951 Grand Avenue, Pittsburgh, PA 15225-1601. Authorization No. WH0708. Effective November 14, 2002.

**Luis Rodriguez**, 311 Kay Drive, Whitehall, PA 18052. Authorization No. WH0709. Effective November 14, 2002.

**USL Environmental Services, Inc. d/b/a A & A Environmental**, 200 Raynor Avenue, Linthicum, MD 21090. Authorization No. WH0710. Effective November 14, 2002.

**Environmental Coordination Services & Recycling, Inc.**, 3237 US Highway 19, Cochran, PA 16314-3821. Authorization No. WH0712. Effective November 15, 2002.

**Royce A. Shroyer**, 463 Kennell's Mill Road, Hyndman, PA 15545. Authorization No. WH0714. Effective November 15, 2002.

**Palmyra Borough, Lebanon County**, 325 South Railroad Street, Suite 300, Palmyra, PA 17078-2400. Authorization No. WH0715. Effective November 15, 2002.

**Gorski Trash Removal, Inc.**, 939 Cedar Lane, P. O. Box 100, Penn's Park, PA 18943. Authorization No. WH0716. Effective November 15, 2002.

**Allen Paving Company, Inc.**, Georgetown Lane, P. O. Box 127, Beaver, PA 15009. Authorization No. WH0717. Effective November 15, 2002.

**Melvin Lazendorfer**, R. R. 1, Box 230H, Holidaysburg, PA 16648. Authorization No. WH0718. Effective November 15, 2002.

**C & P Trucking, Inc.**, 929 2nd Avenue, Duncansville, PA 16635. Authorization No. WH0719. Effective November 15, 2002.

**James R. Traylor**, 23 North Queen Street, Shipensburg, PA 17257. Authorization No. WH0720. Effective November 15, 2002.

**Lillian D. Vile**, 2532 Trenton Road, Levittown, PA 19056. Authorization No. WH0721. Effective November 15, 2002.

**Ralston & Sons Trucking**, 3121 Crooked Sewer Road, Osceola Mills, PA 16666. Authorization No. WH0722. Effective November 15, 2002.

**Lisa Robertson**, 1164 Rear, Cedar Crest Boulevard, Allentown, PA 18103. Authorization No. WH0723. Effective November 15, 2002.

**Helder Dos Santos**, 44 Liberty Street, Danbury, CT 06810. Authorization No. WH0724. Effective November 15, 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.**

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

**GP4-22-03041: Librandi's Machine Shop** (93 Airport Drive, Middletown, PA 17057-3054) on November 8, 2002, for operation of a burn off oven under GP4 in Middletown Borough, **Dauphin County**.

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

**24-129: American Refining and Exploration Co.—Benezette Station** (Quehanna Highway, Benezette, PA 15821) on October 31, 2002, for operation of a natural gas production facility in Benezette Township, **Elk 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.**

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

**28-05031: Borough of Chambersburg** (100 South Second Street, Chambersburg, PA 17201-2512) on November 8, 2002, for installation of four natural gas and #2 oil fired engine generators at its Orchard Park Generating Station in Chambersburg Borough, **Franklin County**.

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

**24-016B: Keystone Powdered Metal, Co.** (1935 State Street, St. Marys, PA 15857) on November 5, 2002, for modification of temperature requirements for the afterburners in St. Marys, **Elk County**.

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

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

**46-0005M: Merck and Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486) on November 12, 2002, for operation of a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

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

**67-02004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on November 12, 2002, for construction of three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

**67-03058A: Coates Electrographics, Inc.** (1160 A Fahs Street, York, PA 17404) on September 11, 2002, for installation of a new toner manufacturing system con-

trolled by four fabric filter dust collectors at its facility in West Manchester Township, **York County**. This plan approval was extended.

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

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

**24-00120: Dominion Transmission, Inc.—Ardell Station** (SR 2004, St. Marys, PA 15857) in Benezette Township, **Elk County**. The initial Title V permit (issued on October 2, 1997) was reissued on November 12, 2002. The reissued permit expires on October 31, 2007. Dominion Transmission Inc.—Ardell Station air emission sources are a natural gas-fired combustion turbine, two small natural gas-fired boilers, a small natural gas-fired auxiliary generator, several miscellaneous storage tanks and two small microturbines. The facility, because it has the potential to be a major source of NOx emissions, 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.

**25-00316: Ethan Allen, Inc.—A Cherry Hill Division** (77 South Main Street, Union City, PA 16438) in Union City Borough, **Erie County**. Ethan Allen Inc.—A Cherry Hill Division air emission sources are a wood-fired boiler, a gas-fired boiler, the chair plant and table plant woodworking areas and several wood furniture manufacturing spray booths. The facility, because it is a major source of VOC emissions, 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.

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**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.**

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

**09-00088: Chicago Steel, Ltd.** (USX Fairless Works, Fairless Hills, PA 19030) on November 12, 2002, for operation of a Natural Minor Operating Permit in Falls Township, **Bucks County**.

**46-00206: Merck and Co., Inc.** (1180 Church Road, Lansdale, PA 19446) on November 12, 2002, for operation of a Natural Minor Operating Permit in Lansdale Borough, **Montgomery County**.

**09-00086: Neshaminy School District** (2001 Old Lincoln Highway, Langhorne, PA 19047) on November 12, 2002, for operation of a Synthetic Minor Operating Permit in Langhorne Borough, **Bucks County**.

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

**06-03054: Martin Stone Quarries, Inc.** (P. O. Box 157, Old Route 100, Bechtelsville, PA 19505) on November 12, 2002, for operation of a limestone processing facility in Colebrookdale Township, **Berks County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 such 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).**

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### Noncoal Permits Actions

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

**53020802. Hyde Stone Quarry, Inc.**, HCR 1, Box 128, Shinglehouse, PA 16748. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Oswayo Township, **Potter County** affecting 1 acre. Receiving streams: Eleven Mile Creek. Application received July 15, 2002. Permit issued November 7, 2002.

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### 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.**

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### Blasting Permits Actions

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

**39024024. American Rock Mechanics** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Upper Saucon Township, **Lehigh County** with an expiration date of November 28, 2002. Permit issued November 13, 2002.

**52024028. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of October 15, 2003. Permit issued November 13, 2002.

**360240130. Conewago Enterprises, Inc.** (660 Edgegrove Road, Hanover, PA 17331), construction blasting in West Earl Township, **Lancaster County** with an expiration date of February 28, 2003. Permit issued November 13, 2002.

**52024029. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Greene Township, **Pike County** with an expiration date of November 28, 2007. Permit issued November 13, 2002.

**360240131. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued November 13, 2002.

**06024046. Schlouch Excavating Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Muhlenberg Township, **Berks County** with an expiration date of November 30, 2003. Permit issued November 13, 2002.

**67024042. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Windsor Township, **York County** with an expiration date of August 30, 2003. Permit issued November 13, 2002.

**35024028. Fabcor, Inc.** (1205 Mid Valley Drive, M & D Valley Industrial Park, Jessup, PA 18434) and **Austin Powder** (P. O. Box 289, Northampton, PA 18067), construction blasting in the City of Scranton, **Lackawanna County** with an expiration date of February 28, 2003. Permit issued November 13, 2002.

**52024030. Holbert Explosives, Inc.** (237 Masthlope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Milford Township, **Pike County** with an expiration date of November 30, 2007. Permit issued November 13, 2002.

**67024043. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Newberry Township, **York County** with an expiration date of January 31, 2003. Permit issued November 13, 2002.

**67024046. Brubacher Excavating, Inc.** (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in West Manchester Township, **York County** with an expiration date of December 31, 2003. Permit issued November 14, 2002.

**360240132. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lancaster Township, **Lancaster County** with an expiration date of December 6, 2003. Permit issued November 14, 2002.

**54024005. Doli Construction Corp.** (120 Independence Lane, Chalfont, PA 18914), construction blasting in Cass Township, **Schuylkill County** with an expiration date of December 31, 2003. Permit issued November 14, 2002.

**48024030. Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) and **Explo-Tech/AEEI** (401 West High Street, Suite 102, Pottstown, PA 19464), construction blasting in Lower Mt. Bethel Township, **Northampton County** with an expiration date of December 18, 2002. Permit issued November 14, 2002.

**67024044. Cumberland Valley Drilling & Blasting** (6820 Wertzville Road, Enola, PA 17025), construction blasting in Newberry Township, **York County** with an expiration date of November 30, 2003. Permit issued November 14, 2002.

**52024031. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of October 17, 2003. Permit issued November 14, 2002.

**46024064. JOAO & Bradley Construction Company, Inc.** (4211 Tracy Lane, Bethlehem, PA 18020), construction blasting in Abington Township, **Montgomery County** with an expiration date of March 3, 2003. Permit issued November 14, 2002.

**54024004. JOAO & Bradley Construction Company, Inc.** (4211 Tracy Lane, Bethlehem, PA 18020), construction blasting in Branch Township and Llewellyn Borough, **Schuylkill County** with an expiration date of July 31, 2003. Permit issued November 14, 2002.

**28024032. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Peters Township, **Franklin County** with an expiration date of February 28, 2003. Permit issued November 14, 2002.

**28024033. Borough of Waynesboro** (57 East Main Street, Waynesboro, PA 17268), construction blasting in Waynesboro Borough, **Franklin County** with an expiration date of May 31, 2003. Permit issued November 14, 2002.

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

**14024026. Tressler & Fedor Excavating,** 26 Sandrock Court, Port Matilda, PA 16870 for construction blasting, located in College Township, **Centre County**, with an expected duration of 48 days. Permit issued November 13, 2002.

**14024027. Stone Valley Construction Co., Inc.,** P. O. Box 369, Pine Grove Mills, PA 16868 for construction blasting, located in Spring Township, **Centre County** with an expected duration of 47 days. Permit issued November 14, 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 Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and

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

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

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

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

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

**E35-340. G.B.M. Partners, L.P., R.R. 1, Box 328, Dalton, PA 18414.** Scott Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To place fill in 2.50 acres of wetlands for the purpose of expanding the parking area for an existing truck plaza known as the Scott 60 Truck and Car Plaza. The project includes construction of approximately 420 linear feet of stream enclosure of a tributary to Kennedy Creek. The permittee is required to provide 3.02 acres of replacement wetlands. The project is located northeast of the intersection of SR 0081 and SR 0524 (Dalton, PA Quadrangle N: 10.0 inches; W: 3.5 inches).

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

**E07-360. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110** in Catherine Township, **Blair County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a crossing consisting of twin 103-inch by 71-inch corrugated metal pipe arches in the channel of Canoe Creek (HQ-CWF) at a point approximately 6.9 inches upstream of Route 22 (Spruce Creek, PA Quadrangle N: 10.7 inches; W: 12.6 inches) in Catherine Township, Blair County.

**E36-739. Rapho Township, 971 North Colebrook Road, Manheim, PA 17545** in Rapho Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structures and to construct and maintain: (1) a 16-foot by 6-foot precast concrete box culvert within the confines of Chickies Creek (WWF) at a point along T-873 (Pinch Pond) approximately 400 feet northwest of the intersection of T-873 and SR 72 (Manheim, PA Quadrangle N: 16.6 inches; W: 8.33 inches); and (2) a 10-foot by 4.5-foot precast concrete box culvert within the confines of an unnamed tributary to Chickies Creek (WWF) at a point along T-384 (Horn Road) approximately 700 feet northwest of the intersection of T-873 and SR 72 (Manheim, PA Quadrangle N: 16.75 inches; W: 8.75 inches) in Rapho Township, Lancaster County.

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

**E12-131. David R. Robinson, 51 Spruce Drive, Mansfield, PA 16933.** Private Bridge Construction over Big Run, in Shippen Township, **Cameron County**, ACOE Baltimore District (Rathbun, PA Quadrangle N: 18.07 inches; W: 0.20 inch).

To construct, operate and maintain a single span private bridge structure in Big Run. The 24-foot by 10-foot bridge shall be constructed using two steel I-beams set on concrete pillars with a wooden driving surface. The pillars are to be set back off the stream bank, thus avoiding the need for abutments. All proposed work shall be completed when the stream is at low flow and from the stream banks with no in-channel work. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-430. Pennsylvania American Water Co., 105 Sodom Road, Milton, PA 17847.** Minnie Run Augmentation, in Rush Township, **Centre County**, ACOE Baltimore District (Sandy Ridge, PA Quadrangle N: 11.3 inches; W: 16.94 inches).

To construct and maintain: (1) a 40-foot wide concrete measuring weir; (2) a 6-inch diameter 51-foot long ductile iron pipe stream crossing with concrete encasement; (3) a 6-inch diameter 20-foot long ductile iron pipe wetland crossing with concrete encasement and bentonite trench plugs; (4) a 6-inch ductile iron pipe outfall with associated concrete headwall and R-5 riprap; and (5) a temporary vehicle stream crossing and a temporary cofferdam, to augment stream flow to Minnie Run with raw well water during low flow periods, located 4,800 feet southwest of the intersection of Barry Street and SR 970 in Sandy Ridge.

**E14-431. Pennsylvania American Water Co., 105 Sodom Road, Milton, PA 17847.** Trout Run Low Flow Augmentation, in Rush Township, **Centre County**, ACOE Baltimore District (Sandy Ridge, PA Quadrangle N: 9.84 inches; W: 2.21 inches).

To construct and maintain: (1) a 40-foot wide concrete measuring weir; (2) a 6-inch diameter 20-foot long ductile iron pipe stream crossing with concrete encasement; (3) a

6-inch ductile iron pipe outfall with associated concrete headwall and R-5 riprap apron; and (4) a temporary cofferdam to augment stream flow to Trout Run with raw well water during low flow periods, located 300 feet east of the Osceola Reservoir. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E20-518, National Fuel Gas Distribution Corporation**, 1100 State Street, Erie, PA 16512. Six Inch Meadville High Pressure Loop—Natural Gas Pipeline, in

Union Township and West Mead Townships, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 18.7 inches; W: 3.8 inches).

To replace and maintain a 6-inch diameter steel, high-pressure natural gas pipeline across French Creek and one overflow channel in West Mead and Union Townships, Crawford County using the directional drill method for approximately 2,200 feet approximately 15 feet below French Creek and 17 feet below the overflow channel. The location of the project is approximately 1 mile south of Meadville in West Mead and Union Townships.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County/ Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-51-010	Anneliese A. Honsinger Westway Terminal Company Inc. 365 Canal Street, Suite 2900 New Orleans, LA 70130	Philadelphia	One AST storing regulated substance	840,000 gallons

## SPECIAL NOTICES

### Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors

The Department of Environmental Protection (Department) announces the submission deadline for 2002 host municipality inspector program reimbursement applications as March 31, 2003. Reimbursements are available to municipalities under section 1102 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and section 304 of the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to a municipality that has a municipal waste landfill, resource recovery or commercial hazardous waste storage, treatment and disposal facilities located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified host municipality inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for host municipality inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to municipalities that have participated in the program. If a municipality does not receive but requires an application or has questions about

this program, contact the Program Development Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870 or visit [www.dep.state.pa.us](http://www.dep.state.pa.us), Keyword "Municipal Waste."

The deadline for submitting applications is 4:30 p.m. on March 31, 2003. Applications received by the Department after the deadline will not be considered.

### Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Blacks Creek Watershed

The Department of Environmental Protection (Department) is holding a public meeting on December 12, 2002, at 6 p.m. at the Jennings Environmental Education Center in Butler County to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of The Clean Water Act. This meeting will precede the monthly meeting of the Slippery Rock Watershed Coalition.

A stream segment in the Blacks Creek Watershed has been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) lists due to high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
34731	Blacks Creek	4.54

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity) and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.1 of the 96 hour LC 50 0.75	Total Recoverable
Iron	1.5 0.3	Total Recoverable Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th and to the mid 20th centuries. The effects of this are still present. Allocations made in the TMDL are load allocations (LA) which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 10 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Timothy Gillen, Licensed Professional Geologist, Knox District Mining Office, P. O. Box 669, Knox, PA 16232, (814) 797-1191, jmital@state.pa.us. Directions to the Jennings Environmental Education Center meeting place can also be obtained by contacting this address.

The TMDL can be accessed through the Department's website, [www.dep.state.pa.us](http://www.dep.state.pa.us), by typing "TMDL" in the direct link field and by clicking "GO." A copy of the TMDL, supporting information and an information sheet can be obtained by contacting Lori Odenthal, Knox Office, Department of Environmental Protection, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

Persons with a disability wishing to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact the ADA Coordinator at (814) 797-1191 to discuss how their needs may be best accommodated. Individuals may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed to the ADA Coordinator at (814) 797-1191.

Written comments will be accepted at the previous address and must be postmarked by February 12, 2003. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on December 5, 2002. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

#### **Request for Comment and Notice of Public Meeting for the Proposed TMDL for the Seaton Creek Watershed**

The Department is holding a public meeting on December 12, 2002, at 6:30 p.m. at the Jennings Environmental Education Center in Butler County to discuss and accept

comments on a proposed TMDL, established in accordance with the requirements of section 303(d) of The Clean Water Act. This meeting will precede the monthly meeting of the Slippery Rock Watershed Coalition.

One stream segment in the Seaton Creek Watershed has been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) list due to depressed pH and high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
34751	Seaton Creek	4.42

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.1 of the 96 hour LC 50 0.75	Total Recoverable
Iron	1.5 0.3	Total Recoverable Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th and to the mid 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 10 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Timothy Gillen, Licensed Professional Geologist, Knox District Mining Office, P. O. Box 669, Knox, PA 16232, (814) 797-1191, jmital@state.pa.us. Directions to the Jennings Environmental Education Center meeting place can also be obtained by contacting this address.

The TMDL can be accessed through the Department's website, [www.dep.state.pa.us](http://www.dep.state.pa.us), by typing "TMDL" in the direct link field and by clicking "GO". A copy of the TMDL, supporting information and an information sheet can be obtained by contacting Lori Odenthal, Knox Office, Department of Environmental Protection, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.

Persons with a disability wishing to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact the ADA Coordinator at (814) 797-1191 to discuss how their needs may be best accommodated. Individuals may use the AT&T Relay

Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed to the ADA Coordinator at (814) 797-1191.

Written comments will be accepted at the previous address and must be postmarked by February 12, 2003. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. on December 5, 2002. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 02-2148. Filed for public inspection November 27, 2002, 9:00 a.m.]

### Cleanup Standards Scientific Advisory Board Meeting Cancellation

The Cleanup Standards Scientific Advisory Board (CSSAB) meeting scheduled for Thursday, December 5, 2002, has been cancelled. The next meeting of the CSSAB is scheduled for March 19, 2003, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Marilyn Wooding at (717) 783-7816 or e-mail [mwooding@state.pa.us](mailto:mwooding@state.pa.us). The agenda and meeting materials for the March 19, 2003, meeting will be available through the Public Participation center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 705-8024 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2149. Filed for public inspection November 27, 2002, 9:00 a.m.]

### Coal and Clay Mine Subsidence Insurance Fund Board Meeting

A regular meeting of the Coal and Clay Mine Subsidence Insurance Fund Board that was scheduled on December 17, 2002, at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, has been cancelled. Notice of the next meeting will be published in a future edition of the *Pennsylvania Bulletin*.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2150. Filed for public inspection November 27, 2002, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Innovation and Expansion Grant to Provide Outreach Support for and Coordination of OVR/BBVS-Supported NEWSLINE Services

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act

of 1973, as amended in 1992, announces that competing applications to establish, expand or improve community rehabilitation programs serving persons with significant or most significant disabilities will be accepted.

Funding for this competition is under the auspice of the State Board of Vocational Rehabilitation and the OVR, which will serve as administrator and fiscal agent for the grant awarded under this competition.

Applications will be written to accomplish the following:

- To recruit newspapers throughout this Commonwealth to participate in OVR/BBVS NEWSLINE services.
- To provide coordination, technical assistance and support to newspapers participating in the NEWSLINE service.
- To recruit persons who are blind, visually impaired or who are otherwise disabled in their use of print media as users of the NEWSLINE service.
- To provide user-friendly customer support to users of the NEWSLINE service.

#### *Service Information*

This competition will result in one award and funding for a 4-year period, beginning March 15, 2003.

For purposes of this competition, an eligible applicant is an individual or organization with demonstrated experience working collaboratively with, or in, information media, such as print media, broadcast media, mixed media and the like. Substantive experience concentrated in areas of circulation development and management will be favorably considered.

The successful applicant will also have demonstrated experience working collaboratively with persons who are blind, visually impaired or who are otherwise disabled in their ability to use print media. The successful applicant will be familiar with NEWSLINE and its related components and services.

Written endorsement of an applicant's credentials, experience and expertise in the areas noted is required.

Activities associated with the NEWSLINE service, as requested in this Request for Proposals include, but are not limited to, successful marketing of NEWSLINE services and features; public awareness and education of NEWSLINE; development of a user-friendly system for customer registration, customer service, customer input and customer satisfaction; program evaluation, troubleshooting and modification.

#### *Application Information*

Applications received by 5 p.m. on Monday, January 6, 2003, which are complete and conform to established specifications, will be accepted for review. Applications submitted after this date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose.

The effective dates for the contract will be March 15, 2003, through March 14, 2004. Final awards made through this competition are subject to the approval of the Executive Director of the OVR.

A complete application package, which includes more detailed information, is available by contacting Jacqueline Lucas, Office of Vocational Rehabilitation, Contracts and Grants Management Section, 1521 North Sixth Street, Harrisburg, PA 17102-2913, (717) 787-7016, fax (717) 705-9345, TDD (717) 783-8917.

*Preproposal Conference*

A preproposal conference to deal specifically with technical questions regarding applications will be held for applicants on December 9, 2002, at 10 a.m. at the Office of Vocational Rehabilitation Central Office, 1521 North Sixth Street, Harrisburg, PA. Copies of the application package will also be available at this conference. Persons planning to attend the conference who have special needs that should be considered in order to participate fully in the conference, should contact Jacqueline B. Lucas at (717) 787-7016 no later than 1 week in advance of the conference date.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 02-2151. Filed for public inspection November 27, 2002, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Pennsylvania Rooster Riches Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Rooster Riches.
2. *Price:* The price of a Pennsylvania Rooster Riches instant lottery game ticket is \$1.00.
3. *Play Symbols:* Each Pennsylvania Rooster Riches instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN) and \$1,000 (ONE THO).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$40, \$100 and \$1,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania Rooster Riches instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket, shall be entitled to a prize of \$40.

(d) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(f) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$3<sup>00</sup> (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 15,600,000 Tickets</i>
3-\$1's	\$1	1:7.06	2,210,000
3-\$2's	\$2	1:18.75	832,000
3-\$3's	\$3	1:150	104,000
3-\$5's	\$5	1:100	156,000
3-\$10's	\$10	1:50	312,000
3-\$15's	\$15	1:600	26,000
3-\$20's	\$20	1:3,000	5,200
3-\$40's	\$40	1:40,000	390
3-\$100's	\$100	1:120,000	130
3-\$1,000's	\$1,000	1:240,000	65

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Rooster Riches instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Rooster Riches, prize money from winning Pennsylvania Rooster Riches

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 Rooster Riches instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Rooster Riches or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-2152. Filed for public inspection November 27, 2002, 9:00 a.m.]

February 27, 2003  
April 28, 2003  
June 23, 2003  
August 25, 2003  
October 27, 2003  
December 22, 2003

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 02-2154. Filed for public inspection November 27, 2002, 9:00 a.m.]

**Realty Transfer Tax; Revised 2001 Common Level Ratio Real Estate Valuation Factors**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2001. These factors are the mathematical reciprocals of the actual common level ratio. For Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2002, to June 30, 2003. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Erie	1.00
* Fayette	1.00
* Greene	1.00
** Juniata	5.64
* Lawrence	1.00

\* Adjusted by the Department of Revenue (Department) to reflect assessment base change effective January 1, 2003.

\*\* Adjusted by the Department to reflect assessment ratio change effective January 1, 2003.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-2153. Filed for public inspection November 27, 2002, 9:00 a.m.]

**DEPARTMENT OF STATE**

**State Athletic Commission; Public Meetings for 2003**

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2003, under 5 Pa.C.S. § 103 (relating to duties of commission). The meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

**FISH AND BOAT COMMISSION**

**Closure of Frankford Arsenal Access Area, Philadelphia County**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4 (relating to limiting access to Commission property and other restrictions), will annually close the Commission's access area at Frankford Arsenal, Philadelphia County, to the public from December 1 through March 31. This restriction will be effective when posted at the site. It is unlawful for any person to enter or remain upon Commission property during the times it is closed to public use, without the express written consent of the Executive Director or a designee.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 02-2155. Filed for public inspection November 27, 2002, 9:00 a.m.]

**Designations of Waters Subject to Special Fishing Regulations**

The Fish and Boat Commission (Commission) is designating the following waters as subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2003.

*58 Pa. Code § 65.2. Delayed harvest fly-fishing only areas.*

The Commission has revised the limits of the delayed harvest fly-fishing only area on Octoraro Creek, West Branch, Lancaster County, by extending the upstream limit of the existing area approximately 190 yards. The revised section is as follows: from a point 30 yards downstream of the SR 0472 Bridge downstream 2.1 miles to near the confluence with the second unnamed tributary below SR 2010, a distance of 2.1 miles.

*58 Pa. Code § 65.6. Delayed harvest artificial lures only areas.*

The Commission has added the following stream sections to the list of delayed harvest artificial lures only areas:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Adams	Bermudian Creek	From the SR 1009 (Wierman Mill) Bridge downstream to T-619 Greenbrier Lane, a distance of 1 mile.
Snyder	Middle Creek	From the bridge on SR 4007 (Pine Swamp Road) to the downstream boundary of the State Game Lands No. 188, a distance of 1.2 miles.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
35-26	Commission on Crime and Delinquency Constables' Education and Training	11/19/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-2157. Filed for public inspection November 27, 2002, 9:00 a.m.]

*58 Pa. Code § 65.9. Big bass special regulations.*

The Commission has designated the following lakes as regulated and managed under the Big Bass Special Regulations and has added them to the list of waters subject to these regulations:

<i>County</i>	<i>Water</i>
Allegheny	Upper, Middle and Lower Deer Lakes
Cambria	Duman Lake

*58 Pa. Code § 65.10. Select Trout Stocked Lake Program.*

The Commission has removed the following lake from the list of waters regulated and managed under the Select Trout Stocked Lake Program:

<i>County</i>	<i>Water</i>
Schuylkill	Locust Lake

*58 Pa. Code § 65.11. Panfish enhancement special regulation.*

The Commission has removed sunfish and crappie from panfish enhancement special regulation in Beaverdam Run Reservoir, Cambria County.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 02-2156. Filed for public inspection November 27, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
47-9	Milk Marketing Board Over-Order Premium Pool	11/18/02

## INSURANCE DEPARTMENT

Michael L. Kempfski; Prehearing

### Order to Show Cause; Doc. No. SC02-09-015

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for December 12, 2002, at 11 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before November 27, 2002. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. Except as established at the prehearing conference, both parties shall appear at the scheduled hearing 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 December 5, 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 December 11, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2158. Filed for public inspection November 27, 2002, 9:00 a.m.]

### Keystone Insurance Company; Homeowners Rate Filing

On November 12, 2002, the Insurance Department (Department) received from Keystone Insurance Company a filing for a proposed rate level change for homeowners insurance.

The company requests an overall 12.9% increase amounting to \$1.9 million annually, to be effective December 10, 2002, for new business and January 21, 2003, for renewal business.

Unless formal administrative action is taken prior to January 11, 2003, 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, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2159. Filed for public inspection November 27, 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 insureds' 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 and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Glenn A. Good; file no. 02-188-08431; Allstate Insurance Company; doc. no. P02-11-006; January 8, 2003, 1:30 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Rosalind Bethea; file no. 02-280-05760; Travelers Insurance Company; doc. no. PH02-11-003; March 5, 2003, 9 a.m.

Appeal of Cynthia and Thomas Tooher, Jr.; file no. 02-280-05289; Allstate Insurance Company; doc. no. PH02-11-004; March 5, 2003, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

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 a previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2160. Filed for public inspection November 27, 2002, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Andrea M. Ellison-Parris and Andrew Parris; file no. 02-188-09450; Farmers New Century Insurance Company; doc. no. P02-11-007; January 8, 2003, 10 a.m.

Appeal of Ronald and Sharon Angle; file no. 02-182-09466; Fireman's Fund Insurance Companies; doc. no. P02-11-008; January 9, 2003, 1:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2161. Filed for public inspection November 27, 2002, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Protests shall indicate whether it applies to the temporary authority application, the permanent authority application or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant on or before December 23, 2002. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between the hours of 8 a.m. and 4:30 p.m., Monday through Friday and at the business address of the respective applicant.

**Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.***

**A-00110429, Folder 1, Am-A. Donald W. Lemon** (P. O. Box 63, Mount Morris, Greene County, PA 15349)—persons in limousine service, between points in Pennsylvania: *So as to Permit* the transportation of persons in limousine service, between points in Allegheny County.

**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-00111409, Folder 4. C .W. G. Holdings, Inc. t/d/b/a Luxury Limousine Service** (200 Ridgewood Road, Wilkes-Barre, Lackawanna County, PA 18702), additional right—persons upon call or demand in the City of Pittston, Luzerne County, and within an airline distance of 15 statute miles of the limits thereof. *Attorney:* Michael Pendolphi, 1141 Wyoming Ave, Forty Fort, PA 18704.

**Application of the following for the approval of the *transfer of stock as described under each application.***

**A-00101662, F.5000. Lindeman Moving Company, Inc.** (2010 Greenwood Street, Harrisburg, Dauphin County, PA 17104), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of all of the issued and outstanding stock, from Frances Joy Henry (8,100 shares) to Norma Ann Crist (8,100 shares). *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

**A-00114130, F.5000. E.M.P. Cab, Inc.** (c/o US Taxi Funding, L.P., 766 Bridgeview Road, Langhorne, PA 19053), a corporation of the Commonwealth—stock transfer—for the approval of the transfer of 100 shares of issued and outstanding stock, from Ezechiele Pierre to US Taxi Funding, LP.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2162. Filed for public inspection November 27, 2002, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

26

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

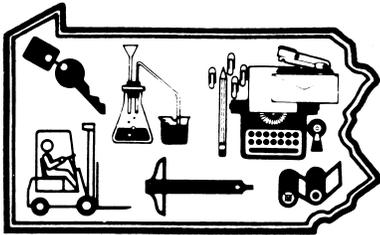
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



Commodities

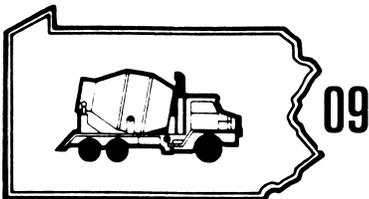
#110201 1) Ergolift mobile electric battery operated lifters complete with built-in battery charge, safety features for energy down, anti-sway, back-up controls. Inservices for staff and training materials.....2 ea. 2) Six strap Hammock Sling: Size: Medium.....20 ea. 3) Six Strap Hammock Sling: Size: Small 10 ea. 4) Digital Factory mounted scale to one of the above Ergolift.... 1 ea.

**Department:** Public Welfare

**Location:** Ebensburg Center, 4501 Admiral Perry Highway, Rt. 22 West, PO Box 600, Ebensburg, PA 15931.

**Contact:** Marilyn Cartwright, Purchasing Agent, (814) 472-0259

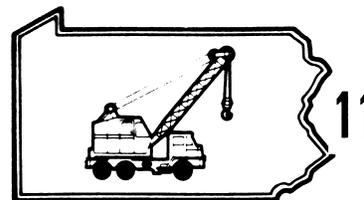
## SERVICES



Construction & Construction Maintenance

**401-BL-686** Hartline Chiller Replacement: Furnish and install chiller—work to include all labor, material and equipment necessary to remove the existing 90-ton semi hermetic chiller and replace with a new 90-ton rotary liquid chiller and install new refrigerant monitoring system in the Hartline Science Center located at the university. To obtain a copy of the bid documents submit a fax letter to (570) 389-2017—Bloomsburg University, Attn: Joe Quinn. There will be no charge for the bid documents.

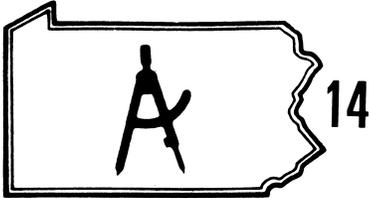
**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 120 Days  
**Contact:** Joe Quinn, (570) 389-4311



Demolition—Structural Only

**Contracting for demolition and/or removal** Notice is hereby given by the Department of Transportation that it is seeking bids for the demolition and/or removal of certain residential and commercial structures in conjunction with the SR 0222, Section 002 in the County of Lehigh, Townships of Upper Macungie and Lower Macungie. There is asbestos in some or all of the structures. The bidding will be open to the prequalified contractors only. For bid forms, date of inspections, specifications and further information, Contact: William Skrapits at Qk4, Inc., 5930 Hamilton Boulevard, Suite 6, Wescosville, PA 18106 or call (610) 336-4840.

**Department:** Transportation  
**Location:** SR 0222, Section 002 within Upper and Lower Macungie Townships in Lehigh County  
**Duration:** As specified in contract  
**Contact:** William Skrapits, (610) 336-4840



### 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).

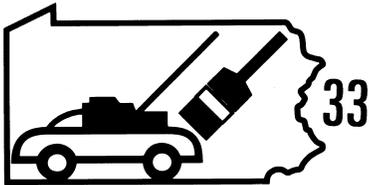
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Janitorial Services

**Bid 8556** Furnish materials, equipment and labor to perform janitorial services, TWO (2) visits per week at the PA State Police, Aviation Patrol Unit—Harrisburg. Fixed Wing Area to be included. Detailed Work Schedule and Request for Quotation must be obtained from Facility Management Division, 717-705-5951.

**Department:** State Police  
**Location:** Aviation Patrol Unit—Harrisburg, Capital City Airport, New Cumberland, PA 17070  
**Duration:** 2/1/03 to 6/30/05  
**Contact:** Donna Enders, (717) 705-5951



### Property Maintenance

**063354** This work is for the spraying of herbicides and brush control agents along various State Routes in Delaware County. Proposals must be purchased through the PENNDOT Sales Store (717-787-5968) in order to place a bid. The bid opening is expected to be in January or February of 2003. Specifications can be viewed on <http://www.dot.state.pa.us> by selecting "Doing Business with PENNDOT"/"EBS/ECMS"/"Electronic Bidding".

**Department:** Transportation  
**Location:** Various State Routes.  
**Duration:** For the 2003, 2004 and 2005 spraying season.  
**Contact:** Louis J Porrini, Highway Maintenance Manager, (610) 205-6703

**061334** This work is for the spraying of herbicides and brush control agents along various State Routes in Bucks County. Proposals must be purchased through the PENNDOT Sales Store (717-787-5968) in order to place a bid. The bid opening is expected to be in January or February of 2003. Specifications can be viewed on <http://www.dot.state.pa.us> by selecting "Doing Business with PENNDOT"/"EBS/ECMS"/"Electronic Bidding".

**Department:** Transportation  
**Location:** Various State Routes.  
**Duration:** For the 2003, 2004 and 2005 spraying season.  
**Contact:** Louis J Porrini, Highway Maintenance Manager, (610) 205-6703

**062350** This work is for the spraying of herbicides and brush control agents along various State Routes in Chester County. Proposals must be purchased through the PENNDOT Sales Store (717-787-5968) in order to place a bid. The bid opening is expected to be in January or February of 2003. Specifications can be viewed on <http://www.dot.state.pa.us> by selecting "Doing Business with PENNDOT"/"EBS/ECMS"/"Electronic Bidding".

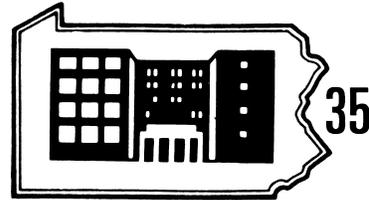
**Department:** Transportation  
**Location:** Various State Routes.  
**Duration:** For the 2003, 2004 and 2005 spraying season.  
**Contact:** Louis J Porrini, Highway Maintenance Manager, (610) 205-6703

**064362** This work is for the spraying of herbicides and brush control agents along various State Routes in Montgomery County. Proposals must be purchased through the PENNDOT Sales Store (717-787-5968) in order to place a bid. The bid opening is expected to be in January or February of 2003. Specifications can be viewed on <http://www.dot.state.pa.us> by selecting "Doing Business with PENNDOT"/"EBS/ECMS"/"Electronic Bidding".

**Department:** Transportation  
**Location:** Various State Routes.  
**Duration:** For the 2003, 2004 and 2005 spraying season.  
**Contact:** Louis J Porrini, Highway Maintenance Manager, (610) 205-6703

**065374** This work is for the spraying of herbicides and brush control agents along various State Routes in Philadelphia County. Proposals must be purchased through the PENNDOT Sales Store (717-787-5968) in order to place a bid. The bid opening is expected to be in January or February of 2003. Specifications can be viewed on <http://www.dot.state.pa.us> by selecting "Doing Business with PENNDOT"/"EBS/ECMS"/"Electronic Bidding".

**Department:** Transportation  
**Location:** Various State Routes.  
**Duration:** For the 2003, 2004 and 2005 spraying season.  
**Contact:** Louis J Porrini, Highway Maintenance Manager, (610) 205-6703



### Real Estate Services

**3** DEPARTMENT OF TRANSPORTATION Contemplated Sale of Land No Longer Needed for Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain lands owned by it. The following property is available for sale by the Department. Chatham Twp, Tioga County. The parcel contains 106.657 acres of improved land situated at RR1 Box 950, Little Marsh, PA 16931. Estimated fair market value is \$96,000. Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: PENNDOT, 715 Jordan Ave, PO Box 215, Montoursville, PA 17754, Attn: Lenny Confer

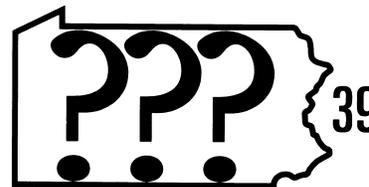
**Department:** Transportation  
**Location:** RR1 Box 950, Little Marsh, PA 16931  
**Contact:** Lenny Confer, (570) 368-4337

**93529** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Office of Attorney General with 2,533 useable square feet of office space in Ebensburg, Cambria County, PA. with minimum parking for 10 vehicles, within the City limits as follows: North: Colver Road, East: Route 53, South: Wilmore Road, West: Route 271. Downtown locations will be considered. For more information on SFP #93529 which is due on January 6, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package or call (717) 787-4394.

**Department:** Attorney General  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952

**93535** LEASE MULTI-USE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Corrections with 12,884 useable square feet of multi-use space in Pittsburgh, Allegheny County, PA. with a minimum parking for 6 vehicles. Downtown locations will be considered. For more information on SFP #93535 which is due on January 13, 2003, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package or call (717) 787-4394.

**Department:** Corrections  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings Ward, (717) 787-7412 Publication Date: 11/30/2002



### Miscellaneous

**SP3520026449 - Rebid 1** The Department of Environmental Protection, Bureau of Radiation Protection requires a contractor to provide calibration of various radiation protection instruments, on an as-needed basis.

**Department:** Environmental Protection  
**Location:** Harrisburg, Pennsylvania  
**Duration:** Through 12/31/03, with option to renew  
**Contact:** Sherry Morrow, (717) 772-1216

**BE-02001** Printing of Commission access areas and facility locations map.

**Department:** Fish and Boat Commission

**Location:** Harrisburg, PA

**Duration:** One Time Printing, Bid Opening—12/2/02.

**Contact:** Dennis Grove, (717) 705-7915

[Pa.B. Doc. No. 02-2163. Filed for public inspection November 27, 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*

STATE CONTRACTS INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9985-02 sup#6	11/18/02	Doe & Jerry's Barbeque	\$50,000.00
9985-15 sup#6	11/18/02	Western Exterminating/ Western Pest Service	50,000.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
8057720-01	11/18/02	Frank Parsons	63,399.00
8220810-01	11/18/02	Laminated Concepts KELLY POWELL LOGAN, <i>Secretary</i>	29,805.00

[Pa.B. Doc. No. 02-2164. Filed for public inspection November 27, 2002, 9:00 a.m.]