

# PENNSYLVANIA BULLETIN

Volume 33

Number 19

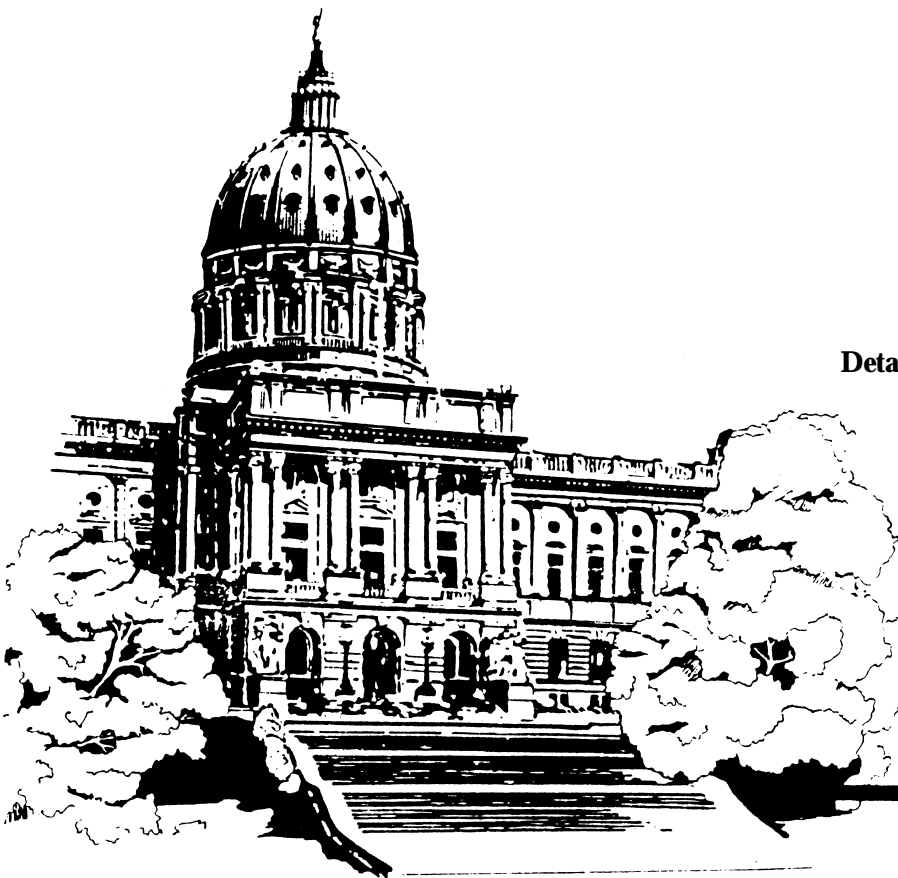
Saturday, May 10, 2003 • Harrisburg, Pa.

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**No. 342, May 2003**

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**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
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Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 15]

#### Proposed Amendments to Pa.R.A.P. 1501—1561; Internal Recommendation 50

The Appellate Court Procedural Rules Committee proposes to amend Rules 1501 through 1561 of the Pennsylvania Rules of Appellate Procedure.

The proposed amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court. All communications in reference to the proposed amendments should be sent not later than June 21, 2003 to the Appellate Court Procedural Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055.

The Explanatory Comment which appears in connection with the proposed amendments has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

*By the Appellate Court Procedural Rules Committee*

HONORABLE JOSEPH A. HUDOCK,  
*Chair*

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

#### IN GENERAL

#### Rule 1501. Scope of Chapter.

(a) *General rule.* Except as otherwise prescribed by Subdivisions (b) and (c) of this rule, this chapter applies to:

\* \* \* \* \*

(3) [ **Objections to a determination by a government unit** ] Original jurisdiction actions heretofore cognizable in an appellate court by [ **an action** ] action in the nature of equity, replevin, mandamus or quo warranto or for [ **a** ] declaratory judgment, or upon writs of certiorari or prohibition.

(4) **Matters designated by general rule, e.g., review of orders refusing to certify interlocutory orders for immediate appeal, release prior to sentence, appeals under Section 17(d) of Article II of the Constitution of Pennsylvania and review of special prosecutions or investigations.**

(b) *Appeals governed by other provisions of rules.* This chapter does not apply to any appeal within the scope of:

\* \* \* \* \*

(3) Chapter 13 (interlocutory appeals by permission), except that the provisions of this chapter and ancillary provisions of these rules applicable to practice and proce-

dures on petition for review, so far as they may be applied, shall be applicable (a) where required by the Note to Rule 341 and the Note to Rule 1311; and (b) after permission to appeal has been granted from a determination which, if final, would be subject to judicial review pursuant to this chapter.

\* \* \* \* \*

#### Official Note:

\* \* \* \* \*

**Subsection (a)(4) was added in 2003 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered. A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2003 amendments clarify the use of petitions for review in these special situations.**

Subdivision (b) of this rule is necessary because otherwise conventional appeals from a court (which is included in the scope of the term "government unit") to an appellate court would fall within the scope of this chapter under the provisions of Paragraph (a)(2) of this rule.

[ **Rule 1561 (disposition of petition for review) makes clear that this chapter does not apply to ordinary tort, contract and post conviction hearing matters.** ]

Subdivision (c) expressly recognizes that some statutory procedures are not replaced by petition for review practice. Thus matters brought pursuant to Section 137 of the Associations Code governing judicial review of documents rejected by the Department of State or pursuant to the Election Code are controlled by the applicable statutory provisions and not by the rules in Chapter 15. See 15 Pa.C.S. § 137; Act of June 3, 1937, P. L. 1333, as amended 25 P. S. §§ 2600—3591.

[ **Where** ] In light of Subdivision (d), where the court in which a petition for review is filed lacks subject matter jurisdiction (e.g., a petition for review of a local government question filed in the Commonwealth Court), Rules 741 (waiver of objections to jurisdiction), 751 (transfer of erroneously filed cases) and 1504 (improvident petitions for review) will be applicable. See also 42 Pa.C.S. § 5103.

The 2003 amendments are made to petition for review practice to address the evolution of judicial responses to governmental actions. As indicated in the Note to Rule 1502, when the Rules of Appellate Procedure were initially adopted, there was a "long history in the Commonwealth . . . of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition." While such original jurisdiction forms of action are still available, their proper usage is now the exception rather than the rule

because appellate proceedings have become the norm. Thus, the need to rely on Rule 1503 to convert an appellate proceeding to an original jurisdiction action and vice versa arises less often. Moreover, the emphasis on a petition for review as a generic pleading that permits the court to simultaneously consider all aspects of the controversy is diminished. The primary concern became making the practice for appellate proceedings more apparent to the occasional appellate practitioner. Accordingly, the rules have been amended to more clearly separate procedures for appellate proceedings from those applicable to original jurisdiction proceedings.

The responsibility of identifying the correct type of proceeding to be used to challenge a governmental action is initially that of counsel. Where precedent makes the choice clear, counsel can proceed with confidence. Where the choice is more problematic, then counsel should draft the petition for review so as to satisfy the directives for both appellate and original jurisdiction proceedings. Then the court can designate the proper course of action regardless of counsel's earlier assessment.

[Explanatory Comment—1976]

[ It is made clear that where permission to appeal is granted under Chapter 13 from a determination, which, if final, would be subject to the petition for review procedures of Chapter 15 (e.g. permission to appeal from an interlocutory order of the Public Utility Commission) the further proceedings in the appellate court are governed by Chapter 15. ]

**Rule 1502. Exclusive Procedure.**

The appeal[, the] and the original jurisdiction actions of equity, replevin, mandamus and quo warranto, the action for a declaratory judgment, and the writs of certiorari and prohibition are abolished insofar as they relate to matters within the scope of a petition for review under this chapter. The petition for review, insofar as applicable under this chapter, shall be the exclusive procedure for judicial review of a determination of a government unit.

**Official Note:** This chapter recognizes that the modern label "appeal" has little significance in connection with judicial review of governmental determinations in light of the long history in this Commonwealth of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition. If the simple form of notice of appeal utilized in Chapter 9 (appeals from lower courts) were extended to governmental determinations without any requirement for the filing of [ exceptions ] motions for post-trial relief, a litigant who incorrectly selected the appeal label, rather than the equity, mandamus, replevin, or prohibition, etc. label, would probably suffer dismissal, [ since ] because the court would be reluctant to try a proceeding in the nature of equity, mandamus, replevin, or prohibition, etc. in the absence of a proper pleading adequately framing the issues.

The solution introduced by these rules is to substitute a new pleading (the petition for review) for all of the prior types of pleading which seek relief from a governmental determination (including governmental inaction). Where the reviewing court is required or permitted to hear the

matter de novo, the judicial review proceeding will go forward in a manner similar to an equity or mandamus action. Where the reviewing court is required to decide the questions presented solely on the record made below, the judicial review proceeding will go forward in a manner similar to appellate review of an order of a lower court. However, experience teaches that governmental determinations are so varied in character, and generate so many novel situations, that [ frequently ] on occasion it is only at the conclusion of the judicial review process, when a remedy is being fashioned, that one can determine whether the proceeding was in the nature of equity, mandamus, prohibition, or statutory appeal, etc. The petition for review will eliminate the wasteful and confusing practice of filing multiple "shotgun" pleadings in equity, mandamus, prohibition, statutory appeal, etc., and related motions for consolidation, and will permit the parties and the court to proceed directly to the merits unencumbered by procedural abstractions.

Rule 1551 (scope of review) makes clear that the change in manner of pleading does not change the scope or standard of review of governmental determinations or otherwise affect the [ substantial ] substantive rights of the parties.

\* \* \* \* \*

**Rule 1503. Improvident Appeals or [ Plenary ] Original Jurisdiction Actions.**

If an appeal is taken from an order of a government unit, or if a complaint in the nature of equity, replevin, mandamus, or quo warranto, or a petition for a declaratory judgment or for a writ in the nature of certiorari or prohibition is filed against a government unit or one or more of the persons for the time being conducting its affairs[, as such,] objecting to a determination by any one or more of them, this alone shall not be a ground for dismissal[, but the]. The papers whereon the improvident matter was commenced shall be regarded and acted upon as a petition for review of such governmental determination and as if filed at the time the improvident matter was commenced. The court may require that the papers be clarified by amendment.

\* \* \* \* \*

**Rule 1504. Improvident Petitions for Review.**

If a petition for review is filed against any person, where the proper mode of relief is an original jurisdiction action in equity, replevin, mandamus or quo warranto, or a petition for a declaratory judgment or for a writ of certiorari or prohibition, this alone shall not be a ground for dismissal, but the papers whereon the improvident matter was commenced shall be regarded and acted upon as a complaint or other proper process commenced against such person and as if filed at the time the improvident matter was commenced. The court may require that the papers be clarified by amendment.

**Official Note:** Based on 42 Pa.C.S. § 102 (definitions) (which includes petition for review proceedings within the statutory definition of "appeal") and 42 Pa.C.S. § 708(b) (appeals). When the moving party files [ his ] a clarifying amendment, the amendment will operate to specify that one form of action which the party elects to proceed on.

PETITION FOR REVIEW

Rule 1512. Time for Petitioning for Review.

\* \* \* \* \*

(b) *Special appellate provisions.* A petition for review of:

(1) A determination of the Department of Community [ **Affairs** ] and Economic Development in any matter arising under the Local Government Unit Debt Act, 53 Pa.C.S. §§ 8001—8271, shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered.

\* \* \* \* \*

(4) A determination of a Commonwealth agency under section 1711 of the Commonwealth Procurement Code, 62 Pa.C.S. § 1711, shall be filed within 14 days of receipt of the decision.

(c) [ *Other governmental determinations* ] *Original jurisdiction actions.* A petition for review of a determination of a government unit not within the scope of Subdivisions (a) or (b) of this rule may be filed with the prothonotary of the appellate court within the time, if any, limited by law.

*Official Note:* The note to Rule 903 (time for appeal) addresses the development of the standard 30 day appeal period. Rule 102 defines a “quasijudicial order” as “an order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.”

Subdivision (c) relates to matters [ **which are original in nature** ] addressed to the original jurisdiction of an appellate court. For example, equitable matters are governed by existing principles of laches, etc. Other matters, such as petitions for review raising issues formerly cognizable by action in mandamus or quo warranto, etc., are governed by the time limits, if any, applicable under the prior procedure. See generally 42 Pa.C.S. §§ 1702 (regarding the Supreme Court’s rulemaking procedures), 1722(c) (Time limitations), 5501—5574 (Limitations of time).

\* \* \* \* \*

Rule 1513. Petition for Review.

(a) [ *Content.* The petition for review shall contain a statement of the basis for the jurisdiction of the court; the names of the parties seeking review; the name of the government unit (see Rule 503 (description of public officers)) which made the determination sought to be reviewed; reference to the order or other determination sought to be reviewed; a general statement of the objections to the order or other determination; and a short statement of the relief sought. The statement of objections will be deemed to include every subsidiary question fairly comprised therein. It shall not be necessary for the petition to include or have annexed thereto a copy of the text, if any, of the order or other determination sought to be reviewed. ] *Caption and parties on appeal.* In an appellate jurisdiction petition for review, the aggrieved party or person shall be named as the petitioner and, unless the government unit is disinterested, the government unit and no one else shall

be named as the respondent. If the government unit is disinterested, all real parties in interest, and not the government unit, shall be named as respondents.

(b) [ *Caption and parties.* The government unit which made the determination sought to be reviewed, and no other party, shall be named as a respondent, except where the petition seeks review of an order of a government unit which is in fact disinterested in the subject matter of the order, in which case all real parties in interest before such government unit shall be named as respondents and the government unit shall not be named as a respondent. Where a public act or duty is required to be performed by an executive or administrative department, by a departmental administrative board or commission or by an independent administrative board or commission of this Commonwealth, or other board or body, it shall be sufficient to name the department, board, commission or body in the petition for review, without naming or joining as a respondent the head of the department or the members of the board, commission or body. Where necessary in order to join an indispensable party to the matter, the petition for review may name as a respondent a person who is not a government unit. ] *Caption and parties in original jurisdiction actions.* The government unit and any other indispensable party shall be named as respondents. Where a public act or duty is required to be performed by a government unit, it is sufficient to name the government unit, and not its individual members, as respondent.

(c) [ *Alternative objections.* Objections to a determination of a government unit and the related relief sought may be stated in the alternative, and relief of several different types may be demanded. ] *Form.* Any petition for review shall be divided into consecutively numbered paragraphs. Each paragraph shall contain, as nearly as possible, a single allegation of fact or other statement. When petitioner seeks review of an order refusing to certify an interlocutory order for immediate appeal, numbered paragraphs need not be used.

(d) [ *Notice to plead.* If under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, the petition shall contain or have endorsed upon it a notice to plead. ] *Content of appellate jurisdiction petition for review.* An appellate jurisdiction petition for review shall contain: (1) a statement of the basis for the jurisdiction of the court; (2) the name of the party or person seeking review; (3) the name of the government unit that made the order or other determination sought to be reviewed; (4) reference to the order or other determination sought to be reviewed, including the date the order or other determination was entered; (5) a general statement of the objections to the order or other determination; and (6) a short statement of the relief sought. A copy of the order or other determination to be reviewed shall be attached to the petition for review as an exhibit. The statement of objections will be deemed to include every subsidiary question fairly comprised therein. No notice to plead or verification is necessary.

Where there were other parties to the proceedings conducted by the government unit, and such parties are not named in the caption of the petition for review, the petition for review shall also contain a notice to participate, which shall provide substantially as follows:

If you intend to participate in this proceeding in the (Supreme, Superior or Commonwealth, as appropriate) Court, you must serve and file a notice of intervention under Rule 1531 of the Pennsylvania Rules of Appellate Procedure within 30 days.

(e) [ *Verification.* A petition for review which contains or has endorsed upon it a notice to plead shall be verified either by oath or affirmation or by verified statement. Otherwise a petition for review need not be verified. ] *Content of original jurisdiction petition for review.* A petition for review addressed to an appellate court's original jurisdiction shall contain: (1) a statement of the basis for the jurisdiction of the court; (2) the name of the person or party seeking relief; (3) the name of the government unit whose action or inaction is in issue and any other indispensable party; (4) a general statement of the material facts upon which the cause of action is based and (5) a short statement of the relief sought. It shall also contain a notice to plead and be verified either by oath or affirmation or by verified statement.

(f) [ *Form.* The petition for review shall be divided into paragraphs numbered consecutively, each containing as nearly as may be a single allegation of fact or other statement. ] *Alternative objections.* Objections to a determination of a government unit and the related relief sought may be stated in the alternative, and relief of several different types may be requested.

*Official Note:* [ This rule supersedes former Commonwealth Court Rules 20A, 20B and 21. Subdivision (b) is based in part upon Pa.R.Civ.P. 1094.

Examples of government units which are not ordinarily "interested" in the subject matter of a petition for review of their action for the purposes of Subdivision (b) of this rule are the Environmental Hearing Board, the Department of Education (with respect to tenure appeals under Section 1132 of the Public School Code of 1949 (24 P.S. § 11-1132)) and the State Civil Service Commission. With respect to the last sentence of Subdivision (b) see *Bruhin v. Commonwealth*, 14 Pa. Commonwealth Ct. 300, 320 A.2d 907 (1974) and 42 Pa.C.S. § 761(d) (ancillary matters) (last sentence), which provides that to the extent prescribed by general rule the Commonwealth Court shall have ancillary jurisdiction over any claim or other matter which is related to a claim or other matter otherwise within its exclusive original jurisdiction.

The inclusion or omission of a notice to plead in the petition for review is the signal which the petition gives to the opposing parties and the court as to the position which the petitioner will take on the issue of going beyond the record made below. If a notice to plead is included, the fact issue may be resolved by the subsequent pleadings permitted by Rules 1515 (answer to petition) and 1516 (other pleadings allowed), but if not the matter will under

Rule 1542 (oral argument and evidentiary hearing) move either to summary judgment or to trial.

The 1997 amendment to subdivision (d) remedies what had been an inconsistency between the former heading and the text of the rule. ]

The 2003 amendments to this rule clarify what must be included in a petition for review addressed to an appellate court's appellate jurisdiction and what must be included in a petition for review addressed to an appellate court's original jurisdiction. Where it is not readily apparent whether a "determination" (defined in Rule 102 as "[ a ]ction or inaction of a government unit) is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of Subdivisions (d) and (e) is appropriate.

Subdivisions (a) and (b) reflect the provisions of Rule 501 (Any Aggrieved Party May Appeal), Rule 503 (Description of Public Officers), Section 702 of the Administrative Agency Law, 2 Pa.C.S. § 702 (Appeals), and Pa.R.C.P. 1094 (regarding parties defendant in mandamus actions).

Government units that are usually disinterested in appellate jurisdiction petitions for review of their determinations include:

- the Board of Claims,
- the Department of Education (with regard to teacher tenure appeals from local school districts pursuant to section 1132 of the Public School Code of 1949, 24 P.S. § 11-1123),
- the Environmental Hearing Board,
- the State Civil Service Commission, and
- the Workers' Compensation Appeal Board.

The provision for joinder of indispensable parties in original jurisdiction actions reflects the last sentence of section 761(c) of the Judicial Code, 42 Pa.C.S. § 761(c), providing for the implementation of ancillary jurisdiction of the Commonwealth Court by general rule.

Subdivisions (d) and (e) reflect the differences in proceeding in a court's original and appellate jurisdiction, while preserving the need for sufficient specificity to permit the conversion of an appellate document to an original jurisdiction pleading and vice versa should such action be necessary to assure proper judicial disposition. See also the notes to Rules 1501 and 1502. The paragraph regarding the notice to participate was formerly found in Rule 1514(c).

**Rule 1514. Filing and Service of the Petition for Review.**

(a) *Filing with the prothonotary.* The petition for review, with proof of service required by Subdivision (c) of this rule, shall be filed with the prothonotary of the appellate court **in person or by first class or certified mail.**

If the petition for review is [ transmitted to the prothonotary ] filed by [ means of ] first class or certified mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as [ shown ] stamped by post office personnel on a U.S. Postal Service Form 3817, certificate of mailing, or U.S.

**Postal Service Form 3800.** The certificate of mailing shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

Upon actual receipt of the petition for review, the prothonotary shall immediately:

(1) stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date [when review was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the docket number assignment in the appellate court upon] of filing;

(2) assign a docket number to the petition for review; and

(3) give written notice of the docket number assignment in person or by first class mail to the government unit [which] that made the determination sought to be reviewed, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

(b) *Fee.* The petitioner, upon filing the petition for review, shall pay any [fee] fees therefor [prescribed by Chapter 27 (fees and costs in appellate courts and on appeal)] as set by law or general rule.

(c) *Service.* A copy of the petition for review shall be served by the petitioner in person or by certified mail on the government unit [which] that made the determination sought to be reviewed. In matters involving the Commonwealth, the petitioner shall similarly serve a copy upon the Attorney General of Pennsylvania. [When the government unit is comprised of a plurality of persons, each of whom is to be joined individually, or where there is otherwise a plurality of persons named as respondents] Where there is more than one respondent, the petitioner shall separately serve each [such person] one. All other parties before the government unit [which] that made the determination sought to be reviewed shall be served as prescribed by Rule 121(b) (service of all papers required). [Whenever any such other parties are served, unless they have been named as respondents under Rule 1513(b) (caption and parties), the petition for review shall contain or have endorsed upon it a statement substantially as follows: "If you intend to participate in this proceeding in the (Supreme, Superior or Commonwealth, as appropriate) Court, you must serve and file a notice of or application for intervention under Rule 1531 of the Pennsylvania Rules of Appellate procedure within 30 days." ]

(d) *Entry of appearance.* Upon the filing of the petition for review, the prothonotary shall note on the [record] docket as counsel for the petitioner the name of [his] counsel, if any, set forth in or endorsed upon the petition for review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall, upon praecipe of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

**Official Note:** [This rule supersedes former Commonwealth Court Rules 20C, 21, 22 and 24.] See the

note to Rule 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 is used.

**The petition for review must be served on the government unit that made the determination in question. Rule 102 defines "government unit" as including "any court or other officer or agency of the unified judicial system." Thus, a petition for review of a trial court order must be served on the judge who issued the order.**

Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

Rule 1515. [Answer to Petition] (Rescinded).

[Where under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, and the right to an evidentiary hearing has been claimed by inclusion or endorsement of a notice to plead as prescribed by Rule 1513(d) (notice to plead), any adverse party may file an answer to the petition controverting any factual allegation of the petition.]

**Official Note:** [When the question is one of law, the denial of the contentions made in the petition for review will appear in the briefs of the parties. However, where for example the petition for review raises a question which formerly would have been determined in an action in equity, mandamus, etc., the petition may allege facts which the adverse party will desire to controvert at an evidentiary hearing before the reviewing court, and the factual issues should be properly framed for the court.] Rule 1515 formerly provided for an answer to a petition for review addressed to an appellate court's original jurisdiction. Answers to such petitions are now discussed in Rule 1516.

Rule 1516. Other Pleadings Allowed.

(a) [General rule. The pleadings on petition for review are limited to the petition, an answer thereto if permitted by Rule 1515 (answer to petition), a reply if the answer contains new matter or a counterclaim, a counter-reply if the reply to a counterclaim contains new matter, a preliminary objection and an answer thereto.] *Appellate jurisdiction petitions for review.* No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to the Notes to Rules 341 or 1311 (seeking review of a trial court or other government unit's refusal to certify an interlocutory order for immediate appeal), Rule 1762 (regarding release in criminal matters), Rule 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Rule 3331 (regarding review of special prosecutions and investigations). Where an answer is authorized, the time for filing an answer shall be as stated in Rule 123(b).

(b) [Effect of absence of answer. A further pleading may be filed only in a matter in which an answer is permitted to be or has been filed.] *Original jurisdiction petitions for review.* Where an action is commenced by filing a petition for review addressed to the appellate court's original jurisdiction, the pleadings are limited to the petition for review, an answer thereto, a reply if the answer contains new matter or a counterclaim, a counter-

reply if the reply to a counterclaim contains new matter, a preliminary objection, and an answer thereto. Every pleading filed after an original jurisdiction petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead.

[ (c) *Time for filing.* Every pleading subsequent to the petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead. ]

**Official Note:** [ Patterned after Pa.R.Civ.P. 1017 (a) and 1026. The ten additional days in the pleading period is in recognition of the time required for agency coordination where the Commonwealth is a party. Under Rule 1972 (dispositions on motion) a party may move to dispose of the matter on a number of grounds without reaching the merits. ] The 2003 amendments made clear that, with five limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper. With regard to original jurisdiction proceedings, practice is patterned after Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing, Notice to Plead). The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party.

#### Rule 1517. Applicable Rules of Pleading.

Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.

#### Rule 1531. Intervention.

(a) [ *Notice of intervention* ] **Appellate jurisdiction petition for review proceedings.** A party to a proceeding before a government unit [ which ] that resulted in a quasijudicial order may intervene as of right in a proceeding under this chapter relating to such order by filing a notice of intervention (with proof of service on all parties to the matter) with the prothonotary of the appellate court within 30 days after notice of the filing of the petition for review. [ In the case of a person for whom an appearance has been entered pursuant to Rule 1514(d) (entry of appearance) the failure to file a timely notice of intervention under this rule shall operate to strike off the appearance of such person in the appellate court. ] The notice of intervention may be in substantially the following form:

[[CAPTION]]

#### NOTICE OF INTERVENTION

Notice is hereby given that A.B., a party below, hereby intervenes in this matter.

(s) \_\_\_\_\_

(Address and telephone number)

After 30 days after notice of filing of an appellate petition for review, permission to intervene may be sought by application pursuant to Rule 123.

(b) [ *Application for intervention* ] **Original jurisdiction petition for review proceedings.** A person not named as a respondent in [ the ] an original jurisdiction petition for review, who desires to intervene in a proceeding under this chapter, [ and who is not entitled to file a notice of intervention under Subdivision (a) of this rule, ] may seek leave to intervene by filing an application for leave to intervene (with proof of service on all parties to the matter) with the prothonotary of the court [ within 30 days after the filing of the petition for review ]. The application shall contain a concise statement of the interest of the applicant and the grounds upon which intervention is sought.

**Official Note:** A nonparty may file a brief as of right under Rule 531 (participation by amicus curiae) and, therefore, intervention is not necessary in order to participate in the appellate court where the petition for review is filed. However, except as provided in Rule 521(b) (status of Attorney General) and Rule 522(b) (status of Court Administrator), the mere filing of a brief does not confer party status. Where, for example, a nonparty to a petition for review proceeding in the Commonwealth Court desires to be in a position to seek further review in the Supreme Court of Pennsylvania or the Supreme Court of the United States of [ the ] an order of the Commonwealth Court disposing of the petition for review, the nonparty should intervene or seek leave to intervene in the Commonwealth Court at the outset, since under Rule 501 (any aggrieved party may appeal), party status is a prerequisite to the right to further review.

#### Rule 1532. Special and Summary Relief.

(a) *Special relief.* At any time after the filing of a petition for review, the court may, on application, order the seizure of property, dispose of seized property, [ grant relief in the nature of peremptory mandamus, ] issue a preliminary or special injunction, appoint a temporary receiver or grant other interim or special relief required in the interest of justice and consistent with the usages and principles of law.

(b) *Summary relief.* At any time after the filing of a petition for review in an appellate or original jurisdiction matter, a single judge of the court may on application enter judgment if the right of the applicant thereto is clear.

**Official Note:** [ Subdivision (a) of this rule, which incorporates Rule 123(a) (contents of application for relief), makes clear that a request for two or more types of relief, including alternative relief ] Subdivision (a) provides examples of specific types of interim relief that may be sought using the procedures set forth in Rule 123 (application for relief). Thus, multiple forms of relief, including those in the alternative, may be combined in the same application, [ notwithstanding the fact that ] even though separate actions might otherwise be necessary under the Pennsylvania Rules of Civil Procedure. Compare Rule 106 (original jurisdiction matters) [ . See also ]; 42 Pa.C.S. § 708(e) (single form of action).

[ Subdivision (b) of this rule is a generalization of Pa.R.Civ.P. 1098 (peremptory judgment). Cf. Pa.R.Civ.P. 1035(a) (motion for summary judgment), which is not available until after the pleadings are closed. ]

Subdivision (b) authorizes immediate disposition of a petition for review, similar to the type of relief

envisioned by the Pennsylvania Rules of Civil Procedure regarding judgment on the pleadings and peremptory and summary judgment. However, such relief may be requested before the pleadings are closed where the right of the applicant is clear.

\* \* \* \* \*

**Rule 1541. Certification of the Record.**

[When under the applicable law the questions raised by the petition for review may be determined by the court in whole or in part upon the record before the government unit,] Upon notice from the appellate court of the filing of a petition for review addressed to the appellate jurisdiction of an appellate court, the government unit shall prepare and transmit the record as provided by Chapter 19 (preparation and transmission of record and related matters).

**Official Note:** [Based in part on former Pa.R.Civ.P. 5 and former Commonwealth Court Rule 23.] Rule 102 defines “government unit” to include “any court or other officer or agency of the unified judicial system.” Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for review was filed pursuant to Rule 1762, 3321 or 3331, or the note to Rules 341 or 1311.

**Rule 1542. [ Oral Argument and ] Evidentiary Hearing.**

[ (a) *General rule.* Except as otherwise ordered by the court on its own motion or on application of any party, after the pleadings are closed the matter may be listed for argument before or submission to the court. At argument or on briefs any party may urge in support of its position any factual ground appearing of record or any legal ground not theretofore waived.

[ (b) *Evidentiary Hearing.* ] In any matter [ where under the applicable law the questions raised by the petition for review may be determined by the court in whole or in part upon the record made before the court and where, before or at final hearing, ] addressed to the appellate court’s original jurisdiction, where it appears that a genuine issue as to a material fact has been raised by the pleadings, depositions, answers to interrogatories, stipulations of fact, admissions on file and supporting verified statements, if any, the court on its own motion or on application of any party [ shall ] may, after notice to the parties, hold an evidentiary hearing for the development of the record.

**Official Note:** In view of Rule 106 (original jurisdiction matters) and Rule 1532 (special and summary relief), motions for judgment on the pleadings, Pa.R.C.P. 1034, summary relief and [ for ] summary judgment [ under ], Pa.R.C[ iv ].P. [ 1034 and ] 1035, will be available where a petition for review [ with notice to plead ] invoking the appellate court’s original jurisdiction has been filed. The procedure under this rule is intended to be flexible, although subject to the control of the appellate court by either rule of court adopted pursuant to Rule 104(a)(3) (rules of court) or by order[, and is necessarily experimental. The rule permits the case to pass directly from the evidentiary hearing before

a single judge to a panel or the court en banc without the necessity of a preliminary decision by the hearing judge ].

**Rule 1543. [ Trial by jury ] (Rescinded).**

[ An issue of fact shall be tried to a jury where the right to such trial is secured either by the Constitution or statutes of this Commonwealth or by the Constitution of the United States. Any right to trial by jury shall be deemed waived unless expressly reserved in the petition for review or an answer thereto. ]

\* \* \* \* \*

**Rule 1551. Scope of Review.**

(a) [ *Review of quasijudicial orders* ] **Appellate jurisdiction petitions for review.** Review of quasijudicial orders shall be [ heard ] conducted by the court on the record made before the government unit. No question shall be heard or considered by the court which was not raised before the government unit except:

\* \* \* \* \*

(3) Questions which the court is satisfied that the petitioner could not by the exercise of due diligence have raised before the government unit. If, upon hearing before the court, the court is satisfied that any such additional question within the scope of this paragraph should be so raised, it shall remand the record to the government unit for further consideration of the additional question.

\* \* \* \* \*

(b) [ *Other matters* ] **Original jurisdiction petitions for review.** The court shall hear and decide [ all other matters raised by petition ] original jurisdiction petitions for review [ with the scope of review provided by ] in accordance with law. This chapter is not intended to modify [ or ], enlarge [ the scope of judicial review of determinations of government units as heretofore existing ] or abridge the rights of any party to an original jurisdiction petition for review.

**Official Note:** Subdivision (a) is a generalization of former Pa.R.C[ iv ].P. 8 and makes no change in substance except to provide that procedural issues not raised below are waived—unless excused under Paragraph (a)(3). Compare Rule 302 (requisites for reviewable issue). [ Paragraph 3 of the Order amending Subdivision (a)(1) provides that where an administrative proceeding was commenced prior to September 1, 1976, a petitioner for review of a quasijudicial order entered in such proceeding may raise in the appellate court questions involving procedure before the government unit notwithstanding the fact that the questions were not raised before the government unit below. ]

Subdivision (b) is based on Section 10(c) of Article V of the Constitution of Pennsylvania, which prevents this chapter from enlarging the [ substantial ] substantive rights of the petitioner or abridging the [ substantial ] substantive rights of the government unit named in the petition. Under the new practice, the appellate judge should inquire: “Assuming that this case had been properly brought before me by a complaint in equity (or in mandamus, replevin, quo warranto, etc., or by two or more of such actions properly consolidated for hearing

and disposition) containing the factual allegations of the petition for review, to what relief, if any, would the moving party have been entitled under the prior practice?" This rule makes clear that the moving party is entitled to the same relief, and no more, under the new practice, since only the procedural requirement for separately labeled papers has been eliminated.

\* \* \* \* \*

**Rule 1561. Disposition of Petition for Review.**

(a) [ **General rule** ] **Appellate jurisdiction petitions for review.** The court may affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings [ **to be had,** ] as may be just under the circumstances.

(b) [ **Other relief** ] **Original jurisdiction petitions for review.** Where the petition for review raises questions [ **which** ] that formerly were determinable in an action in equity, replevin, mandamus, quo warranto or for a declaratory judgment or upon a petition for a writ of certiorari or prohibition, or in another similar plenary action or proceeding, the court may grant the relief heretofore available in any such plenary action or proceeding.

\* \* \* \* \*

(d) *Review of detention.* Except as prescribed by Rule 1762(a)(2) (release [ **prior sentence** ] in criminal matters) or by Rule 3331 (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction [ **hearing** ] relief may not be granted under this chapter.

**Official Note:**

\* \* \* \* \*

Subdivision (b) is based on 42 Pa.C.S. § 708(e) (single form of action) (which provides that 1 Pa.C.S. § 1504 (statutory remedy preferred over common law) does not limit the jurisdiction of a court over a petition for review proceeding, but to the extent applicable shall limit the relief available) and 42 Pa.C.S. § 5105(d)(2) (scope of appeal). Under 42 Pa.C.S. § 102 (definitions), statutory references to "appeal" include proceedings on petition for review. The subdivision is intended to make clear that the petition for review is a generic pleading which will permit the court to consider simultaneously all aspects of the controversy.

Subdivision (c) is intended to make clear that the petition for review does not encompass trespass or assumpsit actions, but that an appeal may reach tort or contract matters adjudicated by a government unit as contemplated by Section 2(h) of the Judiciary Act Repealer Act (42 P. S. § 20002(h)). As to ancillary statutory damages, see 42 Pa.C.S. § 8303 (action for performance of a duty required by law).

\* \* \* \* \*

**REVIEW OF DETERMINATIONS OF THE BOARD OF FINANCE AND REVENUE**

**Rule 1571. Determinations of the Board of Finance and Revenue.**

\* \* \* \* \*

(f) *Record.* No record shall be certified to the court by the Board of Finance and Revenue. After the filing of the petition for review, the parties shall take appropriate

steps to prepare and file a stipulation of such facts as may be agreed to and to identify the issues of fact, if any, which remain to be tried. See Rule 1542 [ **(b)** ] (evidentiary hearing).

(g) *Oral argument.* Except as otherwise ordered by the court on its own motion or on application of any party, after the record is closed, the matter may be listed for argument before or submission to the court.

(h) *Scope of review.* Rule 1551(a) [ **(review of quasijudicial orders)** ] (**appellate jurisdiction petitions for review**) shall be applicable to review of a determination of the Board of Finance and Revenue except that:

\* \* \* \* \*

(2) To the extent provided by the applicable law, the questions raised by the petition for review shall be determined on the record made before the court. See Subdivision (f) of this rule.

(i) *Exceptions.* Any party may file exceptions to an initial determination by the [ **trial** ] court under this rule within 30 days after the entry of the order to which exception is taken. Such timely exceptions shall have the effect, for the purposes of Rule 1701(b)(3) (authority of lower court or agency after appeal) of an order expressly granting reconsideration of the determination previously entered by the court. Issues not raised on exceptions are waived and cannot be raised on appeal.

**Official Note:** Subdivision (b) represents an exercise of the power conferred by 42 Pa.C.S. § 5105(a) (right to appellate review) to define final orders by general rule [ , and is derived from the provisions of Section 1104(a) of the Fiscal Code (72 P. S. § 1104(a)), which are suspended absolutely by these rules ]. The following statutes expressly require the Board of Finance and Revenue to act within six months in certain cases:

Section 1103 of [ **the** ] **The Fiscal Code (72 P. S. § 1103).**

[ **Act of May 21, 1931 (P. L. 149, No. 105), known as The Liquid Fuels Tax Act, § 7 (72 P. S. § 2611g).**

**Act of May 5, 1933 (P. L. 284, No. 104), known as the Malt Beverage Tax Law, § 4 (47 P. S. § 106).** ]

Act of December 5, 1933, (**Sp. Session 1933-34**), (P. L. 38, No. 6), known as the Spirituous and Vinous Liquor Tax Law, § 5 (47 P. S. § 749).

\* \* \* \* \*

Sections 234 (sales and use tax) [ **and** ], 341 (personal income tax), and 2005 (malt beverage tax), act of March 4, 1971 (P. L. 6, No. 2), known as The Tax Reform Code of 1971 (**72 P. S. §§ 7234, 7341, 9005**). **The following statute requires the Board of Finance and Revenue to act within twelve months in certain tax refund matters:**

**Section 3003.5 of the Tax Reform Code of 1971, Act of March 4, 1971, P. L. 6, No. 2, 72 P. S. § 10003.5. Section 3003.5 was added by Section 41 of the Act of June 16, 1994, P. L. 279, No. 48.**

The following statutes are covered by Section 1103 of The Fiscal Code (**petition to Board of Finance and Revenue for review**):

[ **Section** ] **Sections 809 (various insurance taxes) and 1001 (miscellaneous settlements, e.g., under the act of**



May 17, 1921 (P. L. 789, No. 285), known as The Insurance Department Act of 1921, § 212 (40 P. S. § 50) (retaliatory insurance taxes) [ ; with respect to district justice collections; etc. ] of The Fiscal Code (72 P. S. §§ 809 and 1001).

Act of June 22, 1931 (P. L. 694, No. 255) § 4 (72 P. S. § 2186) (motor carriers-trackless trolley carriers).

Act of June 22, 1935 (P. L. 414, No. 182), known as the State Personal Property Tax Act, § 18(b) (72 P. S. § 3250-11a(b)) (corporate loans tax). See [ act ] Act of April 25, 1929 (P. L. 669, No. [ 228 ] 288), § 1.

\* \* \* \* \*

[ Act of December 27, 1951 (P. L. 1742, No. 467), known as The Realty Transfer Tax Act, § 10.1 (72 P. S. Sec. 3291.1).

Act of June 19, 1964 (P. L. 7, No. 1), known as the Motor Carriers Road Tax Act, § 20 (72 P. S. § 2617.20).

Act of June 22, 1964 (P. L. 16, No. 2), known as The Mutual Thrift Institutions Tax Act, § 4 (72 P. S. § 1986.4). ]

Act of January 24, 1966 ([ 1965 ] P. L. (1965) 1509, No. 531), § 11 (40 P. S. § 1006.11) (surplus lines tax).

Sections 407 (corporate net income tax), [ 503 (corporation income tax), ] 603 (capital stock—franchise tax), 702 (bank shares tax), 802 (title insurance and trust companies shares tax), 904 (insurance premiums tax) [ and ], 1102 (utilities gross receipts tax), 1111-C (realty transfer tax) and 1503 (mutual thrift institutions tax of [ The ] the Tax Reform Code of 1971 (72 P. S. §§ 7407, [ 7503, ] 7603, 7702, 7802, 7904 [ and ], 8102, 8111-C and 8503).

75 Pa.C.S. § 9616(f) (motor carriers road tax).

The basis of jurisdiction of the court under this rule will ordinarily be 42 Pa.C.S. § 763 (direct appeals from government agencies). Subdivision (c) is not intended to change the practice in connection with the review of orders of the Board of Finance and Revenue insofar as the amount of detail in the pleadings is concerned. What is required is that the petitioner raise every legal issue in the petition for review which the petitioner wishes the court to consider. The legal issues raised need only be specific enough to apprise the respondent of the legal issues being contested (e.g. "valuation," "manufacturing," "sale for resale," etc.). See generally *House of Pasta, Inc. v. Commonwealth*, 37 Pa. Cmwlth. Ct. 317, 390 A.2d 341 (1978).

Subdivision (e) is based on Section 1104(e) of The Fiscal Code [ (72 P. S. § 1104(e)) ], which [ is ] was suspended absolutely by these rules, and subsequently repealed.

\* \* \* \* \*

Subdivision (h) is based on Section 1104(d) of The Fiscal Code [ (72 P. S. § 1104(d)) ], which [ is ] was suspended absolutely by these rules and subsequently repealed, and is intended as a continuation of the prior law, except, of course, that the separate specification of objections has been abolished by these rules.

Subdivision (i) is intended to make clear that the failure to file exceptions will result in waiver by [ an appellant ] a petitioner of any issues previously pre-

sented to the Commonwealth Court. [ Compare note to Rule 343 (order determining challenge to plea of guilty). ]

See also [ rule ] Rule 1782 (security on review in tax matters).

#### EXPLANATORY COMMENT FOR INTERNAL RECOMMENDATION 50—CHAPTER 15

The primary purpose of this Recommendation is to make Chapter 15 more user-friendly. The recommendation includes amendments to the notes that should make the Chapter easier for attorneys and judges to follow. The Recommendation conforms various rules to statutory amendments and includes technical and stylistic revisions. A summary of the Recommendation follows a brief introduction to Chapter 15. This Recommendation follows a comprehensive review of Chapter 15 by the Appellate Court Procedural Rules Committee and was prepared with substantial contributions from the Commonwealth Court's legal staff. After an exhaustive review of the Chapter and consideration of alternatives to the Petition for Review practice for original and appellate jurisdiction matters prescribed in Chapter 15, the Committee has determined that Chapter 15 still represents the most efficient and comprehensive method for review of governmental action. Accordingly, this Recommendation does not propose any fundamental change in practice under Chapter 15.

#### Introduction to Chapter 15

Chapter 15 of the Rules of Appellate Procedure is titled "Judicial Review of Governmental Determinations." The Chapter is a road map for one of the four primary ways to appeal a matter to an appellate court within the Unified Judicial System.<sup>1</sup>

A thorough introduction to Chapter 15 is found in *Darlington, McKeon, Schuckers and Brown, Pennsylvania Appellate Practice 2d* at 1501:1. *Darlington* states:

The adoption of Chapter Fifteen of the Pennsylvania Rule of Appellate Procedure marked a significant departure from past Practice where a party sought judicial review of a Governmental determination at the appellate court level. The chapter introduced the petition for review, a generic pleading that replaced the appeal and the original jurisdiction common law causes of action in the context of reviewing governmental determinations."

Pursuant to Chapter Fifteen, the petition for review is used to commence an appeal from an administrative agency to an appellate court. The petition for review is also the document that is used to commence an original jurisdiction action in the nature of equity, mandamus, quo warranto, declaratory judgment and prohibition in an appellate court, against a government unit.

The dual use of the petition for review has been the source of much confusion to the occasional practitioner in the appellate courts. The use of the petition for review to commence an appeal has not created the confusion because it is clear that, when counsel files an appellate jurisdiction petition for review, counsel is invoking the appellate jurisdiction of the court and seeking review of a

<sup>1</sup> Chapter 9 (Appeals from Lower Courts) generally covers appeals from lower courts to the Superior Court and Commonwealth Court. Chapter 11 (Appeals from Commonwealth Court and Superior Court) includes both "Appeals as of Right from Commonwealth Court" and "Petitions for Allowance of Appeal" from Superior and Commonwealth Court. Chapter 13 governs "Interlocutory Appeals by Permission." There are also rules applying to miscellaneous groups of cases which include Rule 1941 (Automatic Review of Death Sentences) and Rule 3331 (Review of Special Prosecutions or Investigations).

determination or adjudication of an administrative agency. Thus, the court is clearly reviewing a governmental determination.

When, however, counsel seeks to enjoin governmental action (equity), compel governmental action (mandamus), declare rights between citizens or corporations and government (declaratory judgment) or seeks other traditional remedies in a court's original jurisdiction, counsel is not seeking a "review" of governmental determination as that term is generally defined. Nevertheless, if the original jurisdiction action is within the scope of Chapter Fifteen, the document that counsel files to commence the original jurisdiction action in the appellate court is a petition for review.

The second major source of confusion created by Chapter Fifteen is the chapter's poor organization. It is often not clear whether a particular rule in Chapter Fifteen applies to an original jurisdiction petition for review, an appellate jurisdiction petition for review, or both. Succeeding sections in Chapter Fifteen of Pennsylvania Appellate Practice attempt to dispel the confusion.

The greatest impact of Chapter Fifteen is in the Commonwealth Court because that court is vested with both original and appellate jurisdiction involving governmental determinations. In the Commonwealth Court, the petition for review is also used as the vehicle to review a trial court's or agency's refusal to certify an interlocutory order for appellate review.

In the Supreme Court, the petition for review is the document that is filed to commence an appeal from a Legislative Reapportionment Commission, a review of certain special prosecutions or investigations, and certain matters within the Supreme Court's original jurisdiction.

In the Superior Court, the primary use of the petition for review is to seek review of a trial court order granting or denying release or modifying the conditions of release of a criminal defendant before sentencing. In the Superior Court, the petition for review is also used to review a trial court's refusal to certify an interlocutory order for appellate review.

The proposed Recommendation is the result of a comprehensive review of Chapter 15. Its primary purpose is to make the chapter more user-friendly and to conform the chapter to statutory amendments as well as making certain technical changes.

### Summary of Proposed Amendments

The following is a summary of the amendments:

*Rule 1501.* Subsection (a)(4) would be added to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 1311 and 341 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered. A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2003 amendments clarify the use of petitions for review in these special situations.

The Note to Rule 1501 referring to Subdivision (c) would be amended to expressly recognize that some statutory procedures are not replaced by the adoption of the generally comprehensive nature of petition for review practice.

The Note to Rule 1501 would also be amended to state that the proposed amendments to Chapter 15 petition for review practice address the evolution of judicial responses to governmental actions. The Note would explain that when the Rules of Appellate Procedure were initially adopted, there was a "long history in the Commonwealth . . . of relatively complete exercise of the judicial review function under the traditional labels of equity, mandamus, certiorari and prohibition." While such original jurisdiction forms of action are still available, their proper usage is now the exception rather than the rule because appellate proceedings have become the norm. Thus, the need to rely on Rule 1503 to convert an appellate proceeding to an original jurisdiction action and vice versa is less common. Moreover, the emphasis on a petition for review as a generic pleading that permits the court to simultaneously consider all aspects of the controversy shifted to making the practice for appellate proceedings more apparent to the occasional appellate practitioner. Accordingly, the rules have been amended to more clearly separate procedures for appellate proceedings from those applicable to original jurisdiction proceedings.

The proposed amendment to the Note would further explain that the responsibility of identifying the correct type of proceeding to be used to challenge a governmental action is initially that of counsel. Where precedent makes the choice clear, counsel can proceed with confidence. Where the choice is more problematic, then counsel should draft the petition for review so as to satisfy the directives for both appellate and original jurisdiction proceedings. Then the court can designate the proper course of action regardless of counsel's earlier assessment.

*Rule 1512.* Subdivision (b)(4) is added to provide that pursuant to statute, an appeal shall be filed within fifteen days of the mailing date of a determination of a Commonwealth agency denying a protest under Section 1711 of the Commonwealth Procurement Code, 62 Pa.C.S. § 1711.

*Rule 1513.* The proposed amendments to this rule would clarify what must be included in a petition for review addressed to an appellate court's appellate jurisdiction and what must be included in a petition for review addressed to an appellate court's original jurisdiction. Where it is not readily apparent whether a "determination" (defined in Rule 102 as "[a]ction or inaction of a government unit) is reviewable in the court's appellate or original jurisdiction, compliance with the requirements of Subdivisions (d) and (e) is appropriate.

Subdivisions (a) and (b) reflect the provisions of Rule 501 (Any Aggrieved Party May Appeal), Rule 503 (Description of Public Officers), Section 702 of the Administrative Agency Law, 2 Pa.C.S. § 702 (Appeals), and Pa.R.C.P. 1094, regarding parties defendant in mandamus actions.

Government units that are usually disinterested in appellate jurisdiction petitions for review of their determinations include: the Board of Claims, the Department of Education (with regard to teacher tenure appeals from local school districts pursuant to section 1132 of the Public School Code of 1949, 24 P.S. § 11-1123), the Environmental Hearing Board, the State Civil Service Commission, and the Workers' Compensation Appeal Board. The provision for joinder of indispensable parties in original jurisdiction actions reflects the last sentence of section 761(c) of the Judicial Code, 42 Pa.C.S. § 761(c), providing for the implementation of ancillary jurisdiction of the Commonwealth Court by general rule.

Subdivisions (d) and (e) reflect the differences in proceeding in a court's original and appellate jurisdiction, while preserving the need for sufficient specificity to permit the conversion of an appellate document to an original jurisdiction pleading and vice versa should such action be necessary to assure proper judicial disposition. See also the notes to Rules 1501 and 1502. The paragraph regarding the notice to participate was formerly found in Rule 1514(c).

*Rule 1514.* The amendment to the Note to Rule 1514 clarifies that the petition for review must be served on the government unit that made the determination in question. Rule 102 defines "government unit" as including "any court or other officer or agency of the unified judicial system." Thus, a petition for review of a trial court order must be served on the judge who issued the order. Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

*Rule 1515.* The Recommendation would rescind Rule 1515. Rule 1515 formerly provided for an answer to a petition for review addressed to an appellate court's original jurisdiction. Answers to such petitions are now discussed in Rule 1516.

*Rule 1516.* The 2003 amendments would rescind old Rule 1516 and replace it with a new Rule clearly explaining that, with five limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper. With regard to original jurisdiction proceedings, practice is patterned after Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing Notice to Plead). The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party.

*Rule 1517.* Rule 1517 would be amended to state that unless otherwise prescribed in these Rules, the Rules of Civil Procedure apply to original jurisdiction petition for review practice.

*Rule 1531.* Rule 1531 would be amended so that it is clear that Subdivision (a) prescribes the procedure for intervention in appellate jurisdiction petition for review proceedings. Subdivision (a) would delete the following: "In the case of a person for whom an appearance has been entered pursuant to Rule 1514(d) (entry of appearance) the failure to file a timely notice of intervention under this rule shall operate to strike off the appearance of such person in the appellate court." Subdivision (a) would also provide that: "After 30 days after notice of filing of an appellate petition for review, permission to intervene may be sought by application pursuant to Rule 123."

Subdivision (b) would be amended to make it clear that it applies to intervention in original jurisdiction review proceedings.

*Rule 1532.* The Note to Subdivision (b) would be amended to explain that it authorizes immediate disposition of a petition for review, similar to the type of relief envisioned by the Pennsylvania Rules of Civil Procedure regarding judgment on the pleadings and peremptory and summary judgment. However, such relief may be requested before the pleadings are closed where the right of the applicant is clear.

*Rule 1541. Certification of the Record.* Rule 102 defines "government unit" to include "any court or other officer or agency of the unified judicial system." Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for

review was filed pursuant to Rule 1762, 3321 or 3331, or the note to Rules 341 or 1311.

*Rule 1542. Evidentiary Hearing.* This is a technical amendment making it clear that Pa.R.C.P. 1034 and 1035 are available where a petition for review involving the appellate court's original jurisdiction has been filed.

*Rule 1551.* This Rule governs scope of review. Subdivision (a) would be amended to change the title from "Review of Quasijudicial Orders" to "Appellate Jurisdiction Petitions for Review."

Subdivision (b) would be amended to change the title from "Other Matters" to "Original Jurisdiction Petition for Review." Subdivision (b) is further amended to provide that the scope of judicial review in original jurisdiction matters as provided in Chapter 15 is not intended to modify, enlarge or abridge the rights of any party to an original jurisdiction petition for review.

*Rule 1561.* This Rule governs "Disposition of Petition for Review." The title to Subdivision (a) is amended to clarify that it applies to "Appellate Jurisdiction for Review." The title to Subdivision (b) is amended to clarify that it applies to "Original Jurisdiction Petitions for Review."

*Rule 1571.* The proposed revision to Rule 1571 contains technical amendments only.

[Pa.B. Doc. No. 03-867. Filed for public inspection May 9, 2003, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Deferment of White Hall Insurance Company and Its Insureds by Reason of Order of Liquidation; Administrative Doc. 01 of 2003

##### Order

*And Now,* this 22nd day of April, 2003, upon consideration of the Order of Liquidation entered by the Commonwealth Court of Pennsylvania dated April 10, 2003, *Koken v. White Hall Mutual Insurance Company*, 231 M.D. 2003, it is hereby *Ordered* and *Decreed* that all cases in which White Hall Mutual Insurance Company is a named party shall be placed in deferred status.

It is further *Ordered* and *Decreed* that all actions currently pending against an insured of White Hall Insurance Company shall be placed in deferred status.

*By the Court*

JAMES J. FITZGERALD, III,  
*Administrative Judge*

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. ★51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, The Legislative Reference Bureau and the Civil Procedural

Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Administrative Docket is also available on the Court's web site at <http://courts.phila.gov>.

[Pa.B. Doc. No. 03-868. Filed for public inspection May 9, 2003, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## CARBON COUNTY

### Adoption of Exhibit D for Addition to the Administrative Criminal Case Management Plan as Referenced in Local Rules of Criminal Procedure; No. 103 MI 00

#### Administrative Order 10-2003

And Now, this 22nd day of April, 2003, it is hereby

Ordered and Decreed that, effective May 1, 2003, the Carbon County Court of Common Pleas hereby *Adopts* Exhibit "D," *Nolo Contendere Colloquy*, for addition to the Administrative Criminal Case Management Plan referenced in Carbon County's Local Rules of Criminal Procedure.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,  
*President Judge*

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
 : CARBON COUNTY, PENNSYLVANIA  
 VS :  
 :  
 : NO.

#### NOLO CONTENDERE COLLOQUY

You are present before this Court because you or your lawyer have stated that you wish to plead nolo Contendere to some or all of the criminal offenses with

which you have been charged. Please answer fully all the questions on this document. If you do not understand any explanations given to you on this document, say so by putting the word "no" in the blank provided after the questions. If you do understand the questions, you should write in the word "yes." None of the lines should be left blank.

After you have finished reading this and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case, so that they can explain it to you fully, to make sure you understand all your rights.

Most of these questions are designed to be answered "yes" or "no." Where general information is asked for, however, please answer fully.

1. What is your full name? \_\_\_\_\_
2. Are you known by any other name or alias? \_\_\_\_\_
3. If the answer to Number 2 is "yes" state the other names or aliases. \_\_\_\_\_
4. What is your date of birth? \_\_\_\_\_
5. What was the last grade completed in school? \_\_\_\_\_
6. Can you read, write and understand the English language? \_\_\_\_\_
7. As you appear before the Court today to enter a guilty plea, are you under the influence of alcohol or any kind of drugs? \_\_\_\_\_
8. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness? \_\_\_\_\_
9. If the answer to Number 8 is "yes," please explain the details. \_\_\_\_\_
10. Are you currently being treated for a mental illness? \_\_\_\_\_
11. If the answer to Number 10 is "yes," explain the details. \_\_\_\_\_
12. If you are presently being treated for a mental illness, do you feel that you have sufficient mental capacity to understand what you are doing today, and to understand these questions and answer them correctly? \_\_\_\_\_
13. Do you understand that you are here today to enter a plea of nolo Contendere to some or all of the charges against you? \_\_\_\_\_
14. Do you understand the nature of the offenses to which you are pleading nolo Contendere? \_\_\_\_\_
15. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading? \_\_\_\_\_
16. Do you admit to committing the offenses to which you are pleading nolo Contendere and to the legal elements explained to you making up those offenses? \_\_\_\_\_
17. Do you understand that you have a right to a trial by jury? \_\_\_\_\_
18. Do you understand that the right to trial by jury means that you can participate in the selection of a jury with your attorney; that the jury is randomly selected from the voter registration list of Carbon County and a cross-section of the citizens of Carbon County, and that

the jury has to agree unanimously on your guilt before you can be convicted of the offenses with which you are charged? \_\_\_\_\_

19. Do you understand that you are presumed innocent until found guilty? In other words, do you understand that the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the offenses charged? \_\_\_\_\_

20. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense? \_\_\_\_\_

21. Do you understand that you have a right to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt? \_\_\_\_\_

22. Do you understand that by pleading nolo Contendere you are waiving that right of confrontation and cross-examination? \_\_\_\_\_

23. Do you realize that by pleading nolo Contendere you are giving up your right to present any pre-trial motions for consideration to this or a higher Court in the event those motions are denied? \_\_\_\_\_

24. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and raise any errors that were committed in the trial Court, and that this could result in your being awarded a new trial or discharged, and that by pleading nolo Contendere you are giving up this right? \_\_\_\_\_

25. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and you could also challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? \_\_\_\_\_

26. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel and the Attorney for the Commonwealth, until the Court accepts such plea agreement? \_\_\_\_\_

27. Do you understand that the Court is not a party to any agreement or recommendation made by the parties and that any recommendation and/or stipulation regarding sentence is not binding on the Court and you knowingly waive the right to withdraw this plea if the Court does not concur in the recommended sentence? \_\_\_\_\_

28. Are you aware of the permissible range of sentence and/or fines that can be imposed for the offenses to which you are pleading nolo Contendere? \_\_\_\_\_

29. Are you aware of the maximum sentence and/or fine which the Court could impose upon you for each of the offenses to which you are pleading nolo Contendere? \_\_\_\_\_

30. Do you understand that any sentence imposed upon you for any of the offenses to which you are pleading nolo Contendere can be imposed consecutively to either (a) any sentence imposed upon you for any other offense for which you are pleading nolo Contendere in this case; or (b) any sentence imposed upon you in any other case? \_\_\_\_\_

31. Do you understand that "consecutive" sentences means that one sentence will follow after another and that "consecutive" sentences do not run at the same time? \_\_\_\_\_

32. Do you understand that the aggregate maximum sentence you could receive if you are pleading nolo

Contendere to multiple offenses is the total of all maximum sentences for all the offenses added together? \_\_\_\_\_

33. Do you understand that you have a right to have witnesses present at your nolo Contendere plea hearing to testify for you? Are you willing to give up that right and have the Attorney for the Commonwealth summarize the facts against you? \_\_\_\_\_

34. After you enter your nolo Contendere plea and it is accepted by the Court, you still have a right to appeal your conviction. The appeal from a nolo Contendere plea is limited, however, to four grounds. They are:

(a) that your nolo Contendere plea was not knowing, intelligent and voluntary;

(b) that the Court did not have jurisdiction to accept your plea (in other words, the offenses for which you are pleading nolo Contendere did not occur in Carbon County);

(c) that the Court's sentence is beyond the maximum penalty authorized by law; and

(d) that your attorney was incompetent in representing you and advising you to enter a plea of nolo Contendere

Do you understand these four areas of appeal and what they mean? \_\_\_\_\_

In order to appeal your conviction by a plea of nolo Contendere, you must within ten (10) days file a written motion to withdraw your nolo Contendere plea and state any of the four above grounds as the basis for your petition to withdraw your nolo Contendere plea. This must be done within ten (10) days from the date you are sentenced. If you cannot afford a lawyer to represent you or you are contending that your attorney, who represented you at your nolo Contendere plea, was incompetent, you have the right to have other counsel appointed for you to raise those four claims. If your petition to withdraw your nolo Contendere plea is denied, you then have thirty (30) days to file an appeal from that denial with the Superior Court of Pennsylvania.

If you do not file your petition within ten (10) days of your sentence or do not file a Notice of Appeal to the Superior Court within thirty (30) days after your petition to withdraw your nolo Contendere plea is denied, you give up your right to ever complain again of any of those four areas, including incompetent counsel.

Do you understand the meaning of the various appeal rights that have just been explained to you? \_\_\_\_\_

35. Has anybody forced you to enter this plea of nolo Contendere? \_\_\_\_\_

36. Are you doing this of your own free will? \_\_\_\_\_

37. Have any threats been made to you to enter a plea of nolo Contendere? \_\_\_\_\_

38. Have any promises been made to you to enter a plea of nolo Contendere other than any plea agreement that has been negotiated for you by your attorney? \_\_\_\_\_

39. Do you understand that the decision to enter a plea of nolo Contendere is yours and yours alone; that you do not have to enter a plea of nolo Contendere and give up all your rights, as previously explained to you and that no one can force you to enter a nolo Contendere plea? \_\_\_\_\_

40. Do you understand that if your plea is accepted by this Honorable Court, you would have the right to have a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to be imposed upon you? Since this is a plea bargain, are you

willing to waive the preparation of the pre-sentence investigation? \_\_\_\_\_ (if applicable)

41. Are you presently on probation or parole? \_\_\_\_\_

42. If you are on probation or parole, do you realize that your plea of nolo Contendere will mean a violation of that probation or parole and you can be sentenced to prison as a result of that violation caused by your nolo Contendere plea today? \_\_\_\_\_

43. Are you satisfied with the representation of your attorney? \_\_\_\_\_

44. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of nolo Contendere? \_\_\_\_\_

45. Has your attorney gone over with you the meaning of the terms in this document? \_\_\_\_\_

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of nolo Contendere to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

\_\_\_\_\_  
Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands that is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading nolo contendere.

\_\_\_\_\_  
Attorney for the Defendant

[Pa.B. Doc. No. 03-869. Filed for public inspection May 9, 2003, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES Amendment of Local Civil Action Rule 19

### Order of Court

April 23, 2003, Civil Action Rule 39-1915.3 is hereby amended as follows. This amendment is adopted for the Court of Common Pleas of the 39th Judicial District of Pennsylvania, both the Franklin and Fulton County Branches, and will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN R. WALKER,  
*President Judge*

### **Rule 39-1915.3. Commencement of Action. Complaint. Order.**

(a) *Commencement of Action.*

(1) *Filing and Service Generally.* All Complaints and/or Petitions to Modify relating to custody of minor children shall be presented to the Court Administrator for assignment, after filing, in accordance with these rules. Filing shall be accompanied by the payment of the designated filing and administration fees. After the signing of a Temporary Order, the Order shall be filed in the Office of the Prothonotary and the Complaint and Order served in accordance with the Pennsylvania Rules of Civil Procedure governing the service of Custody Complaints.

(2) *Contents of Complaint.* The Complaint shall specifically designate the relief sought by the party who filed the pleading and shall include specific terms of legal custody, physical custody, partial custody or visitation sought by the Moving Party as well as the factual basis therefore. In addition to those averments required by the Pennsylvania Rules of Civil Procedure governing actions relating to Custody, the Complaint shall also contain (1) an averment as to the Moving Party's knowledge of the Non-Moving Party's representation or non-representation by counsel and, if represented, an averment as to the Non-Moving Party's counsel's name; (2) an averment as to the form and time and manner of furnishing a copy of the Complaint to the Non-Moving party and whether it was furnished directly to the named Non-Moving party or to legal counsel; and (3) if a Temporary Order is requested, the Proposed Temporary Order shall be stated as a paragraph in the complaint.

(3) *Time for Furnishing a Copy of the Complaint and Proposed Order to the Non-Moving Party; Record Proof.* When a Non-Moving Party is represented, a true, attested copy of the Complaint and Proposed Order shall be furnished to the Non-Moving Party's counsel not less than forty-eight (48) hours prior to its anticipated presentation to the Court. In the case of an unrepresented Non-Moving Party, a true, attested copy of the Complaint and Proposed Order shall be furnished directly to the Non-Moving Party not later than forty-eight (48) hours prior to its anticipated presentation to the Court; or it shall be furnished to the Non-Moving Party by regular First Class U.S. mail not later than the end of business five (5) actual days preceding the date of its anticipated presentation. The Moving Party shall allege in his/her Complaint the form and manner of providing service to the Non-Moving Party and whether said service was made directly to the named Non-Moving Party or to named legal counsel.

(4) *Scheduling Presentations; Pleadings Delivered to Court Administrator.* To facilitate the proper giving of notice of the presentation of Custody Complaints, the Court Administrator shall establish a regular time each week for the presentation of Custody Complaints and the entry of Orders establishing temporary custody arrangements pending a full hearing. Counsel may obtain the specific time for presentation of Complaints from the Court Administrator's Office and shall deliver a copy of the filed Complaint to the Court Administrator a minimum of five (5) days in advance of the scheduled time of any planned presentations of Custody Complaints and Proposed Orders of Court.

(5) *Formal Presentation to the Court Not Necessary.* Certain Complaints and Petitions may be presented in the same manner and at the same times as all other petitions and need not be presented in open Court at the time assigned for presentation of Custody Complaints and Petitions in these cases:

a. When the Proposed Temporary Order and Directive for Conciliation makes no provision at all for interim custody of the child or children.

b. When the Proposed Temporary Order and Directive for Conciliation simply maintains the status quo as evidenced by a prior Court Order, a copy of which must be attached to the Complaint or Petition.

c. When all parties have stipulated in writing to the entry of a Temporary Order and Directive for Conciliation, without respect to whether any party is represented by counsel. However, if counsel represents any party, they

shall be so identified by name, and counsel's signature shall be required on the Stipulation.

(b) *Reference to Conciliator*

(1) *Assignment*—The Court Administrator shall assign all child custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties. Further, the Court Administrator shall assign the Conciliator, date, time and place for the Conciliation Conference after the Order has been signed by the Court. The Order of Court and directive for Conciliation shall be in a form similar to Sample Form "A." A copy of the signed Order shall be deposited with the Court Administrator. (See Sample Form "A")

(2) *Conciliator*—The Conciliator shall be a member of the Bar of this Court who, along with any other members of his/her professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

(3) *Service*—Counsel for the Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the Non-Moving Party in accordance with the Pennsylvania Rules of Court. The Court Administrator shall notify the Conciliator of the list of cases scheduled for conciliation and shall provide a copy of the Complaint and Order to the Conciliator.

(4) *Administrative Fee*—The Moving Party shall deposit a nonrefundable administrative fee of \$200.00 with the Office of the Prothonotary upon the filing of the Complaint. The Conciliator shall be compensated at the rate of \$200.00 for each custody conciliation scheduled. Each conference is expected to last one (1) hour. In the event the Conciliation lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate of \$100.00 per hour. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The fee may be changed from time to time upon direction from the Court without the necessity for amending these Rules. The Prothonotary shall post the administrative fee for such filings in its office. The fee shall be paid to the Conciliator by the Prothonotary upon receipt of the conciliator's billing statement.

In the event the Moving Party is unable to pay the administrative fee, such party may apply for an Order to Proceed In Forma Pauperis. If the Court authorized In Forma Pauperis status, the administrative fee shall be paid by the County of Franklin.

In the event a party files a request for an additional Conciliation, the party shall pay an additional administrative fee for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

(5) *Authority of Conciliator*—The Conciliator shall have the following authority and responsibility:

a. To conciliate custody cases which specifically includes meeting with the parties and children, if appropriate. If a party desires the children to be present at the Conciliation Conference, he/she shall make said request of the Conciliator no later than seven days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party;

b. To address the need for home studies, as appropriate;

c. To address the issue of utilization of expert witnesses, as appropriate; and

d. To recommend a resolution of the custody conflict which recommendation shall be included in the Summary Report and submitted to the Court for further action.

If the parties are not able to agree upon the need for home studies and/or the need for any other expert witness, either party may petition the Court pursuant to Pa.R.C.P. 1915.8 for the appointment of an expert and the payment of his or her fees.

(6) *Memorandum by Parties*—At least two (2) days prior to the scheduled Conciliation Conference, the Conciliator and counsel for the opposing party, or the pro se party individually, shall receive a Memorandum addressing the following:

a. Factual background including a brief history of the case.

b. Names and ages of the children.

c. A Proposed Order for resolution of matters.

d. Issues, both factual and legal, for resolution.

e. Whether a home study is requested.

f. Whether the party will agree to a particular psychologist/psychiatrist for evaluation or request psychological evaluations.

The parties are directed to supplement the Memorandum from time to time if new information becomes available prior to conciliation.

(7) *Summary by Conciliator*—Following the conclusion of each conference and within three (3) business days, the Conciliator shall prepare a Summary Report together with a Proposed Order of Court for signature. In the event the parties are unable to reach an agreement at the Conciliation Conference, the Proposed Order of Court shall address only the need for home studies and the need for psychological evaluations. In the event the parties reach an agreement at the Conciliation Conference, the Proposed Order of Court shall reflect the terms of the agreement and shall be submitted to the Court for entry of a Final Order in the matter. Said Report and Proposed Order shall be submitted in its original form along with two (2) copies to the Prothonotary's Office for forwarding to the Court for its approval. Said Order of Court shall specifically designate the names of the parties and their addresses or in lieu thereof, the names and addresses of the parties' legal counsel, to which the conformed copies of the Order of Court shall be forwarded by the Prothonotary's Office.

If no final agreement has been achieved, a Summary Report and Proposed Order shall be submitted to the Court and filed of record. The Summary Report shall include the following:

a. Custody status at the time of conciliation;

b. Summary of the parties' positions;

c. Identification of legal and factual issues before the Court; and

d. Conciliator's recommendation and the reasons therefore.

Copies of the Summary Report and Order of Court shall be provided to the parties and their legal counsel.

(c) *Entry of Court Order*.

Upon review of the conciliator's Summary, the Court may issue an Order addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event a party is unrepresented, to the party directly, according to the procedures outlined in 39-1915.3(b)(7).

(d) *Scheduling of Pre-Trial Conferences and Hearings.*

Upon the completion of home studies and psychological evaluations (if applicable) and at any time after the entry of the Order of Court approving the Conciliator's Summary, either party may present a Motion and Proposed Order for scheduling a Pre-Trial Conference with the Court. (See Sample Form "B") Every effort shall be made by the Court Administrator to schedule a Pre-Trial Conference within thirty (30) days of the submission of a Motion by either party requesting said conference taking into consideration the availability of the Court. Each party's presentation at the Pre-Trial Conference shall not exceed a time limit of fifteen (15) minutes. At least two (2) days prior to the scheduled Pre-Trial Conference, a Pre-Trial Memorandum containing the following matters shall be filed of record:

- a. Statement of the case.
- b. Issues to be resolved.
- c. Stipulated issues and facts.
- d. Names and addresses of all factual witnesses, and a brief summary concerning the anticipated testimony of each listed witness and a certification by counsel that all witnesses listed have been directly contacted by counsel or by pro se party to confirm the substance of the testimony proffered.
- e. Names and addresses of all expert witnesses.
- f. Identification of exhibits for trial.
- g. Expected length of trial.

Failure to produce the information set forth in this Rule may be grounds for imposition of sanctions upon legal counsel or the party directly if appearing pro se.

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally present. In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that party's absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure. Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

In the event that an agreement is not reached at the Pre-Trial Conference, a hearing date shall be established by the Court Administrator at the conclusion of said conference.

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN/FULTON COUNTY BRANCH

,	:	Civil Action—Law
Plaintiff	:	
	:	
vs.	:	No. F.R.
	:	
,	:	Custody
Defendant	:	

ORDER OF COURT AND DIRECTIVE FOR CONCILIATION

Now this \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_, This order will notify \_\_\_\_, Defendant, that you have been sued in court to obtain custody of the child(ren): \_\_\_\_ date of birth \_\_\_\_, \_\_\_\_ date of birth \_\_\_\_ .

It is ordered and directed that \_\_\_\_, Esquire, the Court's child Custody Conciliation Officer, is hereby directed to conduct a Conciliation Conference on \_\_\_\_, 20 \_\_\_\_, at the Assigned Room, Third Floor, Franklin County Courthouse, Chambersburg, Pennsylvania. The anticipated length of the Conciliation Conference is one (1) hour. The parties along with their legal counsel shall appear in person at the designated time for the Conciliation Conference. A Memorandum shall be furnished to the Conciliator at least two (2) days prior to the scheduled Conciliation Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(b)(8). Failure to provide said Memorandum may result in the imposition of sanctions.

At the Conciliation Conference, an effort will be made to see if the issues can be resolved by an agreement between the parties. If an agreement cannot be reached, the Conciliator will assist in defining and narrowing the issues to reduce the time required for hearing by the Court. At the conclusion of the conference, the Conciliator will prepare a Conference Summary Report for further action by the Court.

You have the right to be represented by an attorney who may attend the Conciliation Conference with you. If you have not secured an attorney by the date of the scheduled Conciliation Conference, you shall nonetheless personally appear at the time scheduled for the Conciliation Conference without an attorney.

The Plaintiff has deposited the nonrefundable sum of \$200.00 with the Prothonotary for the cost of the Conciliation Conference and the Court reserves the right to further assign or divide these costs.

SAMPLE FORM "A"

\_\_\_\_, Defendant, is notified that if you fail to appear as provided by this Order, an Order of Court for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Pending the hearing, with emphasis placed on the arrangements for the six (6) months preceding the filing of this Complaint and with particular attention paid to the role of primary caretaker, the Court hereby establishes the following Temporary Order for custody pending a hearing; (the appropriate language should be inserted at this point detailing the custody arrangements sought by the Plaintiff keeping in mind the emphasis to be placed upon the prior six (6) months and the role of a primary caretaker.) (It is suggested one (1) inch of blank space be left for judge's comments or changes to the proposed Order)

Defendant is hereby notified that if (s)he disputes the Plaintiff's averments regarding the current status of the custody arrangements and this Order entered on the basis of those averments, (s)he has the right to request a prompt conference with the Court. If the matter of the temporary custody arrangements is not resolved at the conference, the Court may in atypical factual situations and its sole discretion schedule a brief hearing limited to the issues of determining temporary custody arrangements pending the schedule Conciliation Conference.

The parties and their legal counsel, if applicable, are hereby directed to engage in meaningful negotiations to resolve this matter prior to the Conciliation Conference.



YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Bar Association  
Lawyer Referral Service  
1-800-692-7375 (PA only) or 1-717-238-6715

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Franklin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

BY THE COURT,  
\_\_\_\_\_ J.

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN/FULTON COUNTY BRANCH

, : Civil Action—Law  
Plaintiff :  
vs. : No. F.R.  
, :  
Defendant : Custody

ORDER OF COURT FOR PRE-TRIAL CONFERENCE

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, upon consideration of the within Motion,

IT IS HEREBY ORDERED, that a Pre-Trial Conference in the above-captioned custody matter is hereby scheduled for \_\_\_\_ at \_\_\_\_ o'clock \_\_.m. in the Chambers of the Honorable \_\_\_\_\_, Franklin County Courthouse, Chambersburg, Pennsylvania.

A Pre-Trial Memorandum shall be furnished to the Court at least two (2) days prior to the scheduled Pre-Trial Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(d). Failure to provide said Pre-Trial Memorandum may be grounds for imposition of sanctions.

Failure of a party or legal counsel to appear upon proper notice shall result in the holding of the conference in absentia and the entry of an Order of Court that may be to the detriment of the absent party.

BY THE COURT,  
\_\_\_\_\_ J.

SAMPLE FORM "B"  
IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN/FULTON COUNTY BRANCH

, : Civil Action—Law  
Plaintiff :  
vs. : No. F.R.  
, :  
Defendant : Custody

MOTION FOR SCHEDULING OF A PRE-TRIAL CONFERENCE

AND NOW comes \_\_\_\_\_, Esquire, legal counsel for the above-captioned (Plaintiff/Defendant) and moves the Court as follows:

- 1. A Conciliation Conference in the above-captioned matter was held on \_\_\_\_\_.
- 2. A Summary Report and Proposed Order of Court was prepared by the Conciliator and filed or record on \_\_\_\_\_.
- 3. An Order of Court was signed on \_\_\_\_\_ containing further directives in this matter.
- 4. The undersigned legal counsel hereby certifies that all court-ordered directives have been complied with and the matter is now ready for a hearing.
- 5. Notification of this Motion has been given to \_\_\_\_\_, Esquire, attorney for (Plaintiff/Defendant) who (concur with/opposes) the request.

WHEREFORE, it is respectfully requested that an Order be entered by the Court establishing a date and time for a Pre-Trial Conference.

Date: \_\_\_\_\_  
By \_\_\_\_\_  
(Signature, Esquire  
Counsel for (Plaintiff/Defendant))

I verify that the statements made in this Motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

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

[Pa.B. Doc. No. 03-870. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 25, 2003, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 24, 2003 for Compliance Group 2 due August 31, 2002.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

William Paul Agee  
Boston, MA

Philip Steven Aronow  
Mount Laurel, NJ

Adam Lawrence Block  
Maple Shade, NJ

Michael L. Block  
Burlington, NJ

Kay Millicent Brown  
Prince Frederick, MD

Joseph E. Campbell  
Edgewood, NM

Evan Barrett Caplan  
Cherry Hill, NJ

Lisa Carol Cohen  
Cherry Hill, NJ

Caroline Ferguson Corum  
Bellevue, WA

Donald Richard Daines  
Princeton, NJ

Kelly Anne Daly  
Washington, DC

Rebecca J. Davis  
Riverton, UT

Joseph J. DiBenedetto  
Long Island City, NY

Robert Paul Dougherty  
Atlanta, GA

Bernadette Fallows  
Trenton, NJ

David Scott Florig  
Mount Laurel, NJ

Alison L. Galer  
Somerville, NJ

Robert L. Gaynor  
Succasunna, NJ

Richard Goldstein  
Pleasantville, NJ

Terry Lee Haines  
Washington, DC

Kenneth J. Hall  
Newark, NJ

William Andrew Haumann  
Cherry Hill, NJ

Michael C. Heyden  
Wilmington, DE

George C. Hopkins  
Washington, DC

Zerell S. Johnson-Welch  
Laurel, MD

David Peter Krivoshik  
Princeton, NJ

Scott Jeffrey Lubar  
Atlanta, GA

John Michael Makowski  
Voorhees, NJ

Roxane Sokolove Marenberg  
Washington, DC

Richard Alexander Maroko  
Metuchen, NJ

Edward F. Martin  
Hilton Head Island, SC

Michael Joseph McLaughlin  
Austin, TX

Drew A. Molotsky  
Haddonfield, NJ

Linda E. Mosakowski  
Silver Spring, MD

Therese A. Nestor  
Trenton, NJ

Ellen Mary Nicholson  
Sea Isle City, NJ

Robert Leon Oswald  
Washington, DC

John T. Owens  
Wilmington, DE

John Robert Pegan  
Boise, ID

Morton Daniel Perskie  
Northfield, NJ

A. Victoria Pinette  
Haddon Township, NJ

Stephanie Marie Pompey  
Woolwich Township, NJ

Jeffrey Stuart Respler  
Cherry Hill, NJ

David Rios  
Boston, MA

William A. Robbins  
Chattanooga, TN

Davis S. Rochman  
Voorhees, NJ

Francis Scott Seiler  
Andover, NJ

Robert Charles Shea  
Toms River, NJ

Gary Scott Silverman  
Rockville, MD

Krishnan Somasundaram  
Franklin Park, NJ

John Joseph Soroka  
Arlington, VA

Kirk I. Spencer  
Grand Rapids, MI

Kent Randall Stevens  
Washington, DC

Wayne William Suojanen  
Aliso Viejo, CA

Steve Topoulos  
Greece

Julie Van Embden  
Gibbstown, NJ

Joseph E. Voelker  
Washington, DC

Carol A. Weiser  
Washington, DC

Patrick J. Whalen  
Flemington, NJ

Eugene C. Wong  
San Francisco, CA

Steven Neal Yermish  
Miami, FL

Kimberly A. Zarish-Becknell  
Washington, DC

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

[Pa.B. Doc. No. 03-871. Filed for public inspection May 9, 2003, 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 April 29, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-24-03	Sun Bancorp, Inc., Lewisburg, to acquire 100% of the voting shares of Steelton Bancorp, Inc., Steelton	Lewisburg	Effective

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-03	East Penn Bank, Emmaus, and East Penn Interim Bank, Emmaus Surviving Institution—East Penn Bank, Emmaus	Emmaus	Filed

Application is being filed in conjunction with the reorganization of East Penn Bank into a bank holding company structure. The surviving institution will be wholly owned by East Penn Financial Corporation, a new bank holding company in organization.

4-25-03	Sun Bank, Lewisburg, and Mechanics Savings Bank, Steelton Surviving Institution—Sun Bank, Lewisburg	Lewisburg	Effective
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##### *Branches Acquired Via Merger:*

51 South Front Street Steelton Dauphin County	1100 Spring Garden Drive Middletown Dauphin County
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##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Brentwood-Whitehall Giant Eagle 4138 Brownsville Road Pittsburgh Allegheny County	Approved
4-23-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Parkway Center Giant Eagle 1165 McKinney Lane Pittsburgh Allegheny County	Approved
4-23-03	S & T Bank Indiana Indiana County	Strawberry Meadows Development Patch Way Road Duncansville Blair Township Blair County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-23-03	Patriot Bank Pottstown Montgomery County	<i>To:</i> 2545 Mickley Avenue Whitehall Lehigh County  <i>From:</i> 2541 Mickley Avenue Whitehall Lehigh County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-11-03	Bank of Hanover and Trust Company Hanover York County	951 York Street Hanover York County	Effective

**SAVINGS INSTITUTIONS****Main Office Relocation**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
4-28-03	Slovenian Savings & Loan Association of Canonsburg, Pennsylvania Strabane Washington County	<i>To:</i> 130 Boone Avenue Strabane Washington County  <i>From:</i> 214 Latimer Avenue Strabane Washington County	Filed

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 03-872. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of Workforce Investment Act, Title II, Section 223 Funds for State Leadership Activities for July 1, 2003—June 30, 2004

These services are designed to strengthen the Pennsylvania Adult Basic and Literacy Education (ABLE) programs operated by the Department of Education (Department), Bureau of Adult Basic and Literacy Education (Bureau) by providing Statewide support for leadership activities in Title II of the Workforce Investment Act described in the Unified State Plan 1999-2005.

#### *I. Authorization.*

A. Title II of The Workforce Investment Act of 1998, the Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency.

2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children.

3. Assist adults in the completion of a secondary school education.

B. Eligible applicants include local education agencies (LEAs) and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with an LEA or other eligible sponsor, with the nonprofit agency acting as fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act for Program Year 2003-2004, the Department will give primary consideration to programs for the educationally disadvantaged.

The Federal share of a grant will be 75% of the total cost of the program. The applicant must provide 25% match of the total cost of the program. The local match may be in kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

C. Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not more than 12.5% of the State's allotment shall be used for State Leadership Activities.

2. Not more than 5% of a local applicant's grant may be used for administrative costs, unless the Bureau approves a higher percent in advance.

*Letter of intent due:* May 23, 2003

*Application due:* June 13, 2003

*Note:* The Bureau reserves the right to consider proposals received after the deadline, and if appropriate, to approve them if and when funds become available.

#### *II. Application Procedures and Program Guidelines.*

A letter of intent is due at the Bureau by May 23, 2003. The letter of intent should state the priority number for which the application is intended and a one-sentence description of the proposed project. Applications for State Leadership funds must be completed online and submitted by means of the e-grant website at <http://www.e-grants.ed.state.pa.us> to the Bureau. Instructions and the application guidelines are available through ABLEsite at [www.paadulted.org](http://www.paadulted.org) and the e-grant website. Faxes will not be accepted.

III. Funds for State Leadership Activities are made available under section 222(a)(2) for one or more of the following activities. Specific priorities that support these activities for Program Year 2003-2004 follow.

1. The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

2. The provision of technical assistance to eligible providers of adult education and literacy activities.

3. The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of these activities.

4. The support of State or regional networks of literacy resource centers.

5. The monitoring and evaluation of the quality of, and improvement in, adult education and literacy activities.

6. Incentives for: (a) program coordination and integration; and (b) performance awards.

7. Developing and disseminating curricula.

8. Other activities of Statewide significance that promote the purpose of this title.

9. Coordination with existing support services, such as transportation, childcare and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in these activities.

10. Integration of literacy instruction and occupational skill training and promoting linkages with employers.

11. Linkages with postsecondary educational institutions.

#### *Priorities State Leadership 2003-2004*

##### *1. Communications for Professional Development*

Management of a project to provide for the design and/or publication of newsletters, reports, handbooks and brochures as needed by adult education providers in this Commonwealth. The project will direct and provide systematic communication and coordination for the Bureau, professional development service providers and adult basic and literacy education providers. The project will also include support of online and Internet web communications.

##### *2. Outstanding Adult Learners*

Management of an event that includes the identification, selection and recognition of ten exemplary adult learners enrolled in adult basic and literacy education programs whose success stories focus on the role of adult basic education in their lives. Approximately 2,000 copies of a success stories booklet featuring both past and current winners and their ABLE programs will be prepared, published and disseminated as requested by the Department. Promotional fliers featuring success stories students will be prepared and disseminated to winners' program providers. Applicant will coordinate with an identified Bureau staff person in the development of the project.

##### *3. Outstanding Adult Practitioners*

Management of an event to identify, select and honor outstanding adult education practitioners in this Commonwealth whose interaction with adult learners, colleagues and their programs is indicative of best practices in adult teaching and learning. Applicant will review the standards and performance indicators set forth by the Pennsylvania Adult Teachers Competencies project to use those criteria for the selection of excellent educators and instructors in keeping with their recommendations for

expert practitioners. The applicant will coordinate with an identified Bureau staff person, a Project Educational Quality for Adult Literacy (EQUAL) representative and a professional development center coordinator in the development and implementation of the project.

##### *4. Review and Dissemination of Exemplary Projects*

Management of a project to review current and past section 353 and State Leadership Special Demonstration/Experimental and Professional Development Projects from this Commonwealth and from other states in designated topic areas to determine their significance and appropriateness for adoption/adaptation in this Commonwealth. The project should identify exemplary and innovative practices/approaches and provide for the Statewide dissemination of information through publication of the reviewed projects by way of a newsletter to be published at least six times a year.

##### *5. Support of Adult Education Professional Development*

Administration, fiscal management and support of Statewide adult basic education professional development activities and other Department activities to include provision for support of State Leadership requirements and initiatives under the Workforce Investment Act of 1998, support of various adult basic and literacy conference activities, support of Act 42 Council activities and provision of honoraria for presenters at State-sponsored activities.

##### *6. Workplace Education Center*

Management of a project to promote and enhance communication and understanding among ABLE programs in regard to the systematic integration of workforce development concepts and work-based foundation skills services in this Commonwealth.

*Project Goals:* The successful applicant will describe how it will meet the following goals.

1. Establish and manage an advisory committee composed of representatives from the Bureau, ABLEworks projects and the regional professional development centers that will ensure the development and delivery of a consistent message to ABLE-funded administrators and practitioners and other departments and agencies related to the Workforce Investment Act.

2. Establish and maintain a centralized ABLE workplace education center to provide leadership for the integration of services through the identification, coordination, development and communication of the delivery of professional development opportunities related to best-practices in workplace/workforce education.

\* Provide centralized and consistent training and technical assistance to support practitioners addressing work-related foundation skills in their programs, communities and workforce investment areas.

\* Promote the projects associated with the ABLEworks Toolkit and coordinate the professional development activities of these projects with the professional development centers and the Toolkit project managers.

3. Serve as centralized information and resource clearinghouse for the promotion of evidence-based best practices related to Pennsylvania's Foundation Skills Framework.

##### *7. Planning for Change*

Provision of a Statewide system of consultants trained to provide individualized technical assistance to ABLE adult education coalitions, building on activities begun in

the Planning for Change project funded in 2001-2002. Technical assistant consultants will guide and support adult education coalitions in attaining regional workforce development goals, including increased/improved communication with regional Workforce Investment Board and CareerLink Centers, and the development, implementation and monitoring of an Adult Education Coalition Workforce Plan. The project applicant should provide services Statewide, be broad-based and participate in the ABLEworks system developed by the Bureau.

8. *Development and Implementation of Professional Development Training in Core Areas*

*Purpose:* To continue to provide centralized support of a project for development and implementation of training topics in designated core content areas Statewide to adult basic and literacy education administrators and practitioners.

*Background:* In 1995-1996, the Bureau funded a project to review and select training materials for professional development in designated content areas. The project collected already developed training materials around core topics identified as a need in this Commonwealth and adapted them for use. The project identified topics and developed the materials to fill identified gaps in training and trained trainers to deliver the material. Since 1996, the Bureau has funded a project to continue the centralized management of training in core content areas, to adapt, adopt and develop materials, train trainers and to implement an evaluation component to evaluate the modules, trainers, trainings and to determine the impact of the trainings.

*Project Goals:* The applicant must describe how it will address the following program elements:

1. Provision of a centralized training and technical assistance system that supports Commonwealth practitioners providing educational services to this Commonwealth's adult learners.

\* Delivery of uniform training products previously developed in core content areas such as assessment; ESL, GED, reading and math instruction; new teacher orientation; and using data.

\* Identification and provision of training to participants who wish to become trainers for modules through a flexible and responsive system that ensures that each professional development region has trainers in their respective regions. When the need for a trainer in a region arises, the project must seek to meet that need in a timely manner.

\* Support of trainers through the provision of train-the-trainer sessions, by monitoring their training sessions through field observations and telephone and electronic contact.

\* Identification and support of lead trainers for each training module and assistance to them in providing technical services to training participants implementing the skills learned at the trainings.

2. Identification and adaptation/adoption of additional topics for trainings through data analysis, informal assessments, review of National and local priorities and an analysis of current topics versus topics requested to fill any professional development gaps.

3. Review and revision of new and existing modules as needed.

\* Establishment of a steering group that includes PDC representatives to assist in the review and revision of training modules.

\* Review of each module or topic currently being offered and the methods of its delivery to evaluate its relevancy and efficacy and make revisions as indicated by December 2003.

\* Reconstruction of topics/modules and the sequencing of them in order that the needs of various levels of participants such as the new practitioner and the more experienced practitioner are met, with delivery to begin by February 2004, aligning the trainings with the Pennsylvania Adult Teacher Competencies and Administrator Competencies.

4. Provision of an evaluation component to evaluate the modules, trainers and trainer support system and to determine the impact of the trainings provided.

9. *Professional Development Center for Learning Differences/Disabilities*

*Purpose:* To continue the provision of a centralized system of professional development for practitioners serving adults with adult learning differences/disabilities; to serve as an information clearinghouse for research and best practice in teaching adults with learning differences/disabilities; and to facilitate coordination of services to individuals with learning differences/disabilities among State and local agencies as provided in previous program years.

*Background:* Current research indicates that ABLE programs are serving significant numbers of individuals who have learning differences/disabilities. According to needs assessments conducted in this Commonwealth, many adult education practitioners feel unprepared for the challenges presented in the teaching of those adults. The Bureau recognizes the need to support adult education practitioners who are teaching adults with learning differences/disabilities in Bureau-sponsored programs. The Bureau desires to support practitioners by providing funds for a "center" that will continue efforts begun in previous years to coordinate a uniform and systematic approach to the provision of professional development for practitioners teaching adults with learning differences/disabilities and to continue to improve the quality of services offered to this population of learners as well as to all adult learners enrolled in ABLE programs.

*Project Goals:* The applicant must describe how it will address the following program elements:

1. Provide a centralized training and technical assistance system to support Commonwealth practitioners working with individuals with learning differences/disabilities.

\* Develop and deliver a variety of training products and processes to address the needs of Commonwealth adult education practitioners in the areas of learning differences that reflect state-of-the-art research and development efforts.

\* Coordinate existing activities related to the provisions of training and technical assistance for practitioners teaching individuals with learning differences/disabilities.

\* Develop and implement a train-the-trainer system to certify and credential trainers to provide professional development to practitioners dealing specifically with learning differences and disabilities.

\* Develop and implement a system of technical assistance that includes the maintenance of centralized points of contact and site-specific consultation.

\* Coordinate the delivery of training with the Pennsylvania Adult Education Professional Development System

including its Professional Development Centers, State Literacy Resource Center and Tutors for Literacy in this Commonwealth.

2. Serve as an information clearinghouse for research and best practices in teaching adults with learning differences/disabilities.

\* Maintain expertise in the areas of adults with learning differences/disabilities for the purpose of identifying emerging best practices and research.

\* Disseminate relevant and timely information related to special accommodations, research-based instructional planning, screening and identification, legal issues and other information related to serving adults with learning differences/disabilities.

\* Coordinate information collection and dissemination with the State Adult Literacy Resource Center.

3. Facilitate the coordination of services to individuals with learning differences/disabilities among State and local agencies.

\* Facilitate the leveraging of resources among State and local entities for the purpose of providing comprehensive services to individuals with learning differences/disabilities.

\* Identify other state and local models of interagency coordination for individuals with learning differences/disabilities and assist in implementing them.

\* Establish and maintain a working relationship with entities that serve individuals with learning differences/disabilities for the purpose of exchanging information and establishing interagency initiatives.

\* Maintain a presence by representing the Commonwealth's efforts at National and State meetings, workshops and seminars.

4. Provide an evaluation component to evaluate the activities of the center, such as the trainers, trainings and outreach.

#### 10. *EQUAL: Continuous Program Improvement*

*Purpose:* The successful applicant for this ongoing initiative within ABLE-funded agencies is tasked with ensuring the continuing evolution of a program improvement strategy for ABLE-funded agencies. The continuation should identify and assist in implementing multiple processes by which ABLE-funded agencies can demonstrate continuous program improvement. These processes may include inquiry-based processes and focus on building on a body of knowledge that can be used as a resource by all ABLE-funded agencies. This stage should also investigate strategies for creating training around the use of existing research as a component to decision making and also evaluating the value and relevance of "scientifically based research."

*Background:* Project EQUAL began in 1994 as a way to improve the quality of services provided to adult learners and to build a comprehensive accountability system capable of capturing the quality of the services. Starting as a pilot program in 1994 and adding ABLE-funded agencies each year, by 2000 continuous program improvement was implemented in all ABLE-funded agencies and had grown into a reflective process that focused on the collection and use of data for decision-making and reliable data for accountability. Continuous program improvement not only allowed the Bureau to comply with its enabling legislation but also ultimately improved the quality of services provided to individuals seeking ABLE services. In 2002, the Bureau commissioned an evaluation of

Project EQUAL to determine what changes had occurred at the local level as a result of program improvement activities, how the field had perceived the value of the EQUAL technical assistance system and the type of training and technical assistance that would most help local programs as they continued to improve the quality of their services to their adult learners.

*Project Goals:* The successful applicant will:

1. Assist agencies in examining their organizational structure to determine the most effective strategies for implementing EQUAL within that structure. Programs should be assisted in ensuring that their program improvement teams are effective within the agency's structure.

2. Update and advise in the use of a self-assessment guide designed in the project and recommend other types of reflective tools that may be appropriate for agencies.

3. Support participatory planning at the local level through the provision of technical assistance offered by the project and the professional development centers.

4. Provide assistance as needed to agencies in the formation of a question about the program, the collection and analysis of data to determine appropriate activities for program improvement and the development of an action plan with appropriate steps to solve the identified problem.

5. Develop, as necessary, tools (materials and trainings) to assist program improvement teams in implementing the data for decision making process.

6. Update and revise materials around program improvement as needed.

7. Determine the needs of agencies, with the assistance of the Bureau, and recommend training needs to the agencies based upon the agency self-assessment and performance against the standards.

8. Through the Q-Stamp process, support the recognition of agencies that have made significant changes through program improvement that have allowed the program to improve services to the adult learners and meet and/or exceed standards.

9. Develop and publish a database for decision making logs that will serve as a resource tool to programs. Identify common issues to standardize information that may be of use to programs identifying a similar problem.

10. Identify and differentiate issues that have been identified by programs that are management related or instructional related. Disseminate research findings on quality adult basic education operations and teaching and learning.

11. *Maintain an EQUAL listserv.*

11. *ABLE Net: Statewide Technology Support Initiative*

*Purpose:* The successful applicant for this ongoing initiative will support Bureau efforts in developing and sustaining the use of technology in agencies funded by the Bureau. The project will provide practitioners with necessary technical expertise and training that supports the use of technology in educational and administrative activities focusing on three particular areas: Statewide data collection and reporting, a registration and information system for the Bureau's Professional Development System and general support for the field of adult education.

*Background:* Recognizing the need to provide and support training and development for the providers of ABLE



in the use of technology, the Bureau began funding the ABLE Net project in the mid 1990s. The project developed and assisted the use of technology for administrative needs and for teachers and learners in the classroom through the development and delivery of training around available technologies. The project provided technical assistance to funded agencies in their use of technology in their respective agencies. The project also piloted and evaluated computer technology and software, reviewed and made available specific written materials pertaining to data system operations, made revisions and upgrades to the Statewide data collection system and disseminated information on best practices in the use of technology.

*Project Goals:*

1. Provide technical support, training and related services in support of the Bureau's Statewide web-based data collection and professional development information and registration system.

2. Develop and deliver trainings related to web-based systems to Bureau-funded agency staff.

3. Conduct data submission checks quarterly and provide a review of midyear data submissions from Bureau-funded agencies.

4. Conduct interim submission, review and feedback regarding professional development data that enables the professional development providers to develop and maintain sound data collection and reporting practices.

5. Develop and deliver training for agency staff that enables them to import and utilize data for program improvement and local management purposes.

6. Prepare, revise and edit Commonwealth-specific written materials pertaining to data system operations.

7. Provide the coordination, training and support of the Master Trainer initiative that includes the following certification modules:

- \* Access for exported data.
- \* Excel for exported data, FileMakerPro for exported data.
- \* Website design.

\* Preparation of practitioners for online learning.

\* Online instructor.

8. Provide coordination, training and support for the Agency Technology Point of Contact initiative.

9. Develop, deliver and evaluate web-based trainings that address training needs such as Core modules and other needs determined by the project, other professional development initiatives and the Bureau.

10. Maintain a comprehensive e-mail address book of adult basic and family literacy practitioners for use by the Bureau for announcements, instructions, and the like.

11. Test, evaluate and recommend data collection software and procedures.

12. Conduct focus groups, meetings and other activities to obtain input concerning data collection needs and concerns from ABLE-funded program and Bureau staff.

13. Develop and implement Best Practices in Data Collection modules.

14. Design, prepare and submit professional development participation reports to the Bureau and State professional development providers.

15. Provide support, encouragement and leadership for programs in the utilization of technology to meet administrative and instructional goals and performance standards.

16. Maintain the ABLE Net website as an educational and administrative technology resource for practitioners.

17. Review and update as needed the State's 3-year technology plan.

18. Assist the Bureau in developing and implementing web-based courses and activities to ensure that online offerings meet quality standards and the needs of practitioners.

VICKI L. PHILLIPS, Ed.D.,  
*Secretary*

[Pa.B. Doc. No. 03-873. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For 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. All oil and gas related permit applications are listed in Section III. 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0054607	Debra and Michael Dell'Orefice 65 Willits Way Glen Mills, PA 19342	Delaware County Concord Township	UNT to Green Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060151	Camp Na'arim, Inc. R. R. 1, Box 1735 Waymart, PA 18472	Clinton Township Wayne County	Unnamed tributary to Van Auken Creek 2B	Y
PA0060739 Minor Renewal	White Diner R. R. 3 Tamaqua, PA 18252	Schuylkill County West Penn Township	Little Schuylkill River 3A	Y
PAS232209 Stormwater	Jeld-Wen, Inc. P. O. Box 1329 Klamath Falls, OR 97601	Schuylkill County Ringtown Borough	Unnamed tributaries to Dark Run and Little Catawissa Creek	Y
PAS802218 Stormwater Renewal	United Parcel Services, Inc. 1821 South 19th Street Harrisburg, PA 17104	Bethlehem Township Northampton County	Unnamed tributary to Monocacy Creek 02C	Y
PAS212203 Stormwater	Rock Hill Materials Company 339 School Street Catasauqua, PA 18032-1832	Monroe County Hamilton Township	Unnamed tributary to Lake Creek 1E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0111635 Industrial Waste	Spring Township Municipal Authority P. O. Box 135 Beaver Springs, PA 17812	Snyder County Beaver Township	Kern Run 6A	Y
PA0228702	All American Travel Plaza—Milton 1201 Harrisburg Pike Carlisle, PA 17013	Northumberland County Turbot Township	Limestone Run 10D	Y
PA0209511	Sullivan Township Supervisors P. O. Box 84 Mainesburg, PA 16932	Tioga County Sullivan Township	Corey Creek 4A	Y

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

**PA0222496**, Sewage, **Summerville Borough Municipal Authority**, P. O. Box 278, Summerville, PA 15864. This proposed facility is located in Summerville Borough, **Jefferson County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Hawthorn Borough Water Company on the Redbank Creek at Hawthorn, approximately 8.5 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Daily Maximum (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		5,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

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

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

**PA0081922**, Sewage, **Lewisberry Area Joint Authority (Lewisberry Area WWTP)**, P. O. Box 172, Lewisberry, PA 17339. This facility is located in Lewisberry Borough, **York County**.

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

The receiving stream, Bennett Run, is in Watershed 7-F and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is on the Susquehanna River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on an annual average flow rate of 0.1 MGD:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	32	XXX	40
(11-1 to 4-30)	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
NH <sub>3</sub> -N				
(5-1 to 10-31)	3.0	XXX	XXX	6.0
(11-1 to 4-30)	9.0	XXX	XXX	18
Total Phosphorus	2.0	XXX	XXX	4.0
Total Residual Chlorine	0.28	XXX	Monitor and Report	0.91
Total Copper				
(Interim)	Monitor and Report	XXX	XXX	XXX
(Final)	0.015	XXX	XXX	0.0375
Dissolved Oxygen		Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive		
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		3,800/100 ml as a geometric average		

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

The EPA waiver is in effect.

**PA0247111**, CAFO, **Robert Barley (Star Rock Farms LLC)**, 37 Chestnut Grove Road, Conestoga, PA 17516. Robert Barley has submitted an application for an Individual NPDES permit for an expanding CAFO known as Star Rock Farm, 37 Chestnut Grove Road, Manor Township.

The CAFO is situated near Witmers Run and Fisherman Run in Watershed 7-J (WWF). The CAFO will be designed to maintain an animal population of approximately 2,160 AEU's consisting of 300 steers, 850 milking cows, 150 dry cows, 40 freshening cows, 400 heifers, 400 calves and 300 swine. The animals will be housed in various structures at several locations. Manure will be collected and stored in a new three-stage HDPE-lined manure storage system. The total capacity of the manure storage facilities will be 8.2 million gallons. 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 Pennsylvania 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.

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

**PA0216330**, Sewage, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. This application is for renewal of an NPDES permit to discharge treated sewage from Homewood Maintenance Building STP in Big Beaver Borough, **Beaver County**.

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

*Outfall 001: existing discharge, design flow of 0.0014 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 6-30)	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
Dissolved Oxygen	not less than 3.0 mg/l			
Oil and Grease	15			30
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0238988**, Sewage, **David J. Tomczak**, 9485 Old Waterford Road, Erie, PA 16509, Green Meadows Subdivision Phase II. This proposed facility is located on Deer Run Trail in Greene Township, **Erie County**.

Description of Proposed Activity: Treatment of sanitary waste from a nonmunicipal sewage treatment plant to serve 13 proposed single residence dwellings.

The receiving stream, an unnamed tributary of the East Branch of LeBoeuf Creek, is in the French Creek watershed and classified for TSF.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfate, chloride and phenolics, the existing downstream potable water supply considered during the evaluation is the Emlenton Water Company intake on the Allegheny River, approximately 115 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0052 MGD:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	1.4		3.2
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

### III. Applications for New and Renewal Permits, Oil and Gas Activities

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

**PA0217778**, Industrial Waste, SIC 4925, **Belden and Blake Corporation**, 22811 Titusville Road, Pleasantville, PA 16341. This proposed facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated industrial wastewater.

The receiving stream, Youghiogheny River, is classified for WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and chlorides, the existing downstream water supply considered during the evaluation is in McKeesport, approximately 38.17 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Monthly Avg.</i>	<i>Limitations Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.6 mgd	417 gpm
Iron (total)	3.5 mg/L		7 mg/L
Oil and Grease	15 mg/L		30 mg/L
TSS	30 mg/L		60 mg/L
Acidity	Monitor Only		
Alkalinity	Greater than Acidity		
pH	6 to 9		
Osmotic Pressure	Monitor Only		
Chloride	Monitor Only		
TDS	Monitor Only		

## 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).

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

**WQM Permit No. 1503202**, CAFO Operation, **Glenville Farms**, 2391 Glenville Road, Cochranville, PA 19330. This proposed facility is located in West Fallowfield, **Chester County**.

Description of Proposed Action/Activity: Expansion of existing dairy to include, barn milking facility and manure handling system.

**WQM Permit No. 2303404**, Sewerage, **Bethel Township Sewer Authority**, 1082 Bethel Road, Boothwyn, PA 19061. This proposed facility is located in Bethel Township, **Delaware County**.

Description of Proposed Action/Activity: Construction of an extension of its existing sewage collection and conveyance system.

**WQM Permit No. 4603405**, Sewerage, **Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-0514. This proposed facility is located in Montgomery Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction of an extension of a 12-inch sanitary sewer.

**WQM Permit No. 0903408**, Sewerage, **Glenn W. Neebe**, 265 Frogtown Road, Kintnersville, PA 18930-9644. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Construction of a sewage treatment plant to serve a veterinarian office with swale discharge.

**WQM Permit No. 0903407**, Sewerage, **Falls Township**, 188 Lincoln Highway, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a sewage pump for 40 single family residential homes.

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

**WQM Permit No. 4503403**, **Arrowhead Sewer Company, Inc.**, H. C. 88, Box 305, Pocono Lake, PA 18347. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: The Arrowhead Sewer Company proposes to install a 100,000 GPD upflow sludge blanket filtration plant to replace part of deteriorating waste water treatment plant.

**WQM Permit No. 3503402**, **Clarks Summit South Abington Joint Sewer Authority**, P. O. Box 199, Chinchilla, PA 18410. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Action/Activity: This project consists of replacing the existing chlorine disinfection system with an ultraviolet disinfection system. The ultraviolet disinfection system is an open channel, gravity flow, high intensity medium pressure lamp system complete with an automatic mechanical/chemical cleaning system and variable output electronic ballasts.

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

**WQM Permit No. 2803402**, Sewerage, **Hamilton Township Municipal Authority**, 1270 Crottletstown Road, Chambersburg, PA 17201. This proposed facility is located in Hamilton Township, **Franklin County**.

Description of Proposed Action/Activity: Upgrade of pump station no. 4.

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

**Application No. 8775-S-A2**, Sewerage, **Clairton Municipal Authority**, 1 North State Street, Clairton, PA 15025. Application for the construction and modification of the Clairton Wastewater Treatment Plant in the City of Clairton, **Allegheny County**.

**Application No. 0294413-A1**, Sewerage, **Wilkinsburg-Penn Joint Water Authority**, 2200 Robison Boulevard, Pittsburgh, PA 15221. Application for the construction and modification of the Tyler Road Water Filtration Plant in Penn Hills Township, **Allegheny County**.

**Application No. 0469402-A2**, Sewerage, **Ambridge Borough Municipal Authority**, 600 11th Street, Ambridge, PA 15033. Application for the construction and replacement of the Ambridge Sewerage Treatment Plant in Ambridge Borough, **Beaver County**.

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

**WQM Permit No. 4203402**, Sewerage, **Jeffrey R. Himes**, R. R. 1, Box 282A, Smethport, PA 16749. This proposed facility is located in Hamlin Township, **McKean County**.

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

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

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

**WQM Permit No. 2503409**, Sewerage, **Francis P. Foti**, 6260 Heidler Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

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

**WQM Permit No. 1003405**, Sewerage, **Kathleen L. Puskar**, 161 Glade Run Road, Renfrew, PA 16053. This proposed facility is located in Forward Township, **Butler County**.

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

**WQM Permit No. 1003406**, Sewerage, **Kevin and Rita Green**, 2510 Old Route 422 East, Fenelton, PA 16034. This proposed facility is located in Clearfield Township, **Butler County**.

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

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#### **NPDES Stormwater Individual Permit**

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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.*

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803012	David Jandl Jandl Land Company 3150 Coffeetown Road Orefield, PA 18069	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF
PAI024803013	Samuel Baurkot P. O. Box 1283 Easton, PA 18042	Northampton	Plainfield Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025203003	New Jersey YMHA Camps 21 Plymouth Street Fairfield, NJ 02000	Pike	Dingman Township	Saw Creek EV

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI033603004	Emmanuel K. Beiler 113-A Green Tree Road Quarryville, PA 17566	Bart Township Lancaster County	West Branch Octoraro Creek HQ-CWF, MF

**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).**

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

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

**Applicant** Department of Corrections  
P. O. Box 598  
Camp Hill, PA 17001-0598

**Township** Karthaus Township

**Responsible Official** David J. Brenneman, P. E.  
Chief, Sanitary and Water Mgt.  
Department of Conservation and Natural Resources  
Bureau of Facility Design and Construction  
P. O. Box 8451, 400 Market St.  
Harrisburg, PA 17105-8451

**Type of Facility** PWS

**Consulting Engineer** David J. Brenneman, P. E.  
Department of Conservation and Natural Resources  
Bureau of Facility Design and Construction  
P. O. Box 8451, 400 Market St.  
Harrisburg, PA 17105-8451

**Application Received Date** April 24, 2003

**Description of Action** Construct 256,000 gal. raw water storage tank with appurtenant piping and valving.

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

**Applicant** Pennsylvania American Water  
105 Sodom Road  
Milton, PA 17847

**Township** Decatur Township

**Responsible Official** William Kelvington, VP  
Operations  
Pennsylvania American Water  
800 West Hersheypark Drive  
Hershey, PA 17033

**Type of Facility** PWS

**Consulting Engineer** Bruce Juergens  
Pennsylvania American Water  
800 West Hersheypark Drive  
Hershey, PA 17033

**Application Received Date** April 22, 2003

**Description of Action** Installation of inhibitor feed pumps at the Mock Hill Booster Station.

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

**Permit No. 5636515, Public Water Supply.**

**Applicant** K & S Water Service, Inc.  
102 O'Hare Road  
Canonsburg, PA 15317

**Township or Borough** Canonsburg Borough

**Responsible Official** Keith Dashofy, Owner  
K & S Water Service, Inc.  
102 O'Hare Road  
Canonsburg, PA 15317

**Type of Facility** Bulk Water Hauling

**Consulting Engineer** Walter Leput  
3 Sunnycrest Drive  
Cecil, PA 15321

**Application Received Date** April 10, 2003

**Description of Action** Bulk water hauling

**Permit No. 0203501, Public Water Supply.**

**Applicant** Municipal Authority of the Borough of Oakmont  
P. O. Box 73  
Oakmont, PA 15139

**Township or Borough** Oakmont Borough

**Responsible Official** John Dunlap, General Manager  
Municipal Authority of the Borough of Oakmont  
P. O. Box 73  
Oakmont, PA 15139

**Type of Facility** Hulton Water Treatment Plant

**Consulting Engineer** NIRA Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

**Application Received Date** April 2, 2003

**Description of Action** Addition of monochloramines to the post-disinfection process utilizing anhydrous ammonia, increase flow of Filter 11-14 from 2 to 4 gallons per square foot per minute and the addition of ultraviolet disinfection.

**Permit No. 5603501, Public Water Supply.**

**Applicant** Conemaugh Township Municipal Authority  
P. O. Box 429  
Davidsville, PA 15928

**Township or Borough** Conemaugh Township

**Responsible Official** John Mastillo, Chairperson  
Conemaugh Township Municipal Authority  
P. O. Box 429  
Davidsville, PA 15928

**Type of Facility** Water Treatment Plant

**Consulting Engineer** The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

**Application Received Date** April 22, 2003

**Description of Action** Permit to operate the Johnstown interconnect pump station.



**Permit No. 0303501**, Public Water Supply.

Applicant **Manor Township Joint Municipal Authority**  
2310 Pleasant View Drive  
Ford City, PA 16626

Township or Borough Manor Township

Responsible Official Donald Hill, Chairperson  
Manor Township Joint Municipal Authority  
2310 Pleasant View Drive  
Ford City, PA 16626

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received Date April 28, 2003

Description of Action Replacement of discharge header and transmission main to achieve chlorine contact time.

#### MINOR AMENDMENT

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

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

#### Application No. Minor Amendment.

Applicant **Pinecrest Development Corporation**

Township or Borough Tobyhanna Township

Responsible Official Edward Caroll, President  
Pinecrest Development Corporation  
P. O. Box 760  
Pocono Pines, PA 18350

Type of Facility PWS

Consulting Engineer Nathan S. Oiler, P. E.  
RKR Hess Associates, Inc.  
112 North Courtland Street  
East Stroudsburg, PA 18301

Application Received Date February 14, 2003

Description of Action The application requests approval for the installation of a new 420,000 gallon water storage tank, distribution system to serve 77 residential units, new chlorine contact tank and transmission line to the water storage tank and new controls.

#### Application No. Minor Amendment.

Applicant **Pennsylvania Suburban Water Co.**  
204 East Sunbury Street  
Shamokin, PA 17872

Township or Borough Brooklyn Township  
**Susquehanna County**

Responsible Official Richard T. Subasic

Type of Facility PWS

Consulting Engineer Ann Kyper Reynolds, P. E.  
CET Engineering Services  
321 Washington Street  
Huntingdon, PA

Application Received Date March 24, 2003

Description of Action The construction of a 4,000 gal. storage tank and the abandonment of a reservoir.

#### Application No. Minor Amendment.

Applicant **Gravity Realty, LLC**

Township or Borough Salem Township

Responsible Official Joseph Incalcaterra, President  
Gravity Realty, LLC  
487 Gravity Road  
Lake Ariel, PA 18436

Type of Facility PWS

Application Received Date April 23, 2003

Description of Action Transfer of PWS Permit No. 2640063 from Buckingham Estates, Inc. to Gravity Realty, LLC.

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

#### Application No. 0287505-A3, Minor Amendment.

Applicant **Hooversville Borough**

Responsible Official Judy Shaffer, Manager  
Hooversville Borough  
Box 176  
Hooversville, PA 15936

Type of Facility Water Treatment Plant

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
P. O. Box 837  
Somerset, PA 15501

Application Received Date April 17, 2003

Description of Action Painting of a 0.2 MGD steel water storage tank.

## 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, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**PECO Energy Co.—Former Darby MGP**, Darby and Sharon Hill Boroughs, **Delaware County**. Ronald F. Carper, Jr., P. G., ENSR International, 2005 Cabot Blvd., Suite 100, Langhorne, PA 19047, on behalf of PECO Energy Co., Attn: Jennifer Sowers, 300 Front St., Bldg. 1, West Conshohocken, PA 19428, has submitted a revised Notice of Intent to Remediate soil contaminated with inorganics and PAH; and groundwater contaminated with inorganics, other organics and PAH. The applicant proposes to remediate the site to meet Statewide Health

Standards for groundwater and Site-Specific Standards for soil. A summary of the Notice of Intent to Remediate was reported to have been published in *The County Press* and *Delaware Daily County Times* on March 2003.

**Betzwood Industrial Park Area 8N**, West Norriton Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Valley Forge Center Associates, LP, Michael Trio, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate soil contaminated with other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on April 9, 2003.

**Shez Ray, LLC**, Norristown Borough, **Montgomery County**. Cliff Harper, Harper Environmental Associates, 771 Hideaway Lane, Harleysville, PA 19438, on behalf of Ray Cannon, Shez Ray, LLC, 625 Beech St., Norristown, PA 19404, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents and PCB. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Norristown Times Herald* on April 16, 2003.

**Allegro MicroSystems W. G., Inc. (Formerly)**, Upper Moreland Township, **Montgomery County**. C. Peter Barringer, UAI Environmental, Inc., 495 Highlands Blvd., Suite 106, Coatesville, PA 19320, on behalf of Bruce Goodman, Goodman Properties, 636 Old York Rd., Jenkintown, PA 19046, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, fuel oil no. 2, inorganics, MTBE, other organics and PAH. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on April 25, 2003.

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

**Lancaster Malleable Castings Company**, Manheim Township, **Lancaster County**. Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604, on behalf of Lancaster Malleable Castings Corporation, 1046 Manheim Pike, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site groundwater contaminated with benzene, toluene, ethylbenzene and xylene. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal/New Era* on January 21, 2003.

**Arntz Residence**, West Donegal Township, **Lancaster County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Esther Arntz, 1872 Harrisburg Avenue, Mount Joy, PA 17552, submitted a Notice of Intent to Remediate site groundwater contaminated with Fuel Oil No. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer Journal/New Era* on April 7, 2003.

## MUNICIPAL WASTE GENERAL PERMITS

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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. WMGM023. Keystone Custom Homes, 214-A Willow Valley Lake Drive, Willow Street, PA 17584.**

The Department, Bureau of Land Recycling and Waste Management has received an application for the processing and beneficial use of gypsum board from new home construction as an onsite soil amendment. The Department determined the application to be administratively complete on April 25, 2003.

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.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit ID No. 100419. CBF, Inc., Route 21, P. O. Box 266, McClellandtown, PA 15458. J & J Landfill, Route 21, P. O. Box 266, McClellandtown, PA 15458.** Application for a major permit modification requesting approval to accept MSW incinerator ash at a municipal landfill in German Township, **Fayette County** was received in the Regional Office on April 24, 2003.

**Permit ID No. 301225. Thermal-Clean Services Corporation, 896 East National Pike, Washington, PA 15301-7175.** Thermal-Clean Residual Waste Processing and Recycling Facility, 896 East National Pike, Washington, PA 15301-7175. A major permit modification for a Radiation Protection Plan at residual waste/compost processing facility in Amwell Township, **Washington County**, was received in the Regional Office on April 24, 2003.

Comments or information concerning an application should be directed to the Department of Environmental Protection, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. 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. 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.

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**PLAN APPROVALS**


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**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.**

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

**54-399-029A: Silberline Manufacturing Company, Inc.** (130 Lincoln Drive, Tamaqua, PA 18252) for construction of an aluminum pigment manufacturing operation at their company's Tidewood East Facility, 36 Progress Avenue, Rush Township, **Schuylkill County**.

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

**06-05066C: Exide Technologies** (P. O. Box 14294, Reading, PA 19612-4294) for installation of a replacement fabric collector controlling the no. 2 reverberatory and no. 2 blast furnaces at their secondary lead smelter in Muhlenberg Township and Laureldale Borough, **Berks County**. The sources are subject to 40 CFR Part 60, Subpart L—Standards of Performance for New Stationary Sources and 40 CFR Part 63, Subpart X—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.

**67-05098A: Global Stone PenRoc, LP** (495 Global Stone Drive, York, PA 17405) for modification of their West Plant limestone crushing operations in West Manchester Township, **York County**. The modification is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**30-00072D: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241) for construction of an overland refuse conveyor and additional 1,000 t/hr coal cleaning module at their Bailey Mine in Richhill Township, **Greene County**.

**03-00197A: Nature's Blend Wood Products, Inc.** (P. O. Box 392, 202 First Avenue, Ford City, PA 16226) for construction of a finishing line at their Ford City facility in **Armstrong County**.

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**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.**

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

**40-399-050: Genova Products** (502 Forest Road, Humboldt Industrial Park, Hazleton, PA 18202) for installation and operation of a new PVC trimming operation which will be controlled by the use of a baghouse at their facility located in Hazle Township, **Luzerne County**. The new line will not emit particulate emissions more than 0.02 grain/dscf. The Operating Permit will contain addi-

tional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**01-03029A: Utz Quality Foods, Inc.** (900 High Street, Hanover, PA 17331) for construction of a tortilla chip fryer controlled by a mist eliminator at its Kindig Lane Plant in Conewago Township, **Adams County**. The fryer will have the following annual emissions: 1 ton PM, 0.6 ton NO<sub>x</sub> and 0.1 ton VOC. The Plan Approval and State-only Operating Permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**06-05005A: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for modification of combust no. 5 waste oil in their existing batch asphalt plant controlled by a knock out box and fabric filter at its Oley Blacktop Plant in Oley Township, **Berks County**. This batch mix hot asphalt plant is a non-Title V facility. This facility's operation will result in less than 100 tons per year of CO, approximately 30 tons per year of NO<sub>x</sub>, 22 tons per year of SO<sub>x</sub>, 9 tons per year of VOCs and 7 tons per year of PM. The facility will maintain an annual production capacity with a maximum of 500,000 tons. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**21-03006B: Nestle Purina PetCare** (6509 Brandy Lane, Mechanicsburg, PA 17050) for installation of a pet food processing line in Hampden Township, **Cumberland County**. The processing line has the potential to emit 7.5 tons per year of particulate matter, 6.3 tons per year of NO<sub>x</sub>, 2.5 tons per year of CO and 0.5 ton per year of VOC. The approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality requirements.

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

**17-305-007D: River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847) for construction of a coal stockpiling operation and an agglomerated coal fines or synthetic fuel (synfuel) stockpiling and rail/truck loading operation in their Karthaus Township, **Clearfield County** facility.

The operation consists of the use of front end loaders to place coal onto, and remove it from, a coal stockpile and to place synfuel onto, and remove it from, a synfuel stockpile and to load the synfuel into trucks and railcars. Air contaminant emission control will be provided by the use of three water trucks and a truck wheel wash station and the implementation of various work practices (truck tarping, and the like). The resultant fugitive particulate (dust) emissions could be up to 46.08 tons per year.

The Department's review of the information contained in the application indicates that the coal stockpiling and synfuel stockpiling and rail/truck loading operations will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue plan approval.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. No more than 1,752,000 tons of synfuel shall be loaded in any 12 consecutive month period.
2. A water truck equipped with a pressurized spray bar and a pressurized nozzle or hose connection shall be kept onsite at all times and shall be used, as needed, for the control of fugitive dust from plant roadways and stock pile areas.
3. A maximum speed limit of 5 miles per hour shall be established for front end loaders and 10 miles per hour for trucks. These speed limits shall be posted in highly visible locations on the site.
4. All trucks loaded with coal or synfuel entering or exiting the site via a public roadway shall have their loads tarped or otherwise covered. Additionally, a truck wheel wash station shall be used, as needed, to remove dirt and mud from the wheels and undercarriages of all trucks exiting the site via a public roadway to prevent dirt and mud from being carried out from the site onto roadways.
5. The front end loader bucket-to-truck and bucket-to-rail car free fall height shall be kept to a minimum.
6. Records shall be maintained of the number of tons of synfuel loaded each month.

**41-305-004G: Keystone Filler and Manufacturing Co.** (214 Railroad Street, Muncy, PA 17756) for installation of air cleaning devices, two dust collection hoods and a fabric collector on two bulk carbon product railcar loading operations at the company's facility in Muncy Creek Township, **Lycoming County**.

The railcar loading operations consist of two loading "stations" where rail tank cars are loaded with carbon products such as ground coal. The particulate matter (dust) emissions from each of these loading operations are currently controlled by a fabric collector but Keystone Filler is proposing to supplement this existing control with a dust collection hood at each loading station, both of which will be ducted to an additional fabric collector. These installations are anticipated to result in a decrease of unknown magnitude in the quantity of fugitive particulate matter (dust) emissions from the respective loading operations.

The Department's review of the information contained in the application indicates that following the installation of the proposed hoods and fabric collector, the railcar loading operations will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and the particulate matter emission requirements of 25 Pa. Code § 123.13. Based on this finding, the Department intends to approve the application and issue plan approval.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. The air contaminant emissions in the air space above the "no. 2 railcar loading station" shall be controlled by a 6 foot by 6 foot hood equipped with 12 foot long hanging plastic strip curtains located along the entire hood perimeter. The air contaminant emissions in

the air space above the "bulk railcar loading station" shall be controlled by an 8 foot by 8 foot hood equipped with 12 foot long hanging plastic strip curtains along the entire hood perimeter. Both hoods shall be ducted to a Griffin model JA-200-SA fabric collector.

2. Following the installation of the hoods and fabric collector, the no. 2 railcar loading station and the bulk railcar loading station shall never be used simultaneously. Additionally, neither of the loading stations shall be used at any time that the remaining sources ducted to the Griffin fabric collector are in operation. Additionally, the fabric collector ductwork associated with the equipment not in operation shall be gated off or closed off so that the entire fabric collector flow is directed to the loading station or equipment which is in use.

3. Spare fabric collector bags shall be kept on-hand.

4. Keystone Filler and Manufacturing Company shall comply with all applicable terms and conditions of the Consent Order and Agreement entered into with the Department on January 7, 2003.

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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: Mark J. Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-318-133: Milliken Valve Co., Inc.** (1995 Highland Avenue, Suite 500, Bethelhem, PA 18020) for operation of a paint spray booth and associated air cleaning device at their facility in Bethlehem Township, **Northampton County**. The manufacturing facility is a non-Title V facility. Annual VOC emissions from the spray booth will be 8.41 tons per year of which 4.54 tons per year will be HAPs. Particulate matter emissions from the process will be controlled through the use filter panels and will be less than 0.02 gr/dscf. The operating permit will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

**06-03038: Bridgeview, Inc.** (1525 Chestnut Hill Road, Morgantown, PA 19543) for operation of an animal crematory and veterinary pathological waste incinerators in Robeson Township, **Berks County**. Actual PM10 emissions are expected to be less than 3 tons per year. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**21-03007: Purina Mills, LLC** (475 Saint John's Church Road, Camp Hill, PA 17011) for operation of their livestock feed production facility in Hampden Township, **Cumberland County**. Actual PM10 and NOx emissions are expected to be less than 7 tons per year and 2 tons per year respectively. The State-only Operating Permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**21-03023: Ames True Temper, Inc.** (465 Railroad Avenue, Shiremanstown, PA 17011) for operation of their lawn and garden tools manufacturing facility in Hampden

Township, **Cumberland County**. The facility emits less than 8 tons per year of VOCs. The State-only Operating Permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**21-03046: Safety-Kleen Systems, Inc.** (10 Eleanor Drive, New Kingston, PA 17072) for operation of their VOC storage tank facility in Silver Spring Township, **Cumberland County**. The facility emits less than 2 tons per year of VOCs. The State-only Operating Permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**49-00049: RunnerLess Knits** (301 North 5th Street, Sunbury, PA 17801) for issuance of a State-only Operating Permit for their textile facility in Sunbury Township, **Northumberland County**. The facility's main air contaminant source is one no. 2 fuel oil fired boiler. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM<sub>10</sub> and VOCs below the major emission thresholds. The proposed Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**17-00048: Philipsburg Osceola Area School District** (200 Short Street, Philipsburg, PA 16866) for issuance of an Operating Permit for their Osceola Mills elementary school in Osceola Mills Borough, **Clearfield County**. The facility's main sources include one tri-fuel (coal—no. 2 fuel oil) fired boiler, one no. 2 fuel oil fired boiler, one no. 2 fuel oil fired water heater and one no. 2 fuel oil fired emergency generator. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**04-00061: Ondeo Nalco Co.** (P. O. Box 391, 125 Ondeo Drive, Ellwood City, PA 16117) for a renewal for operation of a water treatment chemical manufacturing plant in their Franklin Township, **Beaver County** facility.

**56-00282: Rollock, Inc.** (156 Rollock Road, Stoystown, PA 15563) for operation of a scrap burner in their Stoystown Borough, **Somerset County** facility.

**03-00209: Buffalo Limestone, Inc.** (R. R. 1, Box 198 A-1, Ford City, PA 16226) for operation of a portable limestone crusher in their Kittanning Township, **Armstrong County** facility.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Dis-

posal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

### Coal Applications Received

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

**54871303R3. D and D Coal Company** (139 E. Independence Street, Shamokin, PA 17872), renewal of underground mine operation in Cass Township, **Schuylkill County** affecting 26.0 acres, receiving stream: none. Application received April 17, 2003.

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

**33020104 and NPDES Permit No. PA0242161. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface strip and auger operation in Snyder Township, **Jefferson County** affecting 207.4 acres. Receiving streams: unnamed tributaries to Walburn Run and Walburn Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from Laurel Energy, L. P. Application received April 21, 2003.

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

**30030101 and NPDES Permit No. PA0250376. Patriot Mining Co., Inc.** (2708 Cranberry Square, Morgantown, WV 26508-9286). Application for commencement, operation and reclamation of a bituminous surface mine located in Greene Township, **Greene County**, affecting 248.0 acres. Receiving stream: unnamed tributary to Whitely Creek. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 16, 2003.

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

**17030105 and NPDES Permit No. PA0243469. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Commencement, operation and restoration of a bituminous surface mine-auger permit in Ferguson and Greenwood Townships, **Clearfield County** affecting 115.0 acres. Receiving streams: Watts Creek (HQ-CWF) and the West Branch Susquehanna River (CWF). There is no downstream potable water supply intake from the point of discharge within 10 miles downstream. Application received April 18, 2003.

**17030106 and NPDES Permit No. PA0243477. Waroquier Coal Company**, P. O. Box 128, Clearfield, PA 16830. Commencement, operation and restoration of a bituminous surface mine permit in Beccaria Township, **Clearfield County** affecting 236.5 acres. Receiving streams: Dotts Hollow and Clearfield Creek (CWF). There is no downstream potable water supply intake from the point of discharge within 10 miles downstream. Application received April 14, 2003.

**17990122 and NPDES Permit No. PA0242772. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650. Transfer of an existing bituminous surface mine-auger permit from Laurel Energy, LP. The permit is located in Brady and Bloom Townships, **Clearfield County** and affects 91 acres. Receiving streams: unnamed tributaries of Little Anderson Creek to Anderson Creek, unnamed tributary to Bell Run, unnamed tributary to Irish Run (CWF). Application received April 4, 2003.

**17860122 and NPDES Permit No. PA0115410. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650. Transfer of an existing bituminous surface mine-auger permit from Laurel Energy, LP. The permit is located in Lawrence Township, **Clearfield County** and affects 490.5 acres. Receiving streams: two unnamed tributaries to Wallace Run (HQ-CWF), Wallace Run (HQ-CWF) and Mitchell Run (HQ-CWF) to Little Clearfield Creek (HQ-CWF), Clearfield Creek (WWF) to the West Branch Susquehanna River. Application received April 4, 2003.

**17990122 and NPDES Permit No. PA0206733. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650. Transfer of an existing bituminous surface mine-auger permit from Laurel Energy, LP. The permit is located in Lawrence Township, **Clearfield County** and affects 78 acres. Receiving streams: unnamed tributaries to Wallace Run, Wallace Run and Mitchell Run, to Little Clearfield Creek to Clearfield Creek (HQ-CWF). Application received April 4, 2003.

**17930129 and NPDES Permit No. PA0219738. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650. Transfer of an existing bituminous surface mine-auger permit from Laurel Energy, LP. The permit is located in Jordan Township, **Clearfield County** and affects 436.4 acres. Receiving streams: unnamed tributaries of Gazzem and Potts Runs and unnamed tributaries of McNeel Run (CWF). Application received April 4, 2003.

#### *Noncoal Applications Received*

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

**7976SM1C6. Eureka Stone Quarry, Inc.** (9119 Frankford Avenue, Philadelphia, PA 19114), a depth correction for an existing quarry operation in Warrington Township, **Bucks County** affecting 403.0 acres, receiving stream: unnamed tributary to Mill Creek. Application received April 23, 2003.

**7976SM2C4. Eureka Stone Quarry, Inc.** (9119 Frankford Avenue, Philadelphia, PA 19114), a depth correction for an existing quarry operation in Warrington Township, **Bucks County** affecting 134.9 acres, receiving stream: unnamed tributaries to Neshaminy Creek. Application received April 23, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on each working day at the office noted before the application.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E23-433. Thomas K. Thornton**, 972 Smithbridge Road, Concord Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a single span bridge across the West Branch of Chester Creek (TSF) associated with the driveway access to Lot No. 3. The proposed bridge will have a clear span of 19 feet 11 inches and an underclearance of 8.0 feet. The site is located just east of the intersection of Smith Bridge Road and Arbor Road (Wilmington North, DE-PA USGS Quadrangle N: 19.8 inches; W: 3.9 inches).

**E09-851. County Builders, Inc.**, P. O. Box 2579, Warminster, PA 18974, Lower Southampton Township, **Bucks County**, ACOE Philadelphia District.

The applicant proposes to construct a 92-unit townhouse residential development on 26 acres and includes the following water obstructions and encroachment activities:

1. To place and maintain fill in 0.07 acre of wetlands (PEM) associated with the widening of Philmont Avenue to provide a sidewalk and a deceleration lane for the entrance to the proposed residential development.

2. To place and maintain fill in 0.15 acre of wetland (PEM) for an access road crossing. The crossing includes a culvert starting at headwall 2 running 23 linear feet of 15-inch HDPE to catch basin 44, which includes a stormwater outfall, then 45 linear feet of 150-inch HDPE continues to catch basin 45. Another 26 linear feet of 15-inch HDPE continues to the outfall at headwall 3, which includes riprap at the outfall to sustain the hydrology to wetlands adjacent to the proposed fill.

3. To construct an 8-inch PVC sanitary sewer utility line crossing through wetlands and beneath the culvert and fill proposed in items 1 and 2.

4. To construct an 8-inch DIP water main utility line crossing through wetlands and beneath the culvert and fill proposed in items 1 and 2.

5. To place and maintain an 18-inch HDPE stormwater outfall and riprap along wetlands (PEM) associated basin "A."

6. To place and maintain fill in a 0.06-acre isolated body of water (POW) associated with the construction of dwellings 17—19.

7. To place and maintain fill in a 0.16-acre isolated body of water (POW) associated with the construction of an open space garden.

8. To dewater, excavate and regrade a 0.06-acre isolated body (POW) of water associated with the construction of dwellings 72 and 73.

9. To construct 0.22 acre of wetland replacement adjacent to existing wetlands areas to compensate for wetland losses noted.

The project proposes to directly affect a total of 0.22 acre of wetlands. The project site is located approximately 2,000 feet northeast of the intersection of Philmont Avenue (SR 2040) and County Line Road.

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

**E07-371: The Lakemont Partnership**, 1873 Old Route 22, P. O. Box 806, Duncansville, PA 16635-0806 in Logan Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a pedestrian bridge having a clear span of 52.2 feet, a maximum underclearance of 6.3 feet and an in-stream length of approximately 7.0 feet, crossing Brush Creek (WWF) at a point approximately 1,500 feet east of SR 220 along the south side of 11th Street in Lakemont Park (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.7 inches) in Logan Township, Blair County.

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

**E12-139. Department of Transportation, Engineering District 2-0**, Clearfield, PA 16830. Four Mile Hollow Stream Crossing, in Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 15.7 inches; W: 8.4 inches).

The applicant proposes to remove the deteriorated old structure and replace it with a 14-foot by 5.25-foot reinforced concrete box culvert placed on the same alignment. The culvert invert is proposed to be placed 1 foot below the normal bed elevation providing the minimum underclearance of 4.25 feet. The permit application also proposes to install a temporary roadway to route traffic around the project site. The stream flow is proposed to be transported through a 36-inch culvert pipe during construction. A channel block constructed of polyethylene lined concrete barrier installed across the channel. The outlet channel proposed is intended to be lined with an erosion control blanket.

**E19-236. Columbia County Commissioners**, 702 Sawmill Rd., Suite 104, Bloomsburg, PA 17815. Fishing Creek Stabilization Project, in the Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 2.4 inches; W: 13.3 inches).

The applicant proposes to utilize a Growing Greener Grant to stabilize a section of the bank of Fishing Creek (WWF), a perennial stream. The permit proposes to relocate the channel 1,800 feet long by 50 feet wide, place fill on the left floodway to the dimensions of 150 feet wide by 8 feet high and install rock structures in the bed and banks consisting of three crossvanes and two "J" hook vanes. The project proposes to directly impact a total for 2,500 feet of stream and 17 acres of floodway.

**E49-268. Tony and Laurie Grafius**, 123 East Eleventh Street, Williamsport, PA 17777. Water Obstruction and Encroachment Permit, in Watsontown Borough,



**Northumberland County**, ACOE Susquehanna River Basin District (Milton, PA Quadrangle N: 16.48 inches; W: 16.01 inches).

To maintain a 25-foot long by 4-foot wide wooden bridge over Spring Run (WWF). The project is located along Eleventh Street approximately 0.5 mile east of SR 0405 and Eleventh Street in Watsonstown Borough, Northumberland County.

**E59-440. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Dominion Transmis-

sion, Inc., LN-50 Operation and Maintenance, in Elk, Gaines and Clymer Townships, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 19.6 inches; W: 5.2 inches).

To replace, operate and maintain an existing 30-inch diameter pipeline over 23 miles within an existing 75-foot right-of-way for the transmission of natural gas. The operation and maintenance of the gas transmission line may require the replacement of 28 stream crossings that are as follows:

<i>Stream Name</i>	<i>Water Quality Designation</i>	<i>Latitude Coordinates</i>	<i>Longitude Coordinates</i>
Billings Branch	EV	41° 38' 41"	77° 32' 40"
Elk Run	HQ-CWF	41° 41' 1"	77° 32' 37"
Dewey Hollow	HQ-CWF	41° 41' 27"	77° 32' 28"
Lewis Run	HQ-CWF	41° 42' 2"	77° 32' 28"
Lick Run	HQ-CWF	41° 43' 35"	77° 32' 14"
Whitney Hollow	HQ-CWF	41° 44' 23"	77° 32' 12"
Pine Creek	EV	41° 44' 40"	77° 32' 12"
Shin Hollow	HQ-CWF	41° 44' 57"	77° 32' 14"
Baker Branch	HQ-CWF	41° 48' 45"	77° 31' 6"
Unnamed tributary to Baker Branch	HQ-CWF	41° 49' 21"	77° 31' 9"
Unnamed tributary to Baker Branch	HQ-CWF	41° 55' 4"	77° 17' 2"
East Beech Woods	HQ-CWF	41° 50' 49"	77° 31' 16"
Unnamed tributary to Mill Creek	TSF	41° 51' 31"	77° 31' 2"

Any replacement of gas transmission lines shall be completed so that there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If, upon investigation, the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 23-mile right-of-way of LN-50; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary.

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

**E02-1423. Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. Municipality of Penn Hills, Thompson Run Channel Improvements in the Municipality of Penn Hills, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 12.1 inches; W: 6.8 inches). The applicant proposes to dredge and maintain the channel of Thompson Run and to construct and maintain a gabion mat along the right bank of said stream and a gabion wall along the right bank of said stream and to construct and maintain a gabion wall on the left bank of said stream for the purpose of improving Thompson Run (WWF). The project will impact a total of approximately 300(+) feet of the stream channel.

**E02-1424. Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16602. Sheetz Convenience Store on Route 51 in Pleasant Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 12.7 inches; W: 9.4 inches). The applicant proposes to place and maintain fill in five wetlands (wetland number 1 is 0.08 acre, wetland number 2 is 0.05 acre, wetland number 3 is 0.01 acre, wetland number 4 is 0.01 acre and wetland number 5 is 0.01 acre for a total impact of 0.16 acre of wetlands (PEM)) and to construct and maintain four outfall structures to Lewis Run (TSF) for a proposed Sheetz retail convenience center. The project will be located on the west side of Clairton Boulevard (SR 51) just south of its intersection with Lewis Run Road (SR 2032). To meet the wetland replacement requirements, the applicant proposes to make a contribution to the wetland replacement fund. The total impact for this application is 0.16 acre of wetland impacts and four outfall structures.

**E26-308. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Bridge replacement project in Henry Clay and Addition Townships, **Fayette and Somerset Counties**, Pittsburgh ACOE District (Ohiopyle, PA Quadrangle N: 0.8 inch; W: 3.3 inches). The applicant proposes to remove the existing bridge and appurtenant structures and also: (1) to construct and maintain a 12 span prestressed concrete I-beam bridge with each span at 142.18 feet and vertical underclearance of 23.0 feet over Youghiogheny River Lake (WWF) (the proposed piers are 8-foot diameter, two column bents founded on drilled shafts); (2) to place and maintain 1,275 linear feet of R-6 rock bank protection along the northwest shoreline of the

Youghiogheny River Lake (WWF); (3) to construct and maintain an 18-inch diameter outfall at Station 99+37 and a 30-inch diameter outfall station 127+20 along the Youghiogheny River Lake (WWF); (4) to construct and maintain a temporary causeway consisting of 17 72-inch diameter pipes in the thalweg of the Youghiogheny River Channel (WWF); and (5) to construct and maintain fish habitat enhancement in the Youghiogheny River Lake (WWF) composed of broken concrete from demolition of the existing bridge. The project proposes to directly affect a total of 1,525 linear feet of lake shoreline and to indirectly affect approximately 1.7 acres of open water. No vegetated wetlands will be impacted by this project.

**E65-821. Shula General Contractors, Inc.**, 2193 Harrison City-Export Road, Jeannette, PA 15644. Kingsbury Estates Residential Development arch culvert in Penn Township, **Westmoreland County**, Pittsburgh ACOE District (Slickville, PA Quadrangle N: 2.5 inches; W: 17.1 inches). The applicant proposes to construct and maintain a 95-foot long arch culvert having a single waterway opening of 11.0 feet wide by 4.9 feet high in the channel of an unnamed tributary to Bushy Run (TSF). The structure will be located on the entrance road to the proposed Kingsbury Estates Residential Development located along Claridge-Export Road, approximately 2,200 feet south of its intersection with Mellon Road.

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

**E10-377, Jayme DiSanti.** DiSanti Bridge and Drive-way, in Clinton Township, **Butler County**, ACOE Pittsburgh District (Curtisville, PA Quadrangle N: 9.6 inches; W: 7.3 inches).

The applicant proposes to construct and maintain a 16-foot long, 12.5-foot wide by 2.9-foot high corrugated metal pipe arch culvert in Lardintown Run (TSF) and a 10-foot wide driveway across 0.032 acre of wetland in support of the construction and access to a private residence on SR 2011 (Lardintown Road) approximately 0.5 mile southeast of the intersection of SR 2011 (Lardintown Road) and Anderson Road. Lardintown Run is a perennial stream. The project proposes to directly affect a de minimis area of wetland (0.032 acre) and approximately 25 linear feet of stream.

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

**WQC Project Description:** Certification request initiated by **Department of the Army, Baltimore District, Corps of Engineers**, P. O. Box 1715, Baltimore, MD 21203. The proposed action is to remove approximately 58,000 cubic yards of gravel, sand and other earthen materials from the Tioga Levee above and below the mouth of the Corey Creek Conduit (approximately 5,000 feet by 100 feet). This material will be moved to a previously used upland placement site. An additional 12,000 cubic yards (approximately 3 acre area) of sediment materials will be removed from the Corey Creek Conduit Intake and placed at a previously used upland placement site. Multiple work sites associated with this project will be located in Mansfield Borough north and south of the SR 6 bridge crossing over the Tioga River. Work will also take place above and below the Corey Creek Conduit (Mansfield 7.5' Quadrangle N: 11.0 inches; W: 11.3 inches).

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

**NPDES Permit No. PA0070220**, Sewage, **NIS Hollow Estates, LLC**, 390 Plaster Mill Road, Victor, NY 14564. This proposed facility is located in East Penn Township, **Carbon County** and discharges to UNT to Lehigh River.

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

**NPDES Permit No. PAS802208**, Industrial Waste, **Swallow Associates**, 2830 Gordon Street, Allentown, PA 18104. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

**NPDES Permit No. PAS802209**, Stormwater, **Swallow Associates**, 2930 Gordon Street, Allentown, PA 18104. This proposed facility is located in Upper

Macungie Township, **Lehigh County** and discharges to unnamed tributary to Cedar Creek.

Description of Proposed Activity: Renewal of NPDES stormwater Permit.

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

**NPDES Permit No. PA0031348**, Sewage, **William Fillipin, Moselem Development Company**, 345 Penn Street, P. O. Box 582, Reading, PA 19603-0582. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Moselem Creek in Watershed 3-B.

**NPDES Permit No. PA0055352**, Sewage, **David Rittenhouse, Berks Properties, Inc.**, 2620 Egypt Road, Norristown, PA 19403. This proposed facility is located in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to West Branch Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0085138**, Sewage, **Larson D. Wenger, Five Forks Brethren in Christ Church**, 9244 Five Forks Road, Waynesboro, PA 17268-9612. This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT West Branch Antietam Creek in Watershed 13-C.

**NPDES Permit No. PA0034860**, Sewage, **P. C. S. Chadaga, M. D., Penn Valley Mobile Home Park**, 110 Inverness Drive, Blue Bell, PA 19422-3202. This proposed facility is located in Penn Township, **Lancaster County**.

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

**NPDES Permit No. PA0009920**, Sewage, **Scott Cogley, AmerGen Energy Company, LLC**, P. O. Box 480, Route 441 South, Middletown, PA 17057-0480. This proposed facility is located in Londonderry Township, **Dauphin County**.

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

**NPDES Permit No. PA0082198**, Sewage, **Galen Heckman, Peters Township Board of Supervisors**, P. O. Box 88, Lemasters, PA 17231. This proposed facility is located in Peters Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Conococheague Creek in Watershed 13-C.

**NPDES Permit No. PA0086428**, Sewage, **Charles Romito, Mazza Vineyards, Inc.**, 83 Mansion House Road, P. O. Box 685, Cornwall, PA 17016. This proposed facility is located in Rapho Township, **Lancaster County**.

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

**NPDES Permit No. PA0087505**, Sewage, **Jeffrey Best, Cooperative Milling, Inc.**, 1892 York Road, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Rock Creek in Watershed 13-D.

**NPDES Permit No. PA0070190**, Sewage, **Charles Cheatham, Allegheny East Conference**, P. O. Box 266, Pine Forge, PA 19548. This proposed facility is located in Douglass Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Manatawny Creek in Watershed 3-D.

**NPDES Permit No. PA02476921 and WQM Permit No. 0602408**, Sewage, **Gerald L. Peters, Lenhartsville Borough Council**, P. O. Box 238, Lenhartsville, PA 19534. This proposed facility is located in Lenhartsville Borough, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Maiden Creek in Watershed 3-C and construction/operation of an extended aeration municipal sewage treatment facility and sanitary sewers with Pennsylvania Infrastructure Investment Authority funding.

**NPDES Permit No. PA0008508**, Industrial Waste, **Dennis Weller, Burle Industries, Inc.**, 1000 New Holland Avenue, Lancaster, PA 17601-5688. This proposed facility is located in Lancaster City, **Lancaster County**.

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

**NPDES Permit No. PA0086878**, Industrial Waste, **Gregory T. Unger, Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This proposed facility is in Windsor Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Maiden Creek in Watershed 3-B.

**NPDES Permit No. PA0088498 and WQM Permit No. 3602205 (03-1)**, Industrial Waste, **Donald Henrichs, Onyx Lancaster, LLC**, 635 Toby Road, Kersey, PA 15846. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit transfers.

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

**WQM Permit No. 1703201**, Industrial Waste 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 Action/Activity: Issuance of a Water Quality Management Part II Permit for construction of two waste holding tanks, decant pump and Outfall 001. Wastewater from a public water supply pressure filtration plant will be directed to the waste holding tanks. Supernatant will be discharged through approved NPDES Outfall 001. Solids will be hauled to the Clearfield Municipal Authority's Wastewater Treatment Plant.

**NPDES Permit No. PA0111538**, Sewage, SIC 4952, **Start Properties, LLC**, P. O. Box 622, 1300 Market Street, Suite 201, Lemoyne, PA 17043-0622. The existing discharge is located in West Buffalo Township, **Union County**.

Description of Proposed Activity: Renewal of an NPDES permit for Outfall 001 for Pine Valley Mobile Home Park Wastewater Treatment Plant.

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

**NPDES Permit No. PA0046426**, Sewage, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, Waynesburg, PA 15370 is authorized to discharge

from a facility located at Franklin Township Wastewater Treatment Plant, Franklin Township, **Greene County** to receiving waters named South Fork Tenmile Creek.

**NPDES Permit No. PA0091146**, Sewage, **North Union Township Municipal Services Authority**, 6 South Evans Station Road, Lemont Furnace, PA 15456 is authorized to discharge from a facility located at Industrial Park No. 2 STP, North Union Township, **Fayette County** to receiving waters named unnamed tributary of Gist Run.

**NPDES Permit No. PA0111201**, Sewage, **Carrolltown Borough Municipal Authority** is authorized to discharge from a facility located at Carrolltown Borough STP, Carrolltown Borough, **Cambria County** to receiving waters named Little Chest Creek.

**NPDES Permit No. PA0111520**, Sewage, **The Picking Company**, 100 Longview Lane, Johnstown, PA 15095-9639 is authorized to discharge from a facility located at Miller-Picking Corporation Sewage Treatment Plant, Conemaugh Township, **Somerset County** to receiving waters named unnamed tributary of Soap Hollow Road.

**NPDES Permit No. PA0219436**, Sewage, **Jack Lentz**, 12554 Route 286 Highway West, Clarksburg, PA 15725 is authorized to discharge from a facility located at Clarksburg Mobile Home Park Sewage Treatment Plant, Young Township, **Indiana County** to receiving waters named unnamed tributary to Blacklegs Creek.

**Permit No. 6369405-A3**, Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. Construction of dechlorination installation located in Peters Township, **Washington County** to serve Donaldsons Crossroads Water Pollution Control Plant.

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

**NPDES Permit No. PA0222232**, Industrial Waste, **Albion Borough, Gage Road Water Treatment Facility**, 15 Smock Avenue, Albion, PA 16401. This proposed facility is located in Conneaut Township, **Erie County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the East Branch Conneaut Creek.

**NPDES Permit No. PA0101923**, Sewage, **Saegertown Area Sewer Authority**, P. O. Box 334, Saegertown, PA 16433. This proposed facility is located in Saegertown Borough, **Crawford County**.

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

**NPDES Permit No. PA0210897**, Sewage, **Human Services Center**, 130 West North Street, New Castle, PA 16101. This proposed facility is located in Pulaski Township, **Lawrence County**.

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

**NPDES Permit No. PA0101028**, Sewage, **P. J. Wilcox, Inc., New Harvest Restaurant & Pub**, 9010 Findley Lake Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

**NPDES Permit No. PA0025461**, Sewage, **South Watson Run Sewage Treatment Facility, Vernon Township Sanitary Authority**, 16678 McMath Avenue,

Meadville, PA 16335. This proposed facility is located in Vernon Township, **Crawford County**.

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

**NPDES Permit No. PA0028487**, Sewage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Outfall 001 to Shenango River and Outfalls 001—005 to Bobby Run. The November 26, 2002, draft permit has been revised to include four stormwater outfalls that are located at the treatment plant site. This was done to make the permit consistent with the new Phase II stormwater regulations. Also, additional information provided to the Department justifies removing the whole effluent toxicity monitoring requirement.

**NPDES Permit No. PA0239020**, Sewage, **Alan Ladner**, P. O. Box 333, Springboro, PA 16435. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary to Watson Run.

**NPDES Permit No. PA0210501**, Sewage, **Earl G. Willey**, 3974 Longview Road, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to Hogback Run.

**WQM Permit No. 2002430**, Sewerage, **Alan Ladner**, P. O. Box 333, Springboro, PA 16435. This proposed facility is located in Summit Township, **Erie County**.

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

**WQM Permit No. 2503401**, Sewerage, **Ricky A. Ayers**, 12451 East Lake Road, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

#### **NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the

Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S123	Shawnee Development, Inc. River Road, Fort DePue 2nd Floor, P. O. Box 93 Shawnee on Delaware, PA 18356	Monroe	Middle Smithfield and Smithfield Townships	Shawnee Creek HQ-CWF

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

*Mifflin County Conservation District, 20 Windmill Hill, Room 4, Burnham, PA 17009.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104510	Bratton Township 460 Mountain Lane McVeytown, PA 17051	Mifflin	Bratton	Carlisle Run WWF Juniata River HQ-CWF

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

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

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

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

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

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

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

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Laurel Farm Earl Township	PAR10C428	Wilson C. Hoffman 112 Terrace Rd. Boyertown, PA 19512	Ironstone Creek TSC	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Maidencreek Township	PAG2000603010	Richard Miller Cemplank/James Hardie 318 June Ave. Blandon, PA 19512	Willow Creek Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Muhlenberg Township Municipal Building	PAG2000603031	Muhlenberg Township 555 Raymond St. Reading, PA 19605	Laurel Run WWF, MF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Egan Automotive Specialist Exeter Township	PAG2000603025	Dale Egan 914 Fern Avenue Reading, PA 19607	UNT to Schuylkill River	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Columbia County Town of Bloomsburg	PAG2001903006	Bloomsburg University Colin Reitmeyer 400 East Second St. Bloomsburg, PA 17815	Fishing Creek WWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-3247
Indiana County White Township	PAG2003203003	Christopher J. Lazor Lazor Brothers 891 Centennial Drive Indiana, PA 15701	Unnamed tributary to McCarthy Run CWF	Indiana County Conservation District (724) 463-8547
Indiana County Burrell Township	PAG2003203004	Bruce Haney Echo Real Estate Services 701 Alpha Drive Pittsburgh, PA 15238	Unnamed tributary to Conemaugh River CWF	Indiana County Conservation District (724) 463-8547
Washington County Cecil Township	PAR10W095 R	Joseph Perri 660 Mercer Road Greenville, PA 16125	Unnamed tributary to Millers Run WWF	Washington County Conservation District (724) 228-6774
Elk County Spring Creek Township	PAG2002403003	Elk County Commissioners 300 Center Street Ridgway, PA 15853	Clarion River CWF	Elk County Conservation District (814) 776-5373
Elk County Spring Creek Township	PAG2002403004	Elk County Commissioners 300 Center Street Ridgway, PA 15853	Clarion River CWF	Elk County Conservation District (814) 776-5373
Lawrence County Neshannock Township	PAG2003703003	TC Quality Homes 3722 Starr Centre Drive Canfield, OH 44406	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Warminster Township Bucks County	PAR700003	Castrol Industrial North America 775 Louis Drive Warminster, PA 18974	UNT to Little Neshaminy Creek 2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Horsham Township Montgomery County	PAR800120	United States Air Force Reserve 913 SPTG/SGPB 1120 Fairchild St. Willow Grove ARS, PA 19090	UNT to Park Creek 2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Merion Township Montgomery County	PAR800121	Norfolk Southern Railway Co. 110 Franklin Rd., SE P. O. Box 13 Roanoke, VA 24042	Schuylkill River 3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
City of Philadelphia Philadelphia County	PAR230045	Sunoco Inc. 4701 Bermuda St. Philadelphia, PA 18032	Frankford Creek 3J Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Porter Township Lycoming County	PAR144809	Smurfit-Stone Container Corporation P. O. Box 371 Jersey Shore, PA 17740	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
North East Township Erie County	PAG048877	Ricky A. Ayers 12451 East Lake Road North East, PA 16428	Tributary to Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-12*

<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>
Dauphin County Wayne Township	PAG123571	Joseph F. Conners Conners Farm 2731 Powells Valley Road Halifax, PA 17032-8723	North Fork Powell Creek CWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**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).

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

**Permit No. 4146292-A13—Cancellation.** Public Water Supply.

Applicant	<b>CCDA Water, LLC c/o Shirley Bonsell</b> 1 Aqua Penn Drive P. O. Box 938 Milesburg, PA 168530938
Township	Boggs Township
County	<b>Centre</b>
Type of Facility	PWS—As a result of entering the new partnership under CCDA Water, LLC, all labels need to be changed and they are now covered, under Amendment 15; therefore Amendment 13 will be cancelled.
Permit to Operate Issued	April 3, 2003

**Permit No. 4146292-A9-T2.** Public Water Supply.

Applicant	<b>CCDA Water, LLC c/o Shirley Bonsell</b> 1 Aqua Penn Drive P. O. Box 938 Milesburg, PA 168530938
Township	Boggs Township
County	<b>Centre</b>
Type of Facility	PWS—Transfer from Danone Waters of North America, Inc. to CCDA Water, LLC
Permit to Operate Issued	April 3, 2003

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

**Operations Permit** issued to **Baden Borough**, 149 State Street, Baden, PA 15005-1937, PWS ID 5040080, **Baden Borough, Beaver County** on April 16, 2003, for the operation of facilities approved under Construction Permit No. 0486502-A2.

**Permit No. 0298504-A1-C1, Minor Amendment.** Public Water Supply.

Applicant	<b>Borough of Cheswick</b> 220 South Atlantic Avenue Cheswick, PA 15024
Borough or Township	Cheswick Borough
County	<b>Allegheny</b>
Type of Facility	Water Quality Parameter Performance
Permit to Operate Issued	April 16, 2003

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

**Permit No. 3302508,** Public Water Supply.

Applicant	<b>Falls Creek Borough Municipal Water Authority</b> 117 Taylor Ave. Falls Creek, PA 15840.
Borough or Township	Falls Creek Borough
County	<b>Jefferson</b>
Type of Facility	PWS—Red Mill Area Water Extension
Consulting Engineer	Keller Engineers 420 Allegheny St., P. O. Box 61 Hollidaysburg, PA 16648
Permit to Construct Issued	April 21, 2003

### 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.

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

**WA26-630A,** Water Allocations, **Newell Municipal Authority**, P. O. Box 293, Newell, PA 15466, **Fayette County.** The right to withdraw 1.0 million MGD, as a daily maximum, from the Monongahela River.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Roulette Township	Roulette Township Supervisors c/o Lucille K. Church Secretary-Treasurer P. O. Box 253 Roulette, PA 16746	Potter

Plan Description: The approved plan provides for sewer extensions to serve three areas of the township adjacent to the Village of Roulette. Area 1 is along Main Street west of the village and will consist of a low pressure collection system utilizing 28 grinder pumps. Area 2 is a



gravity sewer extension south of the village along Laninger Creek and will serve ten EDUs. Area 3 is along Railroad Avenue east of the village and will serve 38 EDUs. A pump station will be built along Railroad Avenue to pump the collected sewage to the existing system at a manhole located just east of Laninger Creek. The sewage from all three extensions will be conveyed by the existing sewerage system to the Roulette Township Sewage Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Woodward Township	Woodward Township Supervisors c/o Marsha F. Bergman Secretary-Treasurer 4910 South Rt. 220 Highway P. O. Box 68 Linden, PA 17744	Lycoming

Plan Description: The approved plan provides for a combination of a gravity and low pressure sewage collection system to serve the Village of Linden, the Glosser View Development and the Route 220 corridor from the Williamsport City line west to the Pine Run area of Woodward Township. Eight pump stations will be used to convey the wastewater to Williamsport Sanitary Authority's collection system, where it will be conveyed to the Williamsport Sanitary Authority's West Sewage Treatment Plant. The plan includes capital contributions to the Williamsport Sanitary Authority for capacity at their treatment plant and for improvements to their existing sewage conveyance system. The Lycoming County Water and Sewer Authority will oversee and implement this project for the Woodward Township Supervisors. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Scott Township	R. R. 1, Box 432D Olyphant, PA 18447	Lackawanna

Plan Description: The approved Plan Revision provides for the construction of a sanitary sewer collection and conveyance system to serve the Justus/Griffin Pond and Chapman Lake/Montdale areas of the township. An area along Fairview Road from Silver Maple Drive to the Scott Township/South Abington Township boundary, including the East View—West View Development, will also be served. The sewage will be conveyed along Rushbrook Road and SR 107 through Carbondale Township and Mayfield and Jermyn Boroughs, before connection with an existing interceptor sewer on South Washington Avenue, for subsequent treatment at the Lackawanna River Basin Sewer Authority's Archbald Wastewater Treatment Facility. The Plan also provides for adoption and implementation of an onlot sewage management program for those areas of the township not serviced by the collection and conveyance system. The selected alternative is identified as Alternative B1 in the Plan Revision. The Depart-

ment's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Brighton Borough	610 Third Street New Brighton, PA 15066	Beaver
Daugherty Township	2182 Mercer Road New Brighton, PA 15066	
Rochester Township	1013 Elm Street Rochester, PA 15074	
Pulaski Township	3401 Sunflower Road New Brighton, PA 15066	

Plan Description: The approved plan provides for upgrade and expansion to 2.0 MGD average daily flow of the New Brighton Borough sewage treatment facilities discharging to the Beaver River. Daugherty, Rochester and Pulaski Townships are to implement sewage management programs in their unsewered areas. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**PECO Energy Co.—Former Darby MGP**, Darby and Sharon Hill Boroughs, **Delaware County**. Ronald F. Carper, Jr., P. G., ENSR International, 2005 Cabot Blvd., Suite 100, Langhorne, PA 19047, on behalf of PECO Energy Co., Attn: Jennifer Sowers, 300 Front St., Bldg. 1, West Conshohocken, PA 19428, has submitted a Final Report concerning remediation of site soil contaminated with inorganics and PAH; and groundwater contaminated with inorganics, other organics and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard for groundwater and Site-Specific Standard for soil.

**Betzwood Industrial Park Area 8N**, West Norriton Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Valley Forge Center Associates, LP, Michael Trio, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Penco Products, Inc.**, Upper Providence Township, **Montgomery County**. Bernard B. Beegle, P. G., Advanced GeoServices, Inc., Rts. 202 and 1, Brandywine One, Suite 202, Chadds Ford, PA 19317-9676, on behalf of Bob Heffernan, Arrowhead Holdings, Inc., c/o Penco Products, Inc., 99 Brower Ave., Oaks, PA 19456, has submitted a Final Report concerning remediation of site soil contaminated with inorganics and other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Vacant Parcel (1126-1130 Spring Garden Street)**, City of Philadelphia, **Philadelphia County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, Inc., 1120 Welsh Rd., Suite 100, North Wales, PA 19454, on behalf of Ross Goldberg, Posel Management Co., 212 Walnut St., Philadelphia, PA 19106, has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with inorganics and PAH. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Progress Plaza**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Progress Investment Associates, Inc., Attn: Wendell Whitlock, 1501 N. Broad St., Philadelphia, PA 19122, has submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents and leaded gasoline. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

**York Haven Hydroelectric Generating Station Recreation Area**, York Haven Borough, **York County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Metropolitan Edison, P. O. Box 16001, Reading, PA 19612, submitted a Final Report concerning the remediation of site soils and groundwater contaminated

with PCBs, BTEX and PHCs. The report is intended to document remediation of the site to the Statewide Health Standard.

**ELCO USA**, Smithfield Township, **Huntingdon County**. Vincent Uhl Associates, Inc., on behalf of AVX Corporation, 801 17th Avenue South, Myrtle Beach, SC 29578, submitted a Final Report concerning remediation of site soils contaminated with heavy metals, groundwater contaminated with solvents and BTEX and surface water and sediment contaminated with solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

**Lancaster Malleable Castings Company**, Manheim Township, **Lancaster County**. Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604, on behalf of Lancaster Malleable Castings Corporation, 1046 Manheim Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site groundwater contaminated with benzene, toluene, ethylbenzene and xylene. The report is intended to document remediation of the site to the Statewide Health Standard.

**New Franklin Elementary School**, Guilford Township, **Franklin County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on behalf of Chambersburg Area School District, 482 South Main Street, Chambersburg, PA 17201, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Fuel Oil No. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

**R. R. Donnelley & Sons Company Lancaster East Facility**, City of Lancaster, **Lancaster County**. Camp Dresser & McKee, Inc., 205 Granite Run Drive, Suite 350, Lancaster, PA 17601, on behalf of R. R. Donnelley & Sons Company, 216 Greenfield Road, Lancaster, PA 17601 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. The report is intended to document remediation of the site to the Statewide Health Standard.

**Former AMP Service Station**, Swatara Township, **Dauphin County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Tyco Electronics Corporation, P. O. Box 3608, Harrisburg, PA 17105-3608, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The site is being remediated to a combination of the Site-Specific and Statewide Health Standards.

**Pennsylvania Steel**, Borough of Hamburg, **Berks County**. UAI Environmental, Inc., 6 Commerce Drive, Reading, PA 19607, on behalf of Atchinson Casting Corporation, 200 East Richland Avenue, Myerstown, PA 17067, County of Berks, 633 Court Street, 14th Floor, Reading, PA 19601 and Reading Company Technical and Historical Society, P. O. Box 15143, Reading, PA 19612-5143, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel, fuel oil no. 2, leaded gasoline, MTBE and other organics. The report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific Standards.

**Kauffman Residence**, Conoy Township, **Lancaster County**. Groundwater and Environmental Services, Inc., on behalf of NiSource, Inc., 801 E. 86th Avenue, Merrillville, IN, 46410, submitted a Final Report concerning remediation of site soils contaminated with Benzene,

Toluene, Ethylbenzene, Xylenes (total), PAHs, Isopropylbenzene and Naphthalene. The report is intended to document remediation of the site to the Statewide Health Standard.

**Maxine Felch Property**, East Donegal Township, **Lancaster County**. Marshall Miller Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Maxine Felch, 14 Klimes Road, Klimes Mobile Home Village, Marietta, PA 17547 and Newcomer Oil Company, 101 East Cherry Street, Elizabethtown, PA 17022, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Lock Haven—Former Athletic Fields**, City of Lock Haven, **Clinton County**. Converse Consultants, on behalf of Lock Haven University Foundation, 126 Akeley Hall, Lock Haven, PA 17745, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate remediation of the site to meet the Background Standard.

**PPL West Williamsport Substation**, City of Williamsport, **Lycoming County**. PPL, 2 North 9th Street, Allentown, PA 18101 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning soil contaminated with PCBs. This submission was made in partial fulfillment of the Site-Specific Standard. See additional action in this *Pennsylvania Bulletin*.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes poten-

tial adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Pulsar Petroleum of Reading, Inc.**, Muhlenberg Township, **Berks County**. Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090-2511, on behalf of Pulsar Petroleum of Reading, Inc., Shippers Road, P. O. Box 159, Macungie, PA 18062, resubmitted a Final Report concerning the remediation of site soils and groundwater contaminated with BTEX. The final report demonstrated attainment of the Site Specific Standard and was approved by the Department on April 4, 2003.

**Daniel Boone Homestead**, Exeter Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 345 North Wyomissing Boulevard, P. O. Box 6307, Reading, PA 19610-0307, on behalf of the Historical and Museum Commission, 300 North Street, Harrisburg, PA 17120, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 4, 2003.

**Former Raymark Industries Lower Mill**, Manheim Borough, **Lancaster County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 (on behalf of Phoenix Group II, LLC, 2600 Virginia Avenue NW, The Watergate, Suite 606, Washington, DC 20037) has submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, heavy metals, solvents, BTEX and PAHs. The final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 11, 2003.

**Crawford Station**, Middletown Borough, **Dauphin County**. Susquehanna Area Regional Airport Authority, Harrisburg International Airport, 208 Airport Drive, Suite 100, Middletown, PA 17057, submitted a baseline environmental report concerning remediation of site soils, groundwater, surface water and sediment contaminated with heavy metals, solvents and PHCs. The site is being remediated as a Special Industrial Area. The report was approved by the Department on April 17, 2003.

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

**PPL West Williamsport Substation**, City of Williamsport, **Lycoming County**. PPL, 2 North 9th Street, Allentown, PA 18101 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning soil contaminated with PCBs. This submission is a partial fulfillment of the Site-Specific Standard. These reports were approved by the Department on April 25, 2003. See additional action in this *Pennsylvania Bulletin*.

**Bloom Residence**, Old Lycoming Township, **Lycoming County**. Hydro Environmental Technologies, Inc., on behalf of Roberta Bloom, 2018 Zuni Lane, Williamsport, PA 17701, has submitted a Final Report concerning soil contaminated with No. 2 Fuel Oil. This Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 24, 2003.

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

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 100904. Centre County Solid Waste Authority**, R. R. 2 Box 501, Bellefonte, PA 16823-9802, located in College Township, **Centre County**. The Major Permit Modification was issued for permit renewal by the Williamsport Regional Office on March 17, 2003.

Persons interested in reviewing the permit may contact David Garg, P. E., Acting Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. 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.*

**M & I Transportation Inc.**, 2 Arbor Field Way, Lake Grove, NY 11755. Authorization No. WH2806. Effective April 21, 2003.

**Double D Transport LLC**, P. O. Box 676, Stafford, CT 06615. Authorization No. WH3679. Effective April 21, 2003.

**Nicholas Tinari General Contracting Inc.**, 657 Red Lion Road, Huntingdon Valley, PA 19006. Authorization No. WH3697. Effective April 21, 2003.

**Ivan Armijos**, 18-89 Troutman St., Flushing, NY 11385. Authorization No. WH3785. Effective April 21, 2003.

**Berkebile Excavating Co., Inc.**, SR 403, P. O. Box 358, Tire Hill, PA 15959. Authorization No. WH3542. Effective April 21, 2003.

**Niram Inc.**, Unit 4, 91 Fulton St., Boonton, NJ 07005. Authorization No. WH3544. Effective April 21, 2003.

**Ault Construction**, 300 W. 6th Ave., Everett, PA 15537-9662. Authorization No. WH3545. Effective April 21, 2003.

**Nicholas J. Didomenico Jr.**, 49 School St., Ambler, PA 19002. Authorization No. WH3546. Effective April 21, 2003.

**Stoey's Trucking Inc.**, 45 Mt. Pleasant Road, Fayetteville, PA 17222. Authorization No. WH3548. Effective April 21, 2003.

**Don Hill General Hauling**, 110 Olive St., Scranton, PA 18508. Authorization No. WH3549. Effective April 21, 2003.

**Tri-State Envelope Corp.**, 20th and Market, Ashland, PA 17921. Authorization No. WH3550. Effective April 21, 2003.

**Helsel Excavating**, 544 Munster Road, Portage, PA 15946. Authorization No. WH3552. Effective April 21, 2003.

**Dennis J. Alenovitz**, 2 Tulip Dr., Honey Brook, PA 19344. Authorization No. WH3553. Effective April 21, 2003.

**Rowland Clean Out & Hauling**, 412 Ellis Road, Willow Grove, PA 19090. Authorization No. WH3554. Effective April 21, 2003.

**Bill McCoy General Contractor**, 225 Old Mill Road, Penn Run, PA 15765-5951. Authorization No. WH3555. Effective April 21, 2003.

**Watts Enterprises**, 1526 Singer Road, Wyomissing, PA 19610. Authorization No. WH3556. Effective April 21, 2003.

**Sharp & Calfo Builder**, 214 Indian Dr., Pittsburgh, PA 15238-1223. Authorization No. WH3558. Effective April 21, 2003.

**Staab Bros. Inc.**, 217 Unity Road, Harrisville, PA 16038. Authorization No. WH3559. Effective April 21, 2003.

**Milo Express Inc.**, P. O. Box 505, 201 Ann St., Oakmont, PA 15139-2008. Authorization No. WH3561. Effective April 21, 2003.

**Arentz Enterprise II**, 1549 Taneytown Road, Gettysburg, PA 17325. Authorization No. WH3562. Effective April 21, 2003.

**US Components Inc.**, 210 Williamstown Road, Berlin, NJ 08009. Authorization No. WH3563. Effective April 21, 2003.

**Lacy's Express Inc.**, P. O. Box 130, Pedricktown, NJ 08067-0130. Authorization No. WH3564. Effective April 21, 2003.

**Earth Tec**, P. O. Box 1461, Levittown, PA 19058. Authorization No. WH3566. Effective April 21, 2003.

**Nuno G. Costaesilva**, 35 Fillmore St., Newark, NJ 07105. Authorization No. WH3568. Effective April 21, 2003.

**Roland Lewis**, 4 Overton Road, East Windsor, NJ 08520. Authorization No. WH3570. Effective April 21, 2003.

**KK&T Transport Inc.**, 223 Lawrence St., New Brunswick, NJ 08901. Authorization No. WH3571. Effective April 21, 2003.

**Emilsen P. Ruiz**, R94 Stedwick Dr., Budd Lake, NJ 07828. Authorization No. WH3572. Effective April 21, 2003.

**Bruce H. Anderson**, 26 New County Road, Monsey, NY 10952. Authorization No. WH3573. Effective April 21, 2003.

**Booker T. Riddick**, 231 S. 18th St., Allentown, PA 18102. Authorization No. WH3574. Effective April 21, 2003.

**Charleroi Borough Authority**, 3 McKean Ave., P. O. Box 211, Charleroi, PA 15022. Authorization No. WH3576. Effective April 21, 2003.

**Burns Farms**, 14329 Route 68, Sligo, PA 16255. Authorization No. WH3577. Effective April 21, 2003.

**Area Refuse Co., Inc.**, 568 Old Mountain Road, Port Jervis, NY 12771. Authorization No. WH3578. Effective April 21, 2003.

**Trimtex Co., Inc.**, 400 Park Ave., P. O. Box 1388, Williamsport, PA 17703-1388. Authorization No. WH3579. Effective April 21, 2003.

**Vernon H. Wenger**, 421 Dierwechter Road, Newmans town, PA 17073. Authorization No. WH4181. Effective April 23, 2003.

**Michael A. Horwat Contractor**, 1313 Wood St., Latrobe, PA 15650-2159. Authorization No. WH4290. Effective April 23, 2003.

**E & S Construction**, 311 S. 2nd St., St. Clair, PA 17970. Authorization No. WH4399. Effective April 23, 2003.

**Superior Tree Service Inc.**, 169 Amelia St., Montclair, PA 19453. Authorization No. WH4466. Effective April 23, 2003.

**Thomas J. Wambold**, 222 Ridge Road, Sellersville, PA 18960. Authorization No. 4562. Effective April 23, 2003.

**Ray A. Walker Trucking**, P. O. Box 5003, Pleasant Gap, PA 16823. Authorization No. WH4563. Effective April 23, 2003.

**Patrick Burns d/b/a Burns Salvage & Excavating**, 278 Lower Coleville Road, Bellefonte, PA 16823. Authorization No. WH4092. Effective April 23, 2003.

**Ronald A. Margiotta**, 433 County Road, Route 50, New Hampton, NY 10958. Authorization No. WH4474. Effective April 23, 2003.

**Fairhope Trucking**, 830 Fairhope Road, Fairhope, PA 15538. Authorization No. WH2917. Effective April 23, 2003.

**John W. Stoner, Sr.**, 2540 Stutzmantown Road, Somerset, PA 15501. Authorization No. WH3582. Effective April 23, 2003.

**Daniel T. Sedler**, 182 Jefferson St., Emmaus, PA 18049-2923. Authorization No. WH3584. Effective April 23, 2003.

**Billy's Trucking Corp.**, 31-33 9th St., Apt. C-10, Elmhurst, NY 11369. Authorization No. WH3585. Effective April 23, 2003.

**Don Huey Custom Building & Remodeling Inc.**, 670 Old Route 119 N., Indiana, PA 15701. Authorization No. WH3587. Effective April 23, 2003.

**Pichels Farms Inc.**, 3131 Linden St., Bethlehem, PA 18017. Authorization No. WH3588. Effective April 23, 2003.

**Benks Land Service**, 301 Route 46, Mine Hill, NJ 07803. Authorization No. WH3589. Effective April 23, 2003.

**Mangery & Sons of Pennsylvania Inc.**, 900 S. Railroad St., P. O. Box 52, Penn, PA 15675-0052. Authorization No. WH3590. Effective April 23, 2003.

**Discount Septic**, 1638 Hickory Run Forest, Jim Thorpe, PA 18229-9635. Authorization No. WH3591. Effective April 23, 2003.

**Hydier Builder**, 36 Trappe Road, Graterford, PA 19426-1830. Authorization No. WH3592. Effective April 23, 2003.

**IPM Contractor Inc.**, P. O. Box 357, Manalapan, NJ 07726. Authorization No. WH3593. Effective April 23, 2003.

**Simon Contracting & Demolition**, 505 N. 7th Ave., Altoona, PA 16601-5864. Authorization No. WH3595. Effective April 23, 2003.

**Miller & Spangler Inc.**, 277 Airport Road, Fredricksburg, PA 17026. Authorization No. WH3596. Effective April 23, 2003.

**Dennis L. Mann**, 106 Mt. Union Road, Fayetteville, PA 17222-9529. Authorization No. WH3597. Effective April 23, 2003.

**Community Craftsmen Contractors Inc.**, 1267 White Oak Road, Indiana, PA 15701-4964. Authorization No. WH3598. Effective April 23, 2003.

**Knoepfels Coal Delivery**, 715 N. Vine St., Shamokin, PA 17872. Authorization No. WH3599. Effective April 23, 2003.

**Shippensburg Leasing Corp.**, P. O. Box 147, Shippensburg, PA 17257. Authorization No. WH4451. Effective April 23, 2003.

**Angel O. Andrade**, 857 Sheridan Avenue, Elizabeth, NJ 07208. Authorization No. WH3811. Effective April 25, 2003.

**Juan A. Dillion**, 297 Elm Street, Newark, NJ 07105. Authorization No. WH3810. Effective April 25, 2003.

**Palmisano Delivery Service, Inc.**, 6634 Delilah Road, Egg Harbor Township, NJ 08234. Authorization No. WH3809. Effective April 25, 2003.

**Falls Township**, 188 Lincoln Hwy., Fairless Hills, PA 19030. Authorization No. WH3808. Effective April 25, 2003.

**Gianni & Sons, Inc.**, 4352 Paul Street, Philadelphia, PA 19124. Authorization No. WH3807. Effective April 25, 2003.

**J. Foieri Hauling**, 119 Greenwood Street, Trevorton, PA 17881-1601. Authorization No. WH3806. Effective April 25, 2003.

**Wayne Gravel Product, Inc.**, 262 Route 44, Shinglehouse, PA 16748. Authorization No. WH3805. Effective April 25, 2003.

**Depietro Trading, Inc.**, Apt. 2, 119 59th Street, West New York, NJ 07093. Authorization No. WH3804. Effective April 25, 2003.

**American Road Lines**, 238 Moon Clinton Road, Coraopolis, PA 15108. Authorization No. WH3803. Effective April 25, 2003.

**Spotts Brothers, Inc.**, 42 Berger Street, Schuylkill Haven, PA 17972. Authorization No. WH3802. Effective April 25, 2003.

**Hennessy Bros., Inc.**, 2136 Strasburg Road, Coatesville, PA 19320. Authorization No. WH3456. Effective April 25, 2003.

**Ray's Excavating**, 903 Campbell Road, Ebensburg, PA 15931. Authorization No. WH3446. Effective April 25, 2003.

**The Original W. Hargrove Demolition, Inc.**, 1507 State Street, Camden, NJ 08105. Authorization No. WH3240. Effective April 25, 2003.

**Lil-Diggs Excavating**, P. O. Box 735, Hollidaysburg, PA 16648-0735. Authorization No. WH3438. Effective April 25, 2003.

**Helen Barclay**, 9200 Route 119 South, Blairsville, PA 15717. Authorization No. WH3431. Effective April 25, 2003.

**Perry County Metal, Inc.**, 163 Sleepy Hollow Road, New Bloomfield, PA 17068. Authorization No. WH3425. Effective April 25, 2003.

**Rodrigo R. Dasilva**, 272 Main St., Danbury, CT 06810-1453. Authorization No. WH1908. Effective April 24, 2003.

**Ecio G. Arruda**, 82 Kossuth St., Newark, NJ 07105-0254. Authorization No. WH1914. Effective April 24, 2003.

**Elsa S. Zapata**, Apt. A7, 301 79th St., North Bergen, NJ 07047-0267. Authorization No. WH1915. Effective April 25, 2003.

**Orion Express, Inc.**, 260 Florida Avenue, Paterson, NJ 07503. Authorization No. WH2839. Effective April 22, 2003.

**A & B Disposal**, 1442 Nicholson Road, P. O. Box 3814, Erie, PA 16509. Authorization No. WH3533. Effective April 25, 2003.

**Walmoore Holsteins, Inc.**, 1826 Howell Moore Road, P. O. Box 158, Chatham, PA 19318-0158. Authorization No. WH3534. Effective April 25, 2003.

**Bart J. Hirth**, 107 Mount Vernon Avenue, Huntingdon, PA 16652. Authorization No. WH3535. Effective April 25, 2003.

**Roman H. Cedillo**, 53-36 Van Dam Street, Long Island City, NY 11101. Authorization No. WH3536. Effective April 25, 2003.

**Stone Valley Construction, Inc.**, 253 East Pine Grove Road, P. O. Box 369, Pine Grove Mills, PA 16868-0369. Authorization No. WH3537. Effective April 25, 2003.

**James Tortorice**, 3012 Steilley Street, Jefferson Hills, PA 15025. Authorization No. WH3538. Effective April 25, 2003.

**Dayton Feed Mill**, 213 Main Street, Dayton, PA 16222-9001. Authorization No. WH3539. Effective April 25, 2003.

**Hightstown Borough**, 148 North Main Street, Hightstown, NJ 08520-3291. Authorization No. WH3682. Effective April 25, 2003.

**John Miller General Contractors**, 7800 Jackson Street, Philadelphia, PA 19136. Authorization No. WH3684. Effective April 25, 2003.

**Alfero Company, Inc.**, 47-49 South 12th Street, Easton, PA 18042-4161. Authorization No. WH3685. Effective April 25, 2003.

**Fluder Home & Builders Supply, Inc.**, 15 Hagevo Road, Windber, PA 15963. Authorization No. WH3686. Effective April 25, 2003.

**J. M. Mershon Builders**, 192 Wrights Road, Newtown, PA 18940-1310. Authorization No. WH3687. Effective April 25, 2003.

**Cardona Israel**, P. O. Box 737926, Elmhurst, NY 11373. Authorization No. WH3689. Effective April 25, 2003.

**Clever A. Agudo**, P. O. Box 737926, Elmhurst NY 11373. Authorization No. WH3690. Effective April 25, 2003.

**Sailor Asphalt Paving Co., Inc.**, 899 Baldwin Road, Pittsburgh, PA 15207-1930. Authorization No. WH3691. Effective April 25, 2003.

**KND Construction Corp.**, 54-24 73rd Place, Maspeth, NY 11358-1535. Authorization No. WH3694. Effective April 25, 2003.

**Action Carting Environmental Service Inc.**, 429 Frelinghysen Ave., Newark, NJ 07114. Authorization No. WH2711. Effective April 25, 2003.

**Diane Leszkowicz**, 70 Mary Street, Belleville, NJ 07109. Authorization No. WH2724. Effective April 25, 2003.

**Gensimore Trucking Inc.**, P. O. Box 5210, Pleasant Gap, PA 16823-5210. Authorization No. WH2742. Effective April 25, 2003.

**Slagles LP**, 47 N. Main St., Washington, PA 15301-4507. Authorization No. WH2965. Effective April 25, 2003.

**David M. Arnold**, 58 Pine St., Clarksville, PA 15322. Authorization No. WH2970. Effective April 25, 2003.

**Jeff Marsh Trucking**, P. O. Box 57, Slatington, PA 18080. Authorization No. WH3074. Effective April 25, 2003.

**Robert W. Marsh**, 6688 Walnut Street, Slatington, PA 18080. Authorization No. WH3075. Effective April 25, 2003.

**Steven F. Vanblargan Trucking**, 163 Pt. Phillips Road, Bath, PA 18014. Authorization No. WH3076. Effective April 25, 2003.

**Edgewater Transport**, P. O. Box 151, Bath, PA 18014. Authorization No. WH3077. Effective April 25, 2003.

**Larry L. Silfies, Jr.**, 751 Pt. Phillips Road, Bath, PA 18014. Authorization No. WH3078. Effective April 25, 2003.

**Frederick Lutthans**, 30 Angler Road, Tuckerton, NJ 08087. Authorization No. WH3080. Effective April 25, 2003.

**Bob Hunsicker Trucking**, 2764 Mountain View Dr., Bath, PA 18014-9239. Authorization No. WH3079. Effective April 25, 2003.

**Richard R. Ottman**, 1140 Maple Spring Dr., Slatington, PA 18080. Authorization No. WH3081. Effective April 25, 2003.

**Conservative Environmental Service Inc.**, P. O. Box 745, Mechanicsburg, PA 17055. Authorization No. WH3787. Effective April 25, 2003.

**Marcos A. Delara**, 535 Walnut St., Elizabeth, NJ 08902. Authorization No. WH4533. Effective April 25, 2003.

**John E. Green**, 69 New Hampshire Ave., Bayshore, NY 11706. Authorization No. WH4534. Effective April 25, 2003.

**J. Hunter Industries Inc.**, 681 Old Frame Road, Smithfield, PA 15478. Authorization No. WH4535. Effective April 25, 2003.

**E U A Trucking Inc.**, 918 Bowling Green Drive, Toms River, NJ 08753. Authorization No. WH4536. Effective April 25, 2003.

**Tucker Transport**, 131 Kingsview Road, Wallkill, NY 12589. Authorization No. WH2589. Effective April 25, 2003.

**Robert Shane Spencer**, P. O. Box 216, 6th St., Grampian, PA 16838. Authorization No. WH2595. Effective April 25, 2003.

**ROAC Inc.**, 8500 Frankstown Road, Pittsburgh, PA 15235. Authorization No. WH2641. Effective April 25, 2003.

**KPI 2 Inc.**, 117 E. Philadelphia Ave., Morrisville, PA 19067. Authorization No. WH3089. Effective April 25, 2003.

**Strish Sanitation**, 411 Orchard Street, Larksville, PA 18704. Authorization No. WH3353. Effective April 25, 2003.

**Pioneer Construction Co., Inc.**, 299 Main St., Sturges, PA 18447. Authorization No. WH3569. Effective April 25, 2003.

**Stafursky Paving Co., Inc.**, 502 Main St., Archbald, PA 18403. Authorization No. WH2519. Effective April 25, 2003.

**Chester O'Connell**, R. R. 2 Box 2808, Waymart, PA 18472. Authorization No. WH3655. Effective April 25, 2003.

**Bill Wise Excavating**, 405 S. 4th St., Lebanon, PA 17042-6208. Authorization No. WH3657. Effective April 25, 2003.

**TSMTCO**, P. O. Box 113, Joplin, MO 64802. Authorization No. WH3663. Effective April 25, 2003.

**Charles E. Atkinson**, P. O. Box 204, Bovard, PA 15619-0204. Authorization No. WH4500. Effective April 25, 2003.

**Ricardo Guillermon**, 1486 Church St., Rahway, NJ 07065. Authorization No. WH4526. Effective April 25, 2003.

**Allegheny Valley Transfer Company Inc.**, 1512 Lebanon Church Road, Pittsburgh, PA 15236-1407. Authorization No. WH3502. Effective April 28, 2003.

**Nazareth Roofing**, 345 Henry Road, Nazareth, PA 18064. Authorization No. WH3503. Effective April 28, 2003.

**Walter E. Henry Jr. Contractor Inc.**, 2855 Springwood Road, Red Lion, PA 17356. Authorization No. WH3504. Effective April 28, 2003.

**Orchard Lane Excavating Inc.**, R. R. 1 Box 62, Roaring Spring, PA 16673. Authorization No. WH3531. Effective April 28, 2003.

**Shannon Hoover**, HC 1 Box 22, Karthaus, PA 16845-9711. Authorization No. WH3532. Effective April 28, 2003.

**C. M. Matko Refuse Company Inc.**, R. R. 4 Box 104, Hollidaysburg, PA 16648. Authorization No. WH3407. Effective April 28, 2003.

**Scartelli General Contractor Inc.**, 364 North Main Street, Taylor, PA 18517. Authorization No. WH3495. Effective April 28, 2003.

**Dominick J. Scartelli**, 364 North Main Street, Taylor, PA 18517. Authorization No. WH3496. Effective April 28, 2003.

**Al's Auto Inc.**, 4339 Old Lincoln Highway, Trevoise, PA 19053-8404. Authorization No. WH3497. Effective April 28, 2003.

**Maurice C. Phillips**, Floor 1, 84 Somme Street, Newark, NJ 07105. Authorization No. WH3498. Effective April 28, 2003.

**E & J Dismantling Company**, 1151 West Center Street, Shenandoah, PA 17976-1409. Authorization No. WH3500. Effective April 28, 2003.

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**Voluntary Terminated Authorizations for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

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*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Bonita Transport**, 884 East Min Avenue, Myerstown, PA 17067. Authorization No. WH3604. Effective April 21, 2003.

**L & A Trucking & Leasing**, 12139 Woodworth Road, North Lima, OH 44452. Authorization No. WH2489. Effective April 21, 2003.

**Allison Trucking Inc.**, 2151 Warm Springs Road, Chambersburg, PA 17201. Authorization No. WH0979. Effective April 23, 2003.

## AIR QUALITY

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**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.**

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

**GP3-50-03001: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on April 22, 2003, for authorization and operation of a portable nonmetallic mineral processing plant under GP3 in their Buffalo Township, Perry County facility.

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

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

**23-0001U: Sunoco, Inc.—R and M** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on April 25, 2003, for operation of a hydrodesulfurization unit in their Marcus Hook Borough, **Delaware County** facility.

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

**39-399-055: Stanley Vidmar Storage Technologies, Inc.** (11 Grammes Road, Allentown, PA 18105) on April 22, 2003, for modification of a clean-up solvent operation at their facility in Allentown, **Lehigh County**.

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

**06-03097: Kore-Mart Limited** (P. O. Box 175, Hamburg, PA 19536) on April 21, 2003, for construction of a sand reclaimer controlled by a fabric collector in their Borough of Hamburg, **Berks County** facility.

**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.*

**46-0005J: Merck and Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486) on April 23, 2003, for operation of a 1,040 kW emergency generator in their Upper Gwynedd Township, **Montgomery County** facility.

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

**36-05117: Dart Container Corp. of PA** (60 East Main Street, P. O. Box 546, Leola, PA 17540-0546) on April 26, 2003, for construction of an expandable polystyrene container molding facility in East Lampeter Township, **Lancaster County**. This plan approval has been extended.

**67-03028A: Dentsply International—Trubyte Division** (570 West College Avenue, York, PA 17405-0872) on March 23, 2003, for construction of a new multi-stage mist eliminator for the hard chromium electroplating unit at their facility in the City of York, **York County**. This source is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. This plan approval has been extended.

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

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

**06-05034: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) on April 23, 2003, for renewal of an Operating Permit to operate a natural gas compressor station at their Bechtelsville Compressor Station in Washington Township, **Berks County**.

**22-05010: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) on April 23, 2003, for renewal of an Operating Permit for operation of a natural gas compressor station at their Grantville Compressor Station in East Hanover Township, **Dauphin County**.

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

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

**15-00079: Reilly and Son, Inc.** (601 East Lincoln Highway, Exton, PA 19341) on April 24, 2003, for operation of a Natural Minor Operating Permit in their West Whiteland Township, **Chester County** facility.

**46-00059: Handelok Bag Co.** (701A West Fifth Street, Lansdale, PA 19446) on April 29, 2003, for operation of a Natural Minor Operating Permit in Lansdale Borough, **Montgomery County**.

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

**44-03010: Trinity Packaging Corp.** (13 Industrial Park Road, Lewistown, PA 17044) on April 25, 2003, for operation of their printing press facility in Granville Township, **Mifflin County**.

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

**37-00318: International Specialty Alloys, Inc.—Aerospace Division** (Northgate Industrial Park, Building A, New Castle, PA 16105) on April 16, 2003, for a Natural Minor Operating Permit to operate three thermite reduction bunkers, vacuum induction melting furnace, crushers and sizing operations for the production of aluminum alloys and metals.

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

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



**06-05017: Packaging Group, Inc.** (441 County Line Road, Gilbertsville, PA 19525) on April 22, 2003, to administratively amend their Title V Operating Permit to reflect a change of their company name to operate their Boyertown Printing Plant in Colebrookdale Township, **Berks County**.

**31-03006: MeadWestvaco Corp.** (P. O. Box 317, Alexandria, PA 16611-0317) on April 24, 2003, to administratively amend their State-only Operating Permit to reflect a change in ownership to operate their printing facility in Porter Township, **Huntingdon County**.

**67-05004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on April 24, 2003, to administratively amend their Title V Operating Permit to incorporate plan approval Nos. 67-05004A, 67-05004C and 67-05004E to operate their pulp and paper mill in Spring Grove Borough, **York County**.

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

**11-00288: Johnstown America Corp.** (17 Johns Street, Johnstown, PA 15901) for operation of their railcar manufacturing at their TV facility in Franklin Borough, **Cambria County**. This action incorporates applicable requirements from Plan Approval PA 11-288A.

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

**16-00127: Piney Creek Limited Partnership—Piney Creek Power Plant** (428 Power Lane, Clarion, PA 16214) to administratively amend their Title V Operating Permit. This amendment incorporates changes brought about by Plan Approval Number 16127B. Their Piney Creek Power Plant is an Electric Energy Generating Facility in Piney Township, **Clarion 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 the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permit Actions

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

**24880101 and NPDES Permit No. PA0104728. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, auger, tipple refuse disposal and coal ash placement operation in Horton Township, **Elk County** affecting 361.0 acres. Receiving streams: unnamed tributary of Mead Run and unnamed tributaries to West Branch of Walburn Run. This renewal is issued for reclamation only. Application received February 18, 2003. Permit issued April 15, 2003.

**10870106 and NPDES Permit No. PA0108081. Quality Aggregates, Inc.** (200 Neville Rd., Neville Island, PA 15225). Renewal of an existing bituminous strip and limestone removal operation in Marion Township, **Butler County** affecting 107.5 acres. Receiving streams: unnamed tributaries to Blacks Creek and Slippery Rock Creek. This renewal is issued for reclamation only. Application received February 14, 2003. Permit issued April 15, 2003.

**16920107 and NPDES Permit No. PA0211435. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip and tipple refuse disposal operation in Perry and Licking Townships, **Clarion County** affecting 547.0 acres. Receiving streams: unnamed tributaries to Cherry Run. Application received August 30, 2002. Permit issued April 22, 2003.

**33930108 and NPDES Permit No. PA0211630. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 53.0 acres. Receiving streams: Lick Run and unnamed tributary to Little Sandy Creek. This renewal is issued for reclamation only. Application received February 28, 2003. Permit issued April 22, 2003.

**24970104 and NPDES Permit No. PA0227552. TDK Coal Sales, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip and auger operation in Jay Township, **Elk County** affecting 294.5 acres. Receiving streams: Wolf Lick Run, unnamed tributaries to Spring Run and Spring Run. This renewal is issued for reclamation only. Application received February 27, 2003. Permit issued April 22, 2003.

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

**11970106 and NPDES Permit No. PA0234591. Laurel Sand & Stone, Inc.,** P. O. Box 556, 210 East Main Street, Ligonier, PA 15658, permit renewal for continued operation of a bituminous surface and sandstone removal mine and for discharge of treated mine drainage in Jackson Township, **Cambria County**, affecting 75.5 acres. Receiving streams: unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinckston Run (CWF) and Bracken Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 3, 2003. Permit issued April 21, 2003.

**32980112 and NPDES Permit No. PA0234893. Alverda Enterprises, Inc.,** P. O. Box 87, Alverda, PA 15710, permit revision to add 8.1 acres, of which 1.2 acres are projected for Lower Freeport coal removal and for discharge of treated mine drainage. Total SMP acres goes from 46.6 to 54.7 in Pine and Green Townships, **Indiana**

County, affecting 54.7 acres. Receiving streams: unnamed tributaries to Yellow Creek (CWF). The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek surface water intake. Application received December 27, 2002. Permit issued April 22, 2003.

*Noncoal Permit Actions*

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

**64030802. Johnston & Rhodes Bluestone Company** (Box 130, 1 Bridge Street, East Branch, NY 13756), commencement and operation of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received October 21, 2002. Permit issued April 22, 2003.

**58022804. Timothy Mark Smith** (R. R. 3 Box 329E, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Lanesboro Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 30, 2002. Permit issued April 22, 2003.

**58030801. David Lauer** (R. R. 1 Box 99, Springville, PA 18844), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received February 19, 2003. Permit issued April 22, 2003.

**66020810. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 3.0 acres, receiving stream: none. Application received December 16, 2002. Permit issued April 22, 2003.

**64012801. Dyberry Sand & Gravel Company** (R. R. 3 Box 3191, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Dyberry Township, **Wayne County**, affecting 5.0 acres, receiving streams: none. Application received August 9, 2001. Permit issued April 24, 2003.

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

**14030301 and NPDES Permit No. PA0243434. Two Rock Stone Company**, P. O. Box 496, Port Matilda, PA 16870. Commencement and operation and restoration of a Large Industrial Minerals (Sandstone) permit in Howard Township, **Centre County** affecting 143.1 acres. Receiving streams: unnamed tributary no. 3 to Lick Run (HQ-CWF) and Bald Eagle Creek (HQ-WWF). Application received February 23, 2003. Application withdrawn: April 24, 2003.

**08992801. Jerry L. Johnson**, R. R. 1, Box 179A, Wyalusing, PA 18853. Transfer of an existing Small Industrial Minerals (Bluestone) permit from Walter Flagstone, Inc. The permit is located in Wilmot Township, **Bradford County** affecting 4.0 acres. Receiving streams: Sugar Run Creek, tributary to East Branch Susquehanna River. Application received February 3, 2003. Permit issued April 14, 2003.

**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. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**23034002. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Bethel Township, **Delaware County** with an expiration date of May 8, 2004. Permit issued April 21, 2003.

**36034030. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of May 7, 2005. Permit issued April 21, 2003.

**36034031. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Lancaster City, **Lancaster County** with an expiration date of May 7, 2005. Permit issued May 7, 2005.

**36034032. ABEL Construction Company, Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Upper Leacock and East Lampeter Townships, **Lancaster County** with an expiration date of May 15, 2003. Permit issued April 21, 2003.

**15034003. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Sadsbury Township, **Chester County** with an expiration date of September 2, 2003. Permit issued April 21, 2003.

**28034011. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Chambersburg Borough and Guilford Township, **Franklin County** with an expiration date of November 2, 2003. Permit issued April 21, 2003.

**28034012. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting in Chambersburg Borough, **Franklin County** with an expiration date of March 28, 2008. Permit issued April 21, 2003.

**06034022. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Cumru Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 21, 2003.

**09034007. Keystone Drilling & Blasting Specialist, Inc.** (27 Independence Road, Mountaintop, PA 18707), construction blasting in Milford Township, **Bucks County** with an expiration date of August 2, 2003. Permit issued April 21, 2003.

**21034015. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of May 1, 2004. Permit issued April 21, 2003.

**35034005. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Moosic Borough, **Lackawanna County** with an expiration date of March 31, 2004. Permit issued April 21, 2003.

**36034019. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Manheim Township, **Lancaster County** with an expiration date of December 31, 2004. Permit issued April 21, 2003.

**45034008. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorsburg, PA 18353), construction blasting in Hamilton Township, **Monroe County** with an expiration date of August 2, 2003. Permit issued April 21, 2003.

**45034009. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorsburg, PA 18353), construction blasting in Pocono Township, **Monroe County** with an expiration date of August 2, 2003. Permit issued April 21, 2003.

**45034010. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Price Township, **Monroe County** with an expiration date of March 20, 2004. Permit issued April 21, 2003.

**45934911. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Paradise and Price Townships, **Monroe County** with an expiration date of March 23, 2004. Permit issued April 21, 2003.

**46034011. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Lower Salford Township, **Montgomery County** with an expiration date of May 1, 2004. Permit issued April 21, 2003.

**46034012. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in Upper Hanover Township, **Montgomery County** with an expiration date of May 2, 2006. Permit issued April 21, 2003.

**46034013. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Pottsgrove Township, **Montgomery County** with an expiration date of May 2, 2004. Permit issued April 21, 2003.

**48034008. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorsburg, PA 18353), construction blasting in Bethlehem Township, **Northampton County** with an expiration date of November 3, 2003. Permit issued April 21, 2003.

**52034002. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Lehman Township, **Pike County** with an expiration date of March 31, 2005. Permit issued April 21, 2003.

**67034015. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Jacobus Borough, **York County** with an expiration date of December 31, 2004. Permit issued April 21, 2003.

**67034016. Fitz & Smith, Inc.** (483 East Locust Street, Dallastown, PA 17313), construction blasting in Springettsbury Township, **York County** with an expiration date of August 8, 2003. Permit issued April 21, 2003.

**67034020. Springfield Contractors, Inc.** (290 Seaks Run Road, Glen Rock, PA 17327), construction blasting in Dover Township, **York County** with an expiration date of April 25, 2004. Permit issued April 21, 2003.

**38034005. ABEL Construction Company, Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in South Londonderry Township, **Lebanon County** with an expiration date of November 8, 2003. Permit issued April 21, 2003.

**46034016. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Lower Providence Township, **Montgomery County** with an expiration date of May 7, 2004. Permit issued April 21, 2003.

**36034036. Keystone Blasting Service** (281 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Ephrata Borough, **Lancaster County** with an expiration date of August 15, 2003. Permit issued April 21, 2003.

**36034035. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Warwick Township, **Lancaster County** with an expiration date of May 15, 2005. Permit issued April 21, 2003.

**36034033. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of May 8, 2004. Permit issued April 21, 2003.

**67034017. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Springettsbury Township, **York County** with an expiration date of May 8, 2004. Permit issued April 21, 2003.

**48034009. Hilltop Excavating, Inc.** (4186 Cashew Drive, Walnutport, PA 18088) and **Austin Powder, Inc.** (P. O. Box 189, Northampton, PA 18067), construction blasting in Allen Township, **Northampton County** with an expiration date of February 11, 2004. Permit issued April 22, 2003.

**35034006. Meto/UTC, Ltd.** (P. O. Box 3290, Maple Glen, PA 19002-8290) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Jefferson Township, **Lackawanna County** with an expiration date of April 1, 2004. Permit issued April 22, 2003.

**21034016. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of May 16, 2004. Permit issued April 22, 2003.

**21034017. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Silver Spring Township, **Cumberland County** with an expiration date of May 16, 2004. Permit issued April 22, 2003.

**36034034. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Manor Township, **Lancaster County** with an expiration date of May 15, 2004. Permit issued April 22, 2003.

**36034037. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in East Cocalico Township, **Lancaster County** with an expiration date of May 16, 2004. Permit issued April 22, 2003.

**15034004. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Easttown Township, **Chester County** with an expiration date of May 16, 2004. Permit issued April 24, 2003.

**06034023. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Caernarvon Township, **Berks County** with an expiration date of May 16, 2004. Permit issued April 24, 2003.

**21034020. Cumberland County Landfill** (620 Newville Road, Newburg, PA 17240) and **Senex Explosives, Inc.** (710 Millers Run Road, Cuddy, PA 15031), construction blasting in North Newton and Hopewell Township, **Cumberland County** with an expiration date of November 16, 2003. Permit issued April 24, 2003.

**23034003. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Upper Chichester Township, **Delaware County** with an expiration date of May 16, 2004. Permit issued April 24, 2003.

**38034006. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in North Londonderry Township, **Lebanon County** with an expiration date of May 17, 2004. Permit issued April 24, 2003.

**67034014. K. E. Shank, Inc.** (700 Weldon Drive, York, PA 17404) and **D. C. Guelich Explosives** (P. O. Box 245, Thomasville, PA 17364), construction blasting in West Manchester Township, **York County** with an expiration date of May 31, 2003. Permit issued April 24, 2003.

**40034008. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Hazle Township, **Luzerne County** with an expiration date of April 7, 2004. Permit issued April 24, 2003.

**40034010. No. 1 Contracting Corp.** (49 South Main Street, Ashley, PA 18706), construction blasting in Wilkes-Barre Township, **Luzerne County** with an expiration date of August 23, 2003. Permit issued April 25, 2003.

**38034007. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Millcreek Township, **Lebanon County** with an expiration date of November 17, 2003. Permit issued April 25, 2003.

**36034038. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Earl Township, **Lancaster County** with an expiration date of May 17, 2005. Permit issued April 25, 2003.

**36034039. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Earl Township, **Lancaster County** with an expiration date of June 17, 2003. Permit issued April 25, 2003.

**38034008. Handwerk Contractors** (Old Farm Road, P. O. Box 326, Hummelstown, PA 17036), construction blasting in Palmyra Borough and North Londonderry Township, **Lebanon County** with an expiration date of May 16, 2004. Permit issued April 25, 2003.

**28034013. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting in Greene Township, **Franklin County** with an expiration date of November 17, 2003. Permit issued April 25, 2003.

**21034018. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Hampden Township, **Cumberland County** with an expiration date of May 17, 2005. Permit issued April 25, 2003.

**28034014. Fayetteville Contractors, Inc.** (P. O. Box FCI, Fayetteville, PA 17222), construction blasting in Greene Township, **Franklin County** with an expiration date of January 17, 2004. Permit issued April 25, 2003.

**28034015. David H. Martin Excavating** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Atrim Township, **Franklin County** with an expiration date of November 22, 2003. Permit issued April 25, 2003.

**36034040. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Warwick Township, **Lancaster County** with an expiration date of December 31, 2004. Permit issued April 25, 2003.

**67034018. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Springettsbury Township,

**York County** with an expiration date of December 31, 2004. Permit issued April 25, 2003.

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

**56034002. D. C. Guelich Explosives Company**, 456 Stouffer Hill Road, Friedens, PA 15541, blasting activity issued for a sanitary sewer line construction project located in Somerset Township, **Somerset County** specifically at the Wal-Mart Supercenter construction project (Routes 219 and 601). Expected duration of blasting is 10 days. Permit Issued April 24, 2003.

**56034001. Geophysical Applications**, 54 Monarch Road, Guelph, Ontario, Canada N1K153, blasting activity permit issued for a seismic testing project for oil and gas wells located in Jenner and Lincoln Townships, **Somerset County**, specifically located near the Town of Gray. Expected duration of blasting is 60 days. Permit Issued April 23, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market 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**

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

**E09-848. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Tincum and Bedminster Townships, Bucks County, ACOE Philadelphia District.**

To construct and maintain a 24-foot wide two span bridge having a clear span of 85 feet over the Tohickon Creek (CWF) on Dark Hollow Road (SR 1013, Section 10S) (Lumberville, PA Quadrangle N: 11.45 inches; W: 17.25 inches) in Bedminster and Tincum Townships, Bucks County. The existing two span bridge was removed under an Emergency Permit No. EP0902314 and the proposed bridge will closely match the look of the existing bridge and vertical and horizontal profiles of the road will remain unchanged. Work also includes approximately 140 linear feet of drainage channel realignment at the northwest corner of the bridge abutment.

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

**E64-239. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Clinton Township, Wayne County, Army Corps of Engineers Philadelphia District.**

To remove the existing structure and to construct and maintain a road crossing of a perennial tributary to Van Auken Creek (HQ-TSF, MF), consisting of a 14.0-foot by 7.0-foot by 40-foot-long precast concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The project is located along SR 4002, Segment 0020, Offset 1944, approximately 0.2 mile west of the intersection of SR 4002 and T-456 (Little Keen Pond Road) (Waymart, PA Quadrangle N: 20.1 inches; W: 2.5 inches) (Subbasin 01B).

**E48-325. Hanover Township, 3630 Jacksonville Road, Bethlehem, PA 18017-9303. Hanover Township, Northampton County, Army Corps of Engineers Philadelphia District.**

To construct and maintain a stream enclosure consisting of three 10-foot by 4-foot concrete box culverts having a length of approximately 265 feet in a tributary to Monocacy Creek (HQ-CWF, intermittent) for the purpose of eliminating the historical flooding of SR 0512. The project also includes a channel change at the upstream end of the stream enclosure consisting of 270 feet of cable concrete channel lining and a 40-foot long cable concrete outlet protection structure. The project is located on property owned by the Aspen Inn, southwest of the intersection of Stoke Park Road and SR 0512 (Catasauqua, PA Quadrangle N: 6.5 inches; W: 1.2 inches) (Subbasin 2C).

**E54-301. Schuylkill County, 401 North Second Street, Pottsville, PA 17901. South Manheim Township, Schuylkill County, Army Corps of Engineers Philadelphia District.**

To remove the existing structure and to construct and maintain a concrete adjacent box beam bridge having a single span of 50 feet by 20 feet wide and a minimum underclearance of approximately 5.28 feet across Bear Creek (CWF, perennial). The project also includes a de minimis area of PFO wetland impact equal to 0.01 acre and a 150-foot long channel change in a tributary to Bear Creek (CFW, intermittent) to accommodate improvements to the vertical roadway geometry. The bridge is known as County Bridge No. 112 and is located along Township Road T676 (Woodland Drive), just south of SR 0895 (Auburn, PA Quadrangle N: 21.4 inches; W: 16.1 inches) (Subbasin 03A).

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

**E05-308: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648 in Juniata Township, Bedford County, ACOE Baltimore District**

To remove the existing bridge and to construct and maintain a concrete bridge having a single clear span of 34.5 feet on an 80 degree skew with a minimum underclearance of 5.57 feet across Spicer Brook (WWF), on SR 3019, Section 002, Segment 0160, offset 1047 and to fill in 0.17 acre of wetland to improve the traffic condition located just north of New Buena Vista Village (Schellsburg, PA Quadrangle N: 2.45 inches; W: 10.0 inches) in Juniata Township, Bedford County. The wetland impact of 0.17 acre will be mitigated at Huntingdon County Advance Wetland Replacement Site.

**E28-308: Lady Moon Farms, Inc., 1795 Criders Church Road, Chambersburg, PA 17201 in St. Thomas Township, Franklin County, ACOE Baltimore District**

To maintain a 12-foot by 14-foot pump house perched on fill material in the floodway and install an 8-inch intake pipe, which can be authorized by General Permit No. 4 in Dennis Creek (CWF). The project is located approximately 850 feet upstream from the confluence with Back Creek (Chambersburg, PA Quadrangle N: 13.15 inches; W: 16.2 inches) in St. Thomas Township, Franklin County.

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

**E18-355. Terry L. Wenker, 420 West Croak Hollow Road, Lock Haven, PA 17745. Floodway Home Reconstruction, in Mill Hall Borough, Clinton County, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 18.55 inches; W: 15.0 inches).**

To reconstruct and maintain a 42 foot by 32 foot home with 8 foot high walls in the floodway of Fishing Creek. The project is located at 308-312 South Main Street adjacent to the intersection of South Main Street with Arch Street in Mill Hall Borough, Clinton County. The project will not impact wetlands or waterways. This permit was issued under section 105.13(e) "Small Projects."

**E41-525. Fredrick C. Richter**, 42 Troy Street, Canton, PA 17724. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Susquehanna Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 18.35 inches; W: 0.04 inch).

To construct and maintain a 24-foot long by 24-foot wide by 22-foot high enclosed picnic pavilion as well as remove an existing 14-foot wide by 56-foot long mobile home and replace in kind, in the floodway of the West Branch of the Susquehanna River, located 3 miles west of SR 3008 along River Road in Susquehanna Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

**E49-267. Sunnyside/Overlook Municipal Authority**, 30 South Market Street, Elysburg, PA 17824. Sunnyside/Overlook Sewer System, in Ralpho Township, **Northumberland County**, ACOE Susquehanna River Basin District (Shamokin, PA Quadrangle N: 12.6 inches; W: 11.5 inches).

To construct and maintain a 30 foot by 30 foot sewage pumping station in the floodplain of Shamokin Creek (WWF). The project is located along the eastern right-of-way of SR 0061 Ralpho Township, Northumberland County. The sewer pumping station will not impact any jurisdictional wetlands while permanently impacting 900 square feet of floodplain. This permit was issued under section 105.13(e) "Small Projects."

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

**E02-843 A1. A. V. Associates Limited Partners, Inc.**, 300 Market Street, Johnstown, PA 15901. Frazer and Indiana Townships, **Allegheny County**, Pittsburgh ACOE District (New Kensington West, PA Quadrangle N: 13.1 inches; W: 6.2 inches). The applicant proposes to reissue and amend Permit E02-843 to construct and maintain a 60-inch diameter RCP culvert having a length of 2,419 feet in a tributary to Tawney Run (Valley I) (WWF). To construct and maintain a 54-inch diameter RCP for 450 feet connected to a 60-inch diameter RCP culvert for 2,370 feet in a tributary to Tawney Run (Valley II). To construct and maintain a 6 foot by 6 foot concrete box culvert extension for 94.4 feet to an existing 6 foot by 6 foot box culvert in a tributary to Tawney Run (Valleys I and II). To place and maintain fill in 1.78 acres of wetlands. This permit is for a proposed business park and shopping mall (Pittsburgh Mills formerly Frazer Heights Galleria) located approximately 1,500 feet upstream from Route 28 in Frazer Township, Allegheny County. The permittee is required to provide 2.89 acres of replacement wetlands, located in Emmerling Park along the right bank side of Deer Creek in Indiana Township, 1.78 acres will be for the proposed mall and 1.11 acres will be for the proposed interchange and 11,000 feet of stream habitat improvements within the delayed harvest area of Deer Creek in West Deer Township. This project will also culvert approximately 1,400 feet of a tributary to Tawney Run (Valley III) which qualifies for authorization under the Department's waiver 105.12(a)(2).

**E02-1421. Hampton Township**, 3101 McCully Road, Allison Park, PA 15101. Hampton Township Wickline Road Bridge, Hampton Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle

N: 17.8 inches; W: 10.7 inches). The applicant proposes to operate and maintain an existing bridge having a span of 29.5 feet and underclearance of 7 feet across Crouse Run (TSF). The bridge is located on Wickline Road approximately 1,000 feet west of its intersection with South Pioneer Road. The bridge was constructed under Emergency Permit No. EP0202205.

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

**E10-370. Butler County Commissioners**, P. O. Box 1208, Butler, PA 16003-1208. Snyder Bridge across a tributary to McMurray Run, in Mercer Township, **Butler County**, ACOE Pittsburgh District (Barkeyville, PA Quadrangle N: 0.6 inch; W: 14.5 inches).

To remove the existing Snyder Bridge (County No. 8) and to construct and maintain an open bottom low profile corrugated steel box culvert having a span of 10.6 feet and a rise of 4.2 feet across a tributary to McMurray Run (CWF) on T-467 Unity Road approximately 0.25 mile east of Valley View Road.

**E20-513. Lauderdale Estates Improvement Association**, P. O. Box 5241, Conneaut Lake, PA 16316. Lauderdale Estates Boat Docking Area in Conneaut Lake, in Summitt Township, **Crawford County** ACOE Pittsburgh District (Harmonsburg, PA Quadrangle N: 3.2 inches; W: 7.75 inches).

To repair, operate and maintain walls, bulkheads, docks and other appurtenant structures, including maintenance dredging, associated with three boat docking areas for Lauderdale Estates located along the east side of a canal tributary to the north end of Conneaut Lake west of East Canal Drive.

**E33-212. Department of Transportation, District 10-0**, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. SR 3008, Segment 0010, Offset 0563 across Perryville Run, in Perry Township, **Jefferson County**, ACOE Pittsburgh District (Valier, PA Quadrangle N: 8.8 inches; W: 11.05 inches).

To remove the existing bridge and to install and maintain a 34 foot long precast concrete box culvert having an 18 foot wide waterway opening in Perryville Run on SR 3008, Segment 0010, Offset 0563 in the Village of Hamilton.

**E61-259. Cranberry-Venango County General Authority**, P. O. Box 378, Seneca, PA 16346. Pump Station No. 7 Replacement and Forcemain and Sanitary Sewer Improvements, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Cranberry, PA Quadrangle N: 20.8 inches; W: 11.4 inches).

To construct and maintain Pump Station No. 7 and 9,350 feet of 12-inch and 14-inch diameter PVC force main sanitary sewer line and 6,650 feet of 8-inch, 10-inch and 12-inch diameter gravity sanitary sewer line paralleling SR 257 and portions of unnamed tributaries to Lower Twomile Run from approximately 0.3 mile northeast of the intersection of SR 257 and U. S. Route 322 (Cranberry, PA Quadrangle N: 19.15 inches; W: 11.65 inches) to Division Street (Cranberry, PA Quadrangle N: 22.35 inches; W: 10.6 inches). The project includes 14 crossings of exceptional value wetlands (temporarily impacting 0.856 acres) and 3 crossings of unnamed tributaries to Lower Two Mile Run (CWF).

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## SPECIAL NOTICES

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### Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) and sections 208 and 901 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101 for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

#### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast	Armstrong County	Armstrong County	Plan Revision	\$52,400

[Pa.B. Doc. No. 03-874. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Coal and Clay Mine Subsidence Insurance Fund Board Meeting

A special meeting of the Coal and Clay Mine Subsidence Insurance Fund Board will take place on May 13, 2003, at 10 a.m. in the 5th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>. Questions regarding the agenda may be directed to Lawrence Ruane, (717) 783-9590, [lruane@state.pa.us](mailto:lruane@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lawrence Ruane at (717) 783-9590 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-875. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Wetlands Protection Advisory Committee Meeting Cancellation

The Wetlands Protection Advisory Committee meeting scheduled for Thursday, May 22, 2003, has been cancelled. The next meeting is scheduled for Thursday, August 28, in the first floor conference room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA at 10 a.m. For information, contact Kelly Heffner, (717) 787-6827, [kheffner@state.pa.us](mailto:kheffner@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-876. Filed for public inspection May 9, 2003, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Quincy United Methodist Home  
P. O. Box 217  
Quincy, PA 17247

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.32 (relating to janitor closet):

Evangelical Subacute Care Unit  
One Hospital Drive  
Lewisburg, PA 17837

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

Nipple Convalescent Home  
100 South Front Street  
Liverpool, PA 17045

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previ-

ously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-877. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Medical Assistance Program Dental Fee Schedule Revisions

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Public Welfare (Department) will revise the Medical Assistance (MA) Dental Fee Schedule (schedule) to implement the Current Dental Terminology, 4th edition (CDT-4) procedure codes. To conform to the CDT-4, the Department will add two new procedure codes to the schedule, end date other procedure codes currently on the schedule and revise descriptors of other procedure codes currently on the schedule. The changes are effective June 1, 2003.

Two procedure codes are being added to the schedule to reflect industry standards and permit dentists enrolled in the MA Program to submit invoices for payment, which describe the actual dental services that are to be provided. Dental providers currently are not able to bill the correct dental procedure when performing a resin-based composite—four or more surfaces, anterior and resin-based composite—four or more surfaces, permanent posterior and are using the procedure codes for three surfaces to receive payment. The fee for the new procedure codes will be the same as the fee for the codes for three surfaces.

The revisions to the schedule were presented to the Medical Assistance Advisory Committee (MAAC) at its February 27, 2003, meeting. The Department received no comments from the MAAC regarding the proposed revisions.

The following procedure codes are being added to the dental fee schedule effective June 1, 2003:

*New Procedure  
Code*

*Definition*

D2335	Resin-based composite—four or more surfaces or involving incisal angle (anterior)
D2394	Resin-based composite—four or more surfaces, posterior

The following procedure codes are being deleted from the schedule and will not be compensable for services provided after June 1, 2003, and will be replaced with the specified procedure codes effective June 1, 2003:

<i>End-Dated Procedure Code</i>	<i>Current Definition</i>	<i>New Procedure Code</i>	<i>New Definition</i>
D2110	Amalgam—one surface—primary	D2140	Amalgam—one surface—primary or permanent
D2120	Amalgam—two surfaces—primary	D2150	Amalgam—two surfaces—primary or permanent
D2130	Amalgam—three surfaces—primary	D2160	Amalgam—three surfaces—primary or permanent
D2131	Amalgam—four surfaces—primary	D2161	Amalgam—four or more surfaces—primary or permanent
D2336	Resin-based composite crown, anterior—primary	D2390	Resin-based composite crown, anterior
D2337	Resin-based composite crown, anterior—permanent	D2390	Resin-based composite crown, anterior
D2380	Resin-based composite—one surface, posterior—primary	D2391	Resin-based composite—one surface, posterior
D2381	Resin-based composite—two surfaces, posterior—primary	D2392	Resin-based composite—two surfaces, posterior
D2382	Resin-based composite—three or more surfaces, posterior—primary	D2393	Resin-based composite—three surfaces, posterior
D2385	Resin-based composite—one surface, posterior—permanent	D2391	Resin-based composite—one surface, posterior
D2386	Resin-based composite—two surfaces, posterior—permanent	D2392	Resin-based composite—two surfaces, posterior
D2387	Resin-based composite—three surfaces, posterior—permanent	D2393	Resin-based composite—three surfaces, posterior



<i>End-Dated Procedure Code</i>	<i>Current Definition</i>	<i>New Procedure Code</i>	<i>New Definition</i>
D7110	Extractions (includes local anesthesia, suturing, if needed, and routine postoperative)—single tooth	D7140	Extraction, erupted tooth or exposed root (elevation and/or forceps removal)
D7120	Each additional tooth	D7140	Extraction, erupted tooth or exposed root (elevation and/or forceps removal)

The descriptors of the following procedure codes are being revised effective June 1, 2003:

<i>Procedure Code</i>	<i>Current Definition</i>	<i>Revised Definition</i>
D2140	Amalgam—one surface, permanent	Amalgam—one surface, primary or permanent
D2150	Amalgam—two surfaces, permanent	Amalgam—two surfaces, primary or permanent
D2160	Amalgam—three surfaces, permanent	Amalgam—three surfaces, primary or permanent
D2161	Amalgam—four or more surfaces, permanent	Amalgam—four or more surfaces, primary or permanent
D2710	Crown—resin (laboratory)	Crown—resin (indirect)
D4210	Gingivectomy or gingivoplasty—per quadrant	Gingivectomy or gingivoplasty—four or more contiguous teeth or bounded teeth spaces per quadrant
D4341	Periodontal scaling and root planing—per quadrant	Periodontal scaling and root planing—four or more contiguous teeth or bounded teeth spaces per quadrant
D4355	Full mouth debridement to enable comprehensive periodontal evaluation and diagnosis	Full mouth debridement to enable comprehensive evaluation and diagnosis
D4910	Periodontal maintenance procedures (following active therapy)	Periodontal maintenance (for patients who have previously been treated for periodontal disease)
D7270	Tooth reimplantation and/or stabilization of accidentally evulsed or displaced tooth and/or alveolus	Tooth reimplantation and/or stabilization of accidentally evulsed or displaced tooth
D7280	Surgical exposure of impacted or unerupted tooth for orthodontic reasons (including orthodontic attachments)	Surgical access of an unerupted tooth
D7450	Removal of odontogenic cyst or tumor—lesion diameter up to 1.25 cm	Removal of benign odontogenic cyst or tumor—lesion diameter up to 1.25 cm
D7451	Removal of odontogenic cyst or tumor—lesion diameter greater than 1.25 cm	Removal of benign odontogenic cyst or tumor—lesion diameter greater than 1.25 cm
D7460	Removal of nonodontogenic cyst or tumor—lesion diameter up to 1.25 cm	Removal of benign nonodontogenic cyst or tumor—lesion diameter up to 1.25 cm
D7461	Removal of nonodontogenic cyst or tumor—lesion diameter greater than 1.25 cm	Removal of benign nonodontogenic cyst or tumor—lesion diameter greater than 1.25 cm
D7471	Removal of exostosis—per site	Removal of lateral exostosis (maxilla or mandible)
D9220	General anesthesia	Deep sedation/general anesthesia
D9241	Intravenous sedation/analgesia	Intravenous conscious sedation/analgesia

#### *Fiscal Impact*

The fiscal impact was prepared under the authority of section 612 of The Administrative Code of 1929 (71 P. S. § 232).

#### *Public Comment*

Interested persons are invited to submit written comments to this notice, within 30 days of this publication, to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Comments received will be considered in subsequent revisions to the fee schedule.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-361. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 03-878. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to Nursing Facilities; April 1, 2003 Final Rates

The purpose of this notice is to announce final payment rates for nursing facilities based on case-mix index (CMI) adjustments only, for nursing facility services provided on or after April 1, 2003, in accordance with 42 U.S.C.A. § 1396a(a)(13), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33). An April 1, 2003, proposed rates notice was published at 33 Pa.B. 1297 (March 8, 2003) and provided for a 30-day comment period. The Department of Public Welfare (Department) did not receive any comments on the proposed April 1, 2003, rate notice.

#### Rates

The final April 1, 2003, rates are available at the local county assistance offices throughout this Commonwealth, on the Office of Medical Assistance Programs' website at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Care Programs, (717) 705-3705.

#### Methodology

The methodology that the Department used to set the final rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) and the Commonwealth's approved Title XIX State Plan.

#### Justification

The justification for establishing the final rates is that they were set under the rate setting methodology required by the Commonwealth's regulations and approved State Plan.

#### Appeals

A Medical Assistance (MA) nursing facility provider that has not submitted a signed Certification and Settlement Agreement for Year 8 (July 1, 2002—June 30, 2003) may file an administrative appeal if it believes that the Department made any errors or the provider otherwise disagrees with its Year 8 rates. A provider's appeal must be sent, in writing, to the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105 and received by the Bureau of Hearings and Appeals (Bureau) within 30 days of the date of the Department's letter notifying the provider of its final rates. The filing of an appeal constitutes the exclusive way by which a provider can present the Department with a demand that a final rate be modified, reversed, rescinded or otherwise altered, or with a demand that the Department increase the amount of reimbursement paid to the provider under that rate. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau. The provider's rates may be changed as a result of the final adjudication of the appeal. Providers should refer to 55 Pa. Code § 1187.141 (relating to nursing facility's right to appeal and to a hearing) for more detail regarding their appeal rights and the requirements related to their written appeals.

#### Fiscal Impact

The estimated increase in annual aggregate expenditures for MA nursing facility services for FY 2002-2003 based on these final rates is \$2.779 million (\$1.260 million in State funds).

Interested persons are invited to submit written comments about the final rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Office of Medical Assistance Programs, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-360. (1) General Fund; (2) Implementing Year 2002-03 is \$1,260,000; (3) 1st Succeeding Year 2003-04 is \$3,774,000; 2nd Succeeding Year 2004-05 is \$3,774,000; 3rd Succeeding Year 2005-06 is \$3,774,000; 4th Succeeding Year 2006-07 is \$3,774,000; 5th Succeeding Year 2007-08 is \$3,774,000; (4) 2001-02 Program—\$761,877,000; 2000-01 Program—\$722,565,000; 1999-00—\$693,625,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for these changes is included in the 2002-03 and 2003-04 budgets.

[Pa.B. Doc. No. 03-879. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DEPARTMENT OF STATE

### State Plan Advisory Board Meeting

On Monday, May 12, 2003, the State Plan Advisory Board (Board) will meet from 9:30 a.m. to 3 p.m. in Room 303, North Office Building, Harrisburg. The Board is responsible for developing a plan which details how the Commonwealth will use grants from the Federal government to meet the requirements of the Federal Help America Vote Act of 2002 and "to carry out other activities to improve the administration of elections." Persons wishing to attend should contact Barbara Smotherman, (717) 787-3796, [bsmotherma@state.pa.us](mailto:bsmotherma@state.pa.us).

PEDRO A. CORTES,  
*Acting Secretary of the Commonwealth*

[Pa.B. Doc. No. 03-880. Filed for public inspection May 9, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following properties are available for sale by the Department:

Parcel No. 5—New Sewickley Township, Beaver County. This parcel contains approximately 0.233 ± acre or 10,145 ± square feet of unimproved land situated on the northerly side of Freedom-Crider Road in New Sewickley Township, Beaver County. The estimated fair market value of the parcel is \$2,900.

Parcel No. 6—New Sewickley Township, Beaver County. This parcel contains approximately 0.381 ± acre or 16,599 ± square feet of unimproved land situated on the northerly side of Freedom-Crider Road in New Sewickley Township, Beaver County. The estimated fair market value of the parcel is \$1,660.

Interested public entities are invited to express their interest in purchasing a site within 30 calendar days from the date of publication of this notice to Raymond S. Hack, District Engineer, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

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

[Pa.B. Doc. No. 03-881. Filed for public inspection May 9, 2003, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Hercules Cement Company, LP v. DEP; EHB Doc. No. 2003-090-K**

Hercules Cement Company, LP has appealed the issuance by the Department of Environmental Protection of Noncoal Surface Mining Permit No. 7473SM2T and NPDES Permit No. 0118460 (March 13, 2003) to same for a facility in the Upper Nazareth Township, Northampton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 03-882. Filed for public inspection May 9, 2003, 9:00 a.m.]

## HOUSING FINANCE AGENCY

**2004 Low Income Housing Tax Credit Program  
Public Hearing**

The Housing Finance Agency (Agency), as the Administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, will conduct a public hearing to obtain public comment on the proposed Pennsylvania 2004 Low Income Housing Tax Credit Allocation Plan (Allocation Plan). The public hearing will be held at 9 a.m. on May 27, 2003, at the Housing Finance Agency, 2101 North Front Street, Harrisburg, PA.

Copies of the proposed Allocation Plan are available upon written request at the following address, by phone at (717) 780-3948, TTY for Hearing Impaired (717) 780-1869 or through the Agency's website at [www.phfa.org](http://www.phfa.org). Individuals who wish to comment on the Allocation Plan but are unable to attend the scheduled hearing are invited to provide written comments, by May 23, 2003, to Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029.

Written comments must be submitted before or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 03-883. Filed for public inspection May 9, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 24, 2003, and announced the following:

*Regulation Approved*

Department of Transportation #18-371: Liquid Fuels Tax Funds (amends 67 Pa. Code Chapter 449)

**Approval Order**

Public Meeting held  
April 24, 2003

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; Murray Ufberg, Esq.

**Department of Transportation—Liquid Fuels Tax Funds; Regulation No. 18-371**

On March 17, 2003, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 449. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking amends annual reporting forms and documents needed by municipalities to qualify for annual liquid fuels tax funds. It also increases the threshold level from \$4,000 to \$10,000 for competitive bidding, advertising and bonding requirements. These changes are needed to make the regulations consistent with existing statutes.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 6103 and 9511) and the intention of the General Assembly. Having considered all of the other criteria of

the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-884. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-528	State Board of Optometry General Revisions (33 Pa.B. 1120 (March 1, 2003))	3/31/03	4/30/03
16A-529	State Board of Optometry Continuing Education (33 Pa.B. 1118 (March 1, 2003))	3/31/03	4/30/03
16A-605	State Board of Vehicle Manufacturers, Dealers and Salesperson Branch Lots (33 Pa.B. 1124 (March 1, 2003))	3/31/03	4/30/03
16A-417	State Architects Licensure Board Firm Practice (33 Pa.B. 1116 (March 1, 2003))	3/31/03	4/30/03
57-223	Pennsylvania Public Utility Commission Filing Requirements Relating to Water and Wastewater Public Utilities (33 Pa.B. 1106 (March 1, 2003))	3/31/03	4/30/03

#### **State Board of Optometry Regulation No. 16A-528 General Revisions April 30, 2003**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Optometry (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

#### **1. Section 23.1. Definitions.—Protection of the public health; Need; Clarity.**

*Means and methods for the examination, diagnosis and treatment of conditions of the visual system.*

*Examination, diagnosis and treatment.*

The House Professional Licensure Committee (House Committee) commented requesting "a detailed explanation of the training of optometrists in order to perform the 14 services listed in the proposed regulations, as well as an explanation as to how long each service has been

part of optometric practice. Additionally, the Committee requests information as to the extent these services are considered to be within the scope of optometric practice in other states." The House Committee also listed the following specific concerns:

- Subparagraph (i)(C) appears to authorize optometric offices as facilities in which anesthesia may be administered.

- The House Committee noted the comments submitted by the Pennsylvania Medical Society (PMS) on subparagraph (i)(F) requesting that the use of lasers be limited to diagnostic imaging purposes.

- Subparagraph (i)(H) would appear to limit low vision rehabilitation exclusively to the practice of optometry. The House Committee fears this would have a negative impact on unlicensed individuals who are appropriately engaged in the practice of low vision rehabilitation.

- The House Committee noted the PMS comment that recommends deleting or modifying subparagraph (i)(I) relating to diagnostic and nonsurgical treatment of the lacrimal system.

- The House Committee questions why subparagraph (ii) includes all levels of evaluation and management services and not just those levels of evaluation and management services pertaining to the visual system.

We agree with the House Committee concerns and requests for additional supporting information regarding the scope of optometric practice.

Additionally, the public submitted comments questioning the list of procedures included in this definition as follows:

- Commentators believe subparagraph (i)(E) should not allow optometrists to provoke attacks of glaucoma which they believe is outside the scope of the practice of optometry.

- Commentators believe that under subparagraph (i)(K) an optometrist should not be allowed to order or calculate the lens implant power which they also believe is outside the scope of the practice of optometry.

- Commentators believe that under subparagraph (i)(L) the ordering of computer assisted tomography and magnetic resonance imaging scans is the practice of medicine and is outside the scope of the practice of optometry.

- Under subparagraph (i)(M), commentators believe that the ordering, interpretation and reporting of angiography studies is outside the scope of practice of optometry.

The Board should evaluate each comment and provide either an explanation of why each provision is appropriately within an optometrist's scope of practice under the Optometric Practice and Licensure Act, amend the provision to address the concern raised or delete the provision.

#### *Placement within the definition section.*

We have two concerns with the placement of this provision within the definitions section.

- Some of the provisions appear to be substantive, such as subparagraph (i)(C). Substantive provisions within a definition are not enforceable. Therefore, it is not clear how this definition would be applied.

- We only found this term used once within the regulation, in § 23.83. We question the need to define this term rather than explain it where it is used in the regulation.

For these reasons, the Board should move the provisions in the proposed definition to a section in the body of the regulation under the title "Scope of Practice."

## **2. Section 23.33. Practice.—Clarity.**

Subsection (a) includes the phrase "when practicing in *his* office." (Emphasis added.) The use of words that show gender distinction should only be used in a regulation that specifically applies to one sex. The Board should amend this phrase to be gender neutral.

Subsection (b) states, in part, ". . . an optometrist may arrange the professional practice to include service to a licensed health care service facility, including in-patient or out-patient hospitals and emergency rooms, nursing homes and long-term care facilities, or any facility with the need for optometric services." We have two concerns.

First, the phrase "or any facility" is very broad. Is the intention of this subsection to allow optometrists to provide services in facilities other than licensed health care service facilities? Where would an optometrist be precluded from providing services?

Second, the phrase "optometric services" is vague. Would an optometrist be permitted to perform all of the services described in the definition of "means and methods for the examination, diagnosis and treatment of conditions of the visual system"? Would an optometrist be required to comply with §§ 23.21 and 23.42? The Board should specify what services are allowed.

Under subsection (e), the phrase "visual screening" is used. However, this phrase is not defined. How does a visual screening differ from "optometric services" noted in subsection (b)? The final-form regulation should include a definition of the phrase "visual screening."

## **3. Section 23.34. Professional corporations.—Clarity.**

Subsection (a) states, in part, "An optometrist licensed by the Board may professionally incorporate with other optometrists, medical doctors, doctors of osteopathy, dentists, psychologists, podiatrists, chiropractors *and other health care professionals. . . .*" (Emphasis added.) Besides the specific professions listed in this subsection, what other "health care professionals" may professionally incorporate with a licensed optometrist? The regulation should clearly state or cross reference who specifically the Board considers to be a "health care professional."

## **4. Section 23.71. Patient records.—Clarity; Reasonableness; Protection of the public health.**

We have two concerns with subsection (b). First, this subsection states that requests for contact lens prescriptions may be given at the discretion of the optometrist. If an optometrist provides a contact lens prescription to a patient, subsection (c) requires that certain factors be considered before that prescription is provided. The preamble states that these factors were included to protect the optometrist from liability. Since these protections were included in the regulation, why is a patient's request for contact lens prescriptions "at the discretion of the optometrist"?

Second, this subsection states that a patient's request for a spectacle prescription shall be complied with if the request was made within 2 years of the patient's last eye examination. To protect the public health, should a similar requirement be placed on contact lens prescription requests?

Subsection (c) includes the phrase "in *his* discretion." (Emphasis added.) The Board should amend this phrase to be gender neutral.

## **5. Section 23.72. Prescriptions.—Clarity.**

Subsection (a) describes the information that must be included in an optometric prescription. A phone number would allow the person filling the prescription to easily verify a prescription if a question arises. The Board should consider adding this requirement.

Subsection (b) addresses information that must be included in a contact lens prescription. It states, in part, ". . . but in no case shall the expiration date be greater than 1 year." Does the 1-year expiration date refer to the date of the contact lens examination or the date when the optometrist wrote the prescription? The final-form regulation should address this concern.

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### **State Board of Optometry Regulation No. 16A-529 Continuing Education April 30, 2003**

We submit for consideration the following comment that includes a reference to the criterion in the Regula-

tory Review Act (71 P. S. § 745.5b) which has not been met. The State Board of Optometry must respond to this comment when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 23.83. Continuing education subject matter.—Clarity.**

The first sentence of subsection (b) relates to the title of § 23.83 and is appropriately placed. However, the remainder of subsection (b) relates to course approval, course numbers and reevaluation. These provisions would be more appropriately placed in § 23.84 (relating to provider and program registration) or § 23.87 (relating to reporting of continuing education credit hours).

**State Board of Vehicle Manufacturers, Dealers and Salespersons Regulation No. 16A-605**

**Branch Lots**

**April 30, 2003**

We submit for consideration comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. General.—Clarity.**

We have two general concerns with this regulation.

The House Professional Licensure Committee (House Committee) has questioned the appropriateness of placing this subchapter under the “General Provisions” heading of the current regulations. Since the subject matter of the proposed regulation specifically addresses dealerships, we agree and suggest that the Board move this proposed subchapter under the “Dealership License” heading of the current regulations.

Second, § 19.5(c)(2) states that this regulation does not apply to the placement of recreational vehicles, mobile homes or manufactured housing. Why did the Board provide for these exclusions in a regulation that isn’t applicable to the mentioned products? The Board should delete this provision or explain why it is needed.

**2. Section 19.5. Branch lots.—Clarity.**

*Subsection (b). Storage of vehicles.*

Subsections (b)(3), (4), (6) and (7) begin with the phrases “No salesperson. . . , no sign. . . , no literature. . . .” This language expresses the negative in the actor. However, the negative in this instance belongs with the action, not the actor. Therefore, the Board should change the language in these subsections, placing the negative with the verb, and not with the subject of the sentence.

Subsection (b)(8) requires that “potential customers are not able to communicate with a representative of the dealer from the lot, by telephone, e-mail, computer or otherwise. . . .” The Board should clarify in this provision that the dealer may not provide a telephone, computer or other means of communication for the customer to contact the dealer from the unlicensed lot.

*Subsection (c). Single vehicle display.*

We have three concerns with this subsection.

First, the House Committee has suggested that this subsection should include a provision that requires a dealer to place a sign indicating that the vehicle is for display only, including notice that sales negotiations or transactions may not occur at the site. We agree.

Second, subsection (c)(1)(v) contains the phrase “other documents.” To what other documents does this phrase refer? To facilitate compliance and improve clarity, this phrase should be replaced with specific references.

Finally, subsection (c)(1)(vi) requires that “the vehicle is locked or otherwise not capable of being entered. . . .” This sentence should emphasize that it is the dealer’s responsibility to ensure that the vehicle is locked and that the public is unable to gain entry in any manner.

**State Architects Licensure Board Regulation No. 16A-417**

**Firm Practice**

**April 30, 2003**

We submit for consideration comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Architects Licensure Board (Board) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 9.162. Firm Practice.—Consistency with statute.**

Paragraph (5) sets forth the criteria for an LLC. Paragraph (5)(iii) requires that “At least one member or manager is a licensee of the Board.” Section 34.13 of 63 P. S., which allows for LLPs and LLCs, does not contain this requirement. Therefore, the Board should explain why it included paragraph (5)(iii).

**Pennsylvania Public Utility Commission Regulation No. 57-223**

**Filing Requirements Relating to Water and Wastewater Public Utilities**

**April 30, 2003**

We submit for consideration comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Exhibit D—Clarity.**

*Test year*

Section 53.53(b) defines “test year” as “the test year chosen by the utility to support its filing, that is, presumably future test year data would be supplied in most cases.” Our concern is that several different terms are used to reference time frames in Exhibit D, including:

- Data Request II.5 contains the phrase “test year-end and year-end immediately preceding the test year.”

- Data Request III.18 includes the designation “historic and future test years.”
- Data Request IV.11 contains the phrase “test year income taxes or future year income taxes.”
- Data Request IV.18 references “actual test year” and “proposed test year-end.”

We also found differing terms used in Data Requests IV.11, IV.18, V.13, VII.10 and VII.11. Data for rate filings is provided for specific time frames. The use of differing terms is confusing. The regulation should define the time periods, such as “historic test year” and “future test year,” and use those terms consistently throughout Exhibit D.

#### *Vague language*

The proposed rulemaking contains terms that could be subject to misinterpretation. The PUC should amend the regulation so that there is a clear understanding of what information must be filed. Listed are the terms, an example of their context and citations to where they are found in the regulation.

- “Significant”—For example, Data Request II.6, relating to miscellaneous water revenues, requires “. . . a monthly breakdown and an explanation of *significant* monthly variances.” (Emphasis added.) How would the reader know what is “significant”? The term “significant” is found in Data Requests II.6, VI.1, X.7, X.9, X.10 and X.11.
- “Major”—For example, Data Request III.9 requires “. . . a schedule of advertising expense by *major* media categories. . . .” (Emphasis added.) What distinguishes a major media category from a minor one? The term “major” is found in Data Requests I.A.1, III.8, III.9, III.11, III.12, IX.2.a and IX.2.b.

#### **2. Section I. Statement of Income—Clarity.**

Data Request I.A.2, Columns 1 and 2 require a “book recorded statement.” These requirements should specify “income statements” to be consistent with the other columns.

Data Request I.A.2, Col. 5 includes the term “requested rates,” whereas Data Request I.4.c contains the term “proposed rates.” One term should be used consistently.

#### **3. Section II. Operating Revenues—Clarity.**

In Data Request II.1.b, it is not clear what is meant by the phrase “customer forfeited discount.” The PUC should define this term.

Data Request II.3 requires the utility to “provide increases to customers at various monthly uses. . . .” The term “various” is vague. The regulation should specify in more detail what consumption levels are required.

The first sentence of Data Request II.12 does not specify what rates to apply to the “test year.” This sentence should specify which existing rates the PUC will require.

#### **4. Section III. Operating Expense—Clarity.**

Data Request III.3 states “Sufficient supporting data must be provided.” The regulation should specify what supporting data must be provided.

In Data Request III.7, the second sentence is missing some words. Should it read “State the method used to calculate monthly or annual payments”?

In Data Request III.11, it is not clear what is meant by the phrase “regulatory commission expenses.” This should be clarified or defined in the final-form regulation.

#### **5. Section V. Rate Base—Clarity.**

Data Request V.3 requires companies that make claims for non-revenue producing construction work to include “final completion data” in the claim. The term “final completion data” is unclear. The PUC should provide examples of what data is required.

#### **6. Section VI. Depreciation—Clarity.**

Chapter 73 of the PUC’s existing regulation requires annual depreciation report filings. These filings contain virtually identical information to the information requested by proposed Section VI. Also, § 73.9 states

In subsequent ratemaking proceedings, the most recent annual depreciation report or service life study approved or deemed approved for accounting purposes only under this chapter, constitutes a rebuttable presumption as to the reasonableness of the accrued depreciation for ratemaking purposes, and the burden of proving the unreasonableness of the accrued depreciation shall be on the challenging party.

If a utility is required to file under Chapter 73, can the utility incorporate its annual depreciation report by reference under § 53.53(b)? If so, the regulation should include this provision. If not, the PUC should explain why the Chapter 73 information would not be sufficient to determine just and reasonable rates.

Further, Data Request VI.4 requires a company to provide a comparison of “the respondent’s calculated depreciation reserve v. book reserve.” If a utility has been using a book reserve for ratemaking, what purpose would a calculated depreciation reserve serve?

#### **7. Section VII. Rate of Return—Clarity.**

Data Request VII.15.c requires companies to provide “All SEC form 10Q reports issued within last year.” For clarity and consistency, the PUC should include a specific time period such as the term “historic test year.”

Data Request VII.20 states “The response *should* identify for each projected issuance the date, dollar amount, type of security, and effective cost rate.” (Emphasis added.) Are any or all of these categories optional? If not, the PUC should replace the word “should” with the mandatory “shall.”

Data Request VII.25 provides that submitted financial projections will “be treated in a confidential manner, if requested.” We have two concerns. First, how will the PUC treat these documents in a confidential manner? The final-form regulation should include a cross-reference to the regulations governing the PUC’s confidentiality requirements.

Second, how would a company request confidentiality treatment? This paragraph should include a cross-reference to the PUC’s regulations describing how a company can request confidentiality for its projections.

#### **8. Section VIII. Rate Structure and Cost of Service—Clarity.**

Data Request VIII.2 requires companies to “Provide a listing of negotiated special rate contracts.” The term “special rate contracts” is unclear. The PUC should define this term in the final-form regulation.

#### **9. Section IX. Quality of Service—Reasonableness; Clarity.**

The information required in Data Request IX.1 may already be in the PUC’s files under different venues. May a utility exercise § 53.53(b) to fulfill these data requests?

The citation to 25 Pa. Code § 109.401 in Data Request IX.1.a is incorrect because it is designated as reserved (that is, it has been deleted by the Environmental Quality Board). The PUC should correct this citation in the final-form regulation or delete this requirement.

The citation to § 65.5(a) in Data Request IX.2 refers to interruption of service rather than pressure standards. What is the correct cite?

### ERRATA

#### Related to the Criterion of Clarity

In the process of reviewing this proposed regulation, we found the following typographical errors and clarity issues. We are bringing these to attention so that corrections can be made for the submittal of the final-form regulation.

#### Exhibit D

##### Title

The title "A. WATER AND WASTEWATER UTILITIES" that appears under the heading "I. STATEMENT OF INCOME" is misplaced. Since all of Exhibit D relates to water and wastewater utilities, this title should be moved so that the regulation reads "Exhibit D—WATER AND WASTEWATER UTILITIES." This would also make the Exhibit D title consistent with § 53.53(a)(4) which references "Exhibit D—Water and wastewater utilities."

#### Section II. Operating Revenues

Data Request II.6 requires an "analysis" of miscellaneous water revenues. It is not clear what analysis could be done on miscellaneous water revenues. Is the intent to require a breakdown of the dollar amounts?

#### Section III. Operating Expense

Data Request III.5.h requires "any deferred income and consultant fee." Should the conjunction be "or"?

Data Request III.9.c uses the abbreviation "etc." The regulation should specify what other information is required.

#### Section IV. Taxes

Data Request IV.1 includes the phrases "PA corporate tax report" and "PA corporate tax settlement." Data Request IV.15 contains the phrase "Pennsylvania taxes." For consistency, the PUC should use "Pennsylvania" consistently throughout this section, as well as the rest of this regulation.

Data Request IV.13 lacks clarity. We have four concerns. First, the word "thereunder" is repetitive and should be deleted.

Second, the closing sentence should not be in parentheses. Third, the phrase "so state" should be replaced with "provide an explanation." Finally, the term "interrogatory" is inconsistent with § 53.53(a) which states the exhibits contain "data requests."

#### Section V. Rate Base

Data Requests V.2, .3 and .5 contain sentences and phrases in parenthesis. The parentheses are not needed and should be deleted.

Data Requests V.7.c, .d and .e contain the abbreviation "Pa." As previously noted, the PUC should use "Pennsylvania" consistently throughout the regulation.

The phrase "in providing water service" in Data Request V.15 appears to be incomplete. As this regulation applies to water and wastewater public utilities, the term "wastewater" should be added to this paragraph.

#### Section VII. Rate of Return

Data Request VII.16 contains the phrase "month/quarter." It is not clear whether the slash denotes "and" or "or." The PUC should amend this language in the final-form regulation.

The PUC should not use the construction "and/or" in a regulation, as found in Data Request VII.22. For clarity, the PUC should replace "and/or" with specific filing requirements.

Data Request VII.32 includes the phrase "data of company and/or parent." The regulation should not use the construction "and/or." For clarity, the regulation should specify which information is required and under what conditions.

#### Section VIII. Rate Structure and Cost of Service

Data Request VIII.1 contains the phrase "... approximately three years..." The term "approximately" is vague. The PUC should include a definitive time frame in the final-form regulation.

#### Section XI. Other Data

Data Request XI.1 requires companies to submit monthly balance sheets and income statements for each month. Why is this requirement included in this section, as opposed to elsewhere in the regulation, such as Section I?

#### Other

##### Acronyms

Acronyms are used in Exhibit D, but are not defined. We found the following:

- Data Request IV.4 includes the acronym "ADR."
- Data Request V.12.m contains the acronyms "PA-DEP" and "EPA."
- Data Requests VII.6, .12.b, .12.c, .28.d and .32.e contain the acronym "AFUDC."

For clarity, the PUC should define these acronyms.

##### Grammar and punctuation

• Data Request III.5.g states "Support the annualized pension cost figures." The phrase "by providing the following:" should be added.

• In Data Request III.6.c, the word "the" should be added so that it reads "Explain *the* basis . . . ."

• In Data Request III.9, the phrase "national and institutional" should be modified to replace the word "and" with a comma.

• In Data Request III.28, the word "the" should be added so that it reads "... for the test year . . . ."

• For clarity, a "the" should be inserted between the words "determining" and "claim" in the last sentence of Data Request V.5.

• Data Request VI.1 contains the phrase "utilized in calculating." For clarity and readability, the PUC should replace the phrase "utilized in calculating" with the phrase "used to calculate."

• Data Request VI.4 uses the term "respondent's." For consistency with the other requirements in the regulation, the term "respondent's" should be deleted.

• Data Request VII.1 is missing a closed parenthesis.

• An "a" should be inserted between the words "attach" and "chart" in Data Request VII.13.



- For readability, the phrase "This would" should be deleted in Data Request VII.19.
- For clarity and readability, the words "the " and "its" should be inserted before "company" and "parent," respectively, in Data Request VII.32.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 03-885. Filed for public inspection May 9, 2003, 9:00 a.m.]

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-887. Filed for public inspection May 9, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Conseco Senior Health Insurance Company; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25% for the Long Term Care policy form ATL-LTC-3 and the associated riders. This form was originally issued by the American Travelers Life Insurance Company. The average premium will increase from \$1,003 to \$1,254 and will affect 1,875 policyholders in this Commonwealth.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-886. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Highmark Inc. d/b/a Pennsylvania Blue Shield and d/b/a Highmark Blue Cross Blue Shield; PremierBlue Shield Fee Schedule Allowance Adjustments

On April 28, 2003, Highmark Inc. d/b/a Pennsylvania Blue Shield and d/b/a Highmark Blue Cross Blue Shield submitted filing number 200310, Department ID No. A69816001, requesting to adjust the PremierBlue Shield preferred provider program fee schedule for certain injectable drugs administered by physicians.

Copies of this filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-888. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Highmark Inc. d/b/a Highmark Blue Shield; Community Group Medical/Surgical Products Rate Increase; Blue Cross of Northeastern Pennsylvania and Independence Blue Cross Areas; Filing No. 200306

Highmark Inc. d/b/a Highmark Blue Shield requests approval to revise rates for Community Group Medical/Surgical plans in Blue Cross of Northeastern Pennsylvania and Independence Blue Cross plan areas. Increases will vary by plan area and program, reflecting differences in claim costs and expenses as follows:

Plan Area	Product	% Increase
Independence Blue Cross	Fee Schedule	25.96%
	UCR	23.52%
Blue Cross of Northeastern Pennsylvania	Fee Schedule	45.99%
	UCR	37.81%

This will affect about 14,800 contracts and produce additional premium income of about \$7.4 million. The requested effective date of the change is October 1, 2003.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

### Bruce Kaufmann, M.D.; Prehearing

#### Appeal of Bruce Kaufmann, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-04-037

On or before June 18, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's March 10, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for June 25, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 12, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 11, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 18, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-889. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Daniel Medic, Jr., M.D.; Prehearing

#### **Appeal of Daniel Medic, Jr., M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-04-036**

On or before June 18, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's March 10, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for June 25, 2003, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 12, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 11, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 18, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-890. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Pittston Township Ambulance Association; Prehearing

#### **Appeal of Pittston Township Ambulance Association; Travelers Insurance and Pennsylvania Compensation Rating Bureau; Doc. No. CL03-04-042**

A prehearing telephone conference is scheduled for June 18, 2003, at 2:30 p.m. A date for hearing, if necessary, will be determined at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 4, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 11, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-891. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to 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 hearing will be held in the Insurance Department's regional office in 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 Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Stephanie Altes; file no. 03-280-01515; Erie Insurance Exchange; doc. no. PH03-04-046; June 10, 2003, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-892. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insureds' automobile policy. The hearing 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 hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Erie Insurance Exchange; file no. 03-182-03074; Phyllis J. and Charles Marino; doc. no. PI03-04-043; June 23, 2003, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the

hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-893. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Edward C. and Gail V. Hoak; file no. 03-182-03413; Donegal Mutual Insurance Company; doc. no. P03-04-047; June 19, 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. 03-894. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insureds' policy. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Millville Mutual Insurance Company; file no. 03-181-03598; Alfred and Elizabeth Heisler; doc. no. P03-04-049; June 17, 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. 03-895. Filed for public inspection May 9, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Bucks County, Wine & Spirits Shoppe #0902, 19 West Court Street, Doylestown, PA 18901-4210.

*Lease Expiration Date:* 90 day status

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space in the Borough of Doylestown.

*Proposals due:* May 30, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 03-896. Filed for public inspection May 9, 2003, 9:00 a.m.]

## PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.413), in connection with the Pennsylvania Municipal Retirement Board's denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

May 19, 2003	Sandra Hunt Keller (Requested Benefit)	1 p.m.
June 30, 2003	Patrick J. Hearn (Disability Retirement)	1:30 p.m.

Persons with a disability who wish to attend a previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Pennsylvania Municipal Retirement System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,  
*Secretary*

[Pa.B. Doc. No. 03-897. Filed for public inspection May 9, 2003, 9:00 a.m.]

## 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). Each protest 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 June 2, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-00119747. Mobility Professionals, Inc. t/d/b/a Vans-2-Go** (10 Holly Road, Richboro, Bucks County, PA 18934), a Pennsylvania corporation—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the County of Bucks, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center Plaza, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

**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-00118552, Folder 1, Am-B. Keystone Cab Service, Inc.** (620 South 13th Street, Harrisburg, Dauphin County, PA 17104), a Pennsylvania corporation—persons, upon call or demand in Dauphin County: *So As To Permit* the transportation of persons, upon call or demand in Adams County. Application for Temporary Authority has been filed at A-00118552, Folder 1, Am-B, seeking the right previously cited.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00119758. Lou Lane, Inc. t/d/b/a All Star Limousine** (3121 Antheo Court, Murrysville, Westmoreland County, PA 15668), a Pennsylvania corporation—persons in limousine service, between points in Pennsylvania, and persons in limousine service, between points in Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00112415 to Armando Ocando t/d/b/a All Star Limousines, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

**A-00119758, F.2. Lou Lane, Inc. t/d/b/a All Star Limousine** (3121 Antheo Court, Murrysville, Westmoreland County, PA 15668), a Pennsylvania corporation—persons in group and party service, using vehicles seating 15 passengers or less, including the driver, between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland, and from points in said counties, to points in Pennsylvania, and return; subject to the following conditions: that the service be limited to the transportation of persons attending weddings, proms, concerts, school dances, sports events and night-on-the-town; and that no right, power or privilege is granted to transport persons, in group and party service, between points in Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00112415, F.3 to Armando Ocando t/d/b/a All Star

Limousines, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-898. Filed for public inspection May 9, 2003, 9:00 a.m.]

**Telecommunications**

**A-311235F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and AltComm, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and AltComm, Inc. for approval of a master resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and AltComm, Inc., by its counsel, filed on April 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and AltComm, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-899. Filed for public inspection May 9, 2003, 9:00 a.m.]

**Telecommunications**

**A-311140F7001. Verizon North Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC).** Joint petition of Verizon North Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC) for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC), by its counsel, filed on April 21, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon North Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-900. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Telecommunications

**A-310957F7001. Verizon North Inc. and KMC Telecom V Inc.** Joint petition of Verizon North Inc. and KMC Telecom V Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and KMC Telecom V Inc., by its counsel, filed on April 25, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and KMC Telecom V Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-901. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Telecommunications

**A-310932F7000. Verizon Pennsylvania Inc. and Broadview Networks, Inc.** Joint petition of Verizon Pennsylvania Inc. and Broadview Networks, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Broadview Networks Inc., by its counsel, filed on April 21, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Broadview Networks Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-902. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Telecommunications

**A-311140F7000. Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC).** Joint petition of Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC) for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC), by its counsel, filed on April 21, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Comcast Phone of Pennsylvania, LLC (f/k/a AT&T Broadband Phone of Pennsylvania, LLC) joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-903. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Telecommunications

**A-310922F7000. Verizon Pennsylvania Inc. and Core Communications, Inc.** Joint petition of Verizon Pennsylvania Inc. and Core Communications, Inc. for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Core Communications, Inc., by its counsel, filed on April 24, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Core Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-904. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Telecommunications

**A-310827F7000. Verizon Pennsylvania Inc. and D-Tel, LLC.** Joint Petition of Verizon Pennsylvania Inc. and D-Tel, LLC for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and D-Tel, LLC, by its counsel, filed on April 22, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and D-Tel, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-905. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Telecommunications

**A-310957F7000. Verizon Pennsylvania Inc. and KMC Telecom V Inc.** Joint petition of Verizon Pennsylvania Inc. and KMC Telecom V Inc. for approval of adoption of a replacement interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and KMC Telecom V Inc., by its counsel, filed on April 25, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of a replacement interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and KMC Telecom V Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-906. Filed for public inspection May 9, 2003, 9:00 a.m.]

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### Telecommunications

**A-311221F7000. Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom.** Joint petition of Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom, by its counsel, filed on April 23, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Mountain Communications LLC d/b/a ProCom joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-907. Filed for public inspection May 9, 2003, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-077.6, Sprinkler System Repairs, Pier 40 S., until 2 p.m. on Thursday, May 29, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 12, 2003. The cost of the bid document is \$35 (includes 7% PA sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on May 22, 2003, at 10 a.m. at Columbus Blvd. and Christian St., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-908. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #03-090.P, Concrete Requirements, until 2 p.m. on Thursday, May 22, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on May 12, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-909. Filed for public inspection May 9, 2003, 9:00 a.m.]

### Request for Proposal

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project #03-096.S, Security Guard Service, Tioga Marine Terminal, LMSR Project, until 2 p.m. on Thursday, May 29, 2003. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 12, 2003. The cost of the proposal document is \$35 (includes 7% PA sales tax). The cost is nonrefundable. The PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

A mandatory preproposal meeting will be held at 10 a.m., on Thursday, May 22, 2003, at the PRPA's Administration Building, at the address listed in this notice.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-910. Filed for public inspection May 9, 2003, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 23, 2003	Dale Kessler (Disability Eligibility)	1:30 p.m.
June 25, 2003	Dinia D. Kollar (Class T-D)	1 p.m.
August 6, 2003	Beverly Tuck (Class T-D)	1 p.m.
	Christina Hudson (Class T-D)	2:30 p.m.

Persons with a disability who wish to attend a previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 03-911. Filed for public inspection May 9, 2003, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

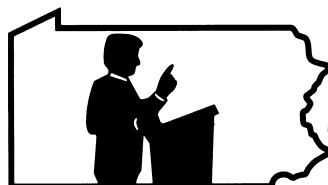
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

**44-014045** Salt Brine Maker per specifications to be supplied with bid package. Purchase to include manuals, warranty and delivery.

**Department:** Transportation  
**Location:** PA Department of Transportation, Maintenance District 1-4, 215 N. Maple Street, P. O. Box 192, Mercer, PA 16137  
**Duration:** May 10, 2003 to October 31, 2003  
**Contact:** Cindy Supel, (724) 662-5350

**040301** Gunnell Wheelchairs with Options. Specific options to each wheelchair will be provided.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** Vendor to deliver within one month of receiving purchase document.  
**Contact:** Cora Davis, Purchasing Agent, (814) 472-0288

**040302** PATIENT LIFTS: Ergolift mobile electric battery operated lifters, Scale and Slings.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** Delivery date to be 1 month after receipt of purchase document.  
**Contact:** Cora Davis, Purchasing Agent, (814) 472-0288

**939700** Concrete Saw, Walk Behind With a 10' Trailer.

**Department:** Transportation  
**Location:** Equipment Division, 17th Street and Arsenal Blvd., Harrisburg PA 17120  
**Contact:** Danielle Wylie, (717) 787-2335

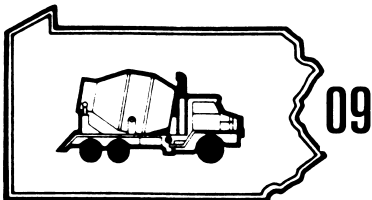
**SU-02-33** SU-02-33 Printing of Admissions Recruitment materials: Printer must be equipped with a 6-color offset press that can accommodate a 23 x 35 inch sheet, must be capable of reading a designer-supplied QuarkXpress application file (on MAC disk), printing 175-line screen and must be able to correct images in Photoshop, capable of printing 175-line screen for 4-color pieces, 150-line screen for 2-color pieces and application and envelopes. Printer must be able to guarantee that all deadlines can be met. Bids are due at 4 p.m. on May 12, 2003. Requests for bid packages may be faxed to 717-477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Delivery required by June 13, 2003.  
**Contact:** Mona M. Holtry, (717) 477-1386

**EBG 0304** Fiberglass grating, standard square mesh, for the Toby Creek AMD Treatment Plant (41 Each 36" x 36" x 1", 14 each 30" x 36" x 1", 9 each 24" x 36" x 1" and 1 each 18" x 18" x 1"). Cost shall include removal/salvage of old steel grating and installation of new fiberglass grating.

**Department:** Environmental Protection  
**Location:** Toby Creek AMD Treatment Plant, 333 Coal Hollow Road, Kersey, PA 15846  
**Duration:** 30 days from Notice to Proceed  
**Contact:** Phyllis Cocco, (814) 472-1811

## SERVICES



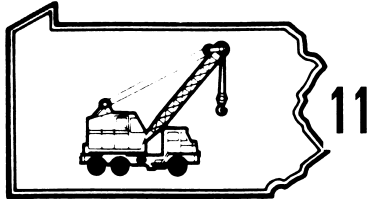
### Construction & Construction Maintenance

**IN-852 Roof Repairs - Wilson Hall** This project involves repair of a 100 year old slate roof on Wilson Hall. It is not a complete replacement. Bidders must be experienced with slate roof repairs. Sealed proposals will be received at IUP, Engineering & Construction Group, 650 S. 13th St, Indiana, PA, (724) 357-2289. Cost of Plans and Specs = \$35.00 non-refundable. Pre-Bid: 1 p.m. May 8, 2003. Bid Due Date: 2 p.m. May 22, 2003. Complete Notice to Contractors and list of potential bidders is available at <http://www.iup.edu/engconstruction/list.shtm>. Participation by MBE/WBE contractors, subcontractors and suppliers is encouraged.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Engineering and Construction Group, Indiana, PA  
**Duration:** Allowing 90 days after issuance of Notice to Proceed. IUP anticipates issuing Notice to Proceed on or about July 10, 2003.  
**Contact:** Ray Wygonik, (724) 357-2289

**IN-843 Fire Alarm Renovations** Project is at Indiana University of Pennsylvania - Stouffer Hall and Memorial Field House. Work includes but is not limited to installation of new fire alarm system and all related components. Sealed proposals will be received at IUP, Engineering & Construction Group, 650 S. 13th St., Indiana, PA, (724) 357-2289. Cost of Plans and Specs = \$100.00 non-refundable. Pre-Bid: 10 a.m. May 8, 2003. Bid Due Date: 2 p.m. May 22, 2003. Complete Notice to Contractors and list of potential bidders is available at <http://www.iup.edu/engconstruction/list.shtm>. Participation by MBE/WBE contractors, subcontractors and suppliers is encouraged.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Engineering and Construction Group, Indiana, PA  
**Duration:** Allowing 120 days after issuance of Notice to Proceed. IUP anticipates issuing Notice to Proceed on or about July 1, 2003.  
**Contact:** Ruth Succheralli, (724) 357-2289



### Demolition—Structural Only

**010K33** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and/or removal of two residential dwellings, including outbuildings, located along State Route 0008-A04 in the Township of Cherrytree, Venango County. Contractor will be required to demolish or remove all structures, outbuildings and site improvements. Driveways and other paved surfaces may remain. Asbestos removal is required where noted. Asbestos Waste Management Plan is part of bid package. Asbestos removal involves strict compliance with applicable laws. He/she will also be required to comply with FHWA and State regulations. This project is Federally funded; therefore you must pay Davis-Bacon Act wage rates. For field view, bid information, specifications, and other information, please contact Jeffrey E. Hahne, District 1-0 Property Manager at (814) 678-7069.

**Department:** Transportation  
**Location:** Cherrytree Township, near intersection of State Routes 8 and 417.  
**Duration:** 60 calendar days  
**Contact:** Jeffrey E. Hahne, (814) 678-7069

**010K34** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and/or removal of one residential dwelling and one garage structure including outbuildings (Rodgers, Hopkins parcels), located along State Route 0008-A04 in the Township of Cherrytree, Venango County. Contractor will be required to demolish or remove all structures, outbuildings and site improvements. Driveways and other paved surfaces may remain. Asbestos removal is required where noted. Asbestos Waste Management Plan is part of bid package. Asbestos removal involves strict compliance with applicable laws. He/she will also be required to comply with FHWA and State regulations. This project is Federally funded; therefore you must pay Davis-Bacon Act wage rates. For field view, bid information, specifications and other information, please contact Jeffrey E. Hahne, District 1-0 Property Manager at (814) 678-7069.

**Department:** Transportation  
**Location:** Cherrytree Township near intersection of State Routes 8 and 417.  
**Duration:** 60 calendar days.  
**Contact:** Jeffrey E. Hahne, (814) 678-7069

**010K36** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and/or removal of one garage structure and one dwelling including outbuildings (Slesnick parcel), located along State Route 0008-A04 in the Township of Cherrytree, Venango County. Contractor will be required to demolish or remove all structures, outbuildings and site improvements. Driveways and other paved surfaces may remain. Asbestos removal is required where noted. Asbestos Waste Management Plan is part of bid package. Asbestos removal involves strict compliance with applicable laws. He/she will also be required to comply with FHWA and State regulations. This project is Federally funded; therefore, you must pay Davis-Bacon Act wage rates. For field view, bid information, specifications and other information, please contact Jeffrey E. Hahne, District 1-0 Property Manager at (814) 678-7069.

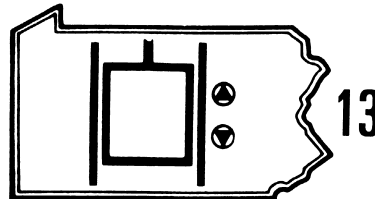
**Department:** Transportation  
**Location:** Cherrytree Township, intersection of State Routes 8 and 417  
**Duration:** 60 calendar days.  
**Contact:** Jeffrey E. Hahne, (814) 678-7069

**010K35** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and/or removal of two residential dwellings, including outbuildings (Winters, Barker parcels), located along State Route 0008-A04 in the Township of Cherrytree, Venango County. Contractor will be required to demolish or remove all structures, outbuildings and site improvements. Driveways and other paved surfaces may remain. Asbestos removal is required where noted. Asbestos Waste Management Plan is part of bid package. Asbestos removal involves strict compliance with applicable laws. He/she will also be required to comply with FHWA and State regulations. This project is Federally funded; therefore you must pay Davis-Bacon Act wage rates. For field view, bid information, specifications and other information please contact Jeffrey E. Hahne, District 1-0 Property Manager at (814) 678-7069.

**Department:** Transportation  
**Location:** Cherrytree Township near intersection of State Routes 8 and 417  
**Duration:** 60 calendar days  
**Contact:** Jeffrey E. Hahne, (814) 678-7069

**010K37** The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and/or removal of two residential dwellings, including outbuildings (Feely, Elder parcels), located along State Route 0008-A04 in the Township of Cherrytree, Venango County. Contractor will be required to demolish or remove all structures, outbuildings and site improvements. Driveways and other paved surfaces may remain. Asbestos removal is required where noted. Asbestos Waste Management Plan is part of bid package. Asbestos removal involves strict compliance with applicable laws. He/she will also be required to comply with FHWA and State regulations. This project is Federally funded; therefore you must pay Davis-Bacon Act wage rates. For field view, bid information, specifications and other information please contact Jeffrey E. Hahne, District 1-0 Property Manager at (814) 678-7069.

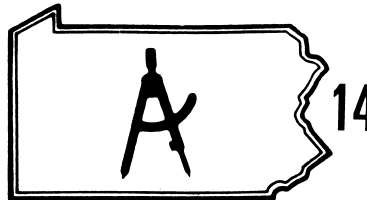
**Department:** Transportation  
**Location:** Cherrytree Township, intersection of State Routes 8 and 417.  
**Duration:** 60 calendar days.  
**Contact:** Jeffrey E. Hahne, (814) 679-7069



### Elevator Maintenance

**30872002** Elevator Maintenance. Site visit required.

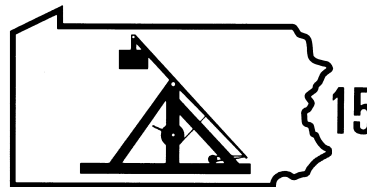
**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03—6/30/06  
**Contact:** Doris Cavallini, (570) 271-4579



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Environmental Maintenance Service

**100233A** Qualified drilling contractor needed to provide PENNDOT Engineering District 10 with subsurface drilling services in accordance with Pub. 22 (revised), and Maintenance and Protection of Traffic services associated with drilling operations. To request a bid package, please send Company Name, Address, Phone Number, Fax Number and Name of Contact Person to Diane Spence by email to [DSpence@state.pa.us](mailto:DSpence@state.pa.us) or by fax to 724-357-2872.

**Department:** Transportation  
**Location:** PA Department of Transportation, Engineering District 10-0, P. O. Box 429, Indiana, PA 15701 (Armstrong, Butler, Clarion, Indiana and Jefferson Counties)  
**Duration:** 1 year with four 1-year options to renew by mutual consent  
**Contact:** Diane Spence, (724) 357-7987

**OSM 24(3895)101.1** Abandoned Mine Land Reclamation Project, Winslow Hill III. The principal items of work and approximate quantities include 138,550 c.y. grading, 16,250 tons alkaline addition and 21.5 acres seeding. This project issues on May 9, 2003, and bids will be opened June 5, 2003, at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Benezette Township, Elk County, PA  
**Duration:** 180 calendar days after notice to proceed.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Janitorial Services

**FM 8641** Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Wilkes-Barre Liquor Control Enforcement. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** PSP, Wilkes-Barre Liquor Control Enforcement Office, 1095 Hanover Street, Wilkes-Barre, PA 18706  
**Duration:** 07/01/03 to 06/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8638** Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Dublin Station. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Troop M, Dublin Station, 3218 Rickert Road, Perkasie, PA 18944 (from Intersection of Rte 313 and 113, proceed east .6 mile on Rte 313 to Rickert Rd., make right turn on Rickert Rd.)  
**Duration:** 07/01/03 to 06/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8642** Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Allentown Liquor Control Enforcement. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** PSP, Allentown Liquor Control Enforcement Office, 8320 Schantz Road, Breinigsville, PA 18031  
**Duration:** 07/01/03 to 06/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8639** Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Tunkhannock Station. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Troop P, Tunkhannock Station, 915 SR 6W, Tunkhannock, PA 18657 (US 6, 3.6 miles west of PA 29)  
**Duration:** 07/01/03 to 06/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8606** Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the PA State Police, Troop H, Newport Station, as per bid specification 8606. Detailed work schedule and bid specifications must be obtained from the Facility Management Division.

**Department:** State Police  
**Location:** Troop H, Newport Station, 52 Red Hill Court, Newport, PA 17074  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM 8595** Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the PA State Police, Troop F, Mansfield Station, as per bid specification 8595. Detailed work schedule and bid specifications must be obtained from the Facility Management Division.

**Department:** State Police  
**Location:** Troop F, Mansfield Station, 1745 Valley Road, Mansfield, PA 16933-0230  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM 8640** Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Strategic Development Division. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** PSP, Strategic Development Division, 2629 Market Place, Harrisburg, PA 17110  
**Duration:** 07/01/03 to 06/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8598** Furnish all materials, equipment, and labor to perform janitorial services three (3) visits per week at the PA State Police, Troop C, Clearfield Station, as per bid specification 8598. Detailed work schedule and bid specifications must be obtained from the Facility Management Division.

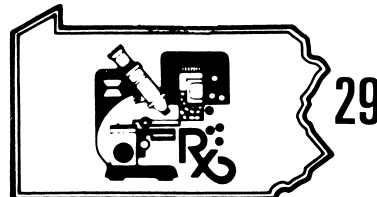
**Department:** State Police  
**Location:** Troop C, Clearfield Station, 147 Doe Hill Road, Woodland, PA 16881-9781  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM 8591** Furnish all materials, equipment, and labor to perform janitorial services two (2) visits per week at the PA State Police, Troop C, Punxsutawney Headquarters, as per bid specification 8591. Detailed work schedule and bid specifications must be obtained from the Facility Management Division.

**Department:** State Police  
**Location:** Troop C, Punxsutawney Headquarters, 445 N. Findley Street, Punxsutawney, PA 15767-0445  
**Duration:** July 1, 2003, through June 30, 2006  
**Contact:** Stacey Logan-Kent, (717) 705-5952

**FM 8637** Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Fogelsville Station. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

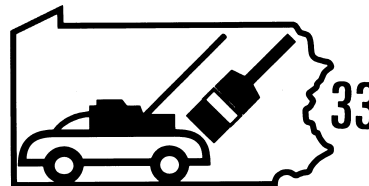
**Department:** State Police  
**Location:** Troop M, Fogelsville Station, 8320 Schantz Road, Breinigsville, PA 18031 (I-78 to Exit 14, South on 100 1/2 mile to Schantz Road, west on Schantz Road .8 mile)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951



### Medical Services

**30872007** Physical Therapy.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03 - 6/30/04  
**Contact:** Doris Cavallini, (570) 271-4579



### Property Maintenance

**FM 8631** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Dublin Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop M, Dublin Station, 3218 Rickert Road, Perkasie, PA 18944 (from Intersection of Rte 313 and 113, proceed east .6 mile on Rte 313 to Rickert Rd., make right turn on Rickert Rd.)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8632** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Swiftwater Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop N, Swiftwater Station, P. O. Box 949, Swiftwater, PA 18370 (SR 611, 3 miles north of I-80, Exit 299)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8621** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Tionesta Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop C, Tionesta Station, R. D. #1, Box 43DD, Tionesta, PA 16353 (SR 36, 4.6 miles south of Tionesta Borough)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8626** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Corry Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop E, Corry Station, 11088 Route 6 East, Union City, PA 16438 (U.S. Rt. 6, 0.7 mile west of Rt. 89)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8628** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Lewistown Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop G, Lewistown Station, 13225 Ferguson Valley Road, Yeagertown, PA 17099 (Ferguson Valley Road, 1/4 mile north of US 322/Burnham)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8629** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Newport Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop H, Newport Station, 52 Red Hill Road, Newport, PA 17074 (US 22/322 to the Newport Exit, then 1/2 mile south on PA 34)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**Proj 1831** Exterior paint of masonry building, approx 12,500 s.f. total, to include removal of all existing paint. Removal and replacement of exterior metal doors/frames and door hardware. For a copy of the bid package, please fax your request to (717) 861-2932 or e-mail to blower@state.pa.us. Bid opening date will be Thursday May 15, 2003, at 2 p.m.

**Department:** Military Affairs  
**Location:** PA National Guard OMS #10, 2736 Southampton Road, Philadelphia, PA 19134  
**Duration:** DOA - 30 Sep 03  
**Contact:** Brenda Lower, (717) 861-2118

**FM 8635** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Lima Crime Lab, THREE (3) cuttings per month. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Lima Crime Laboratory, 350 North Middletown Road, Media, PA 19063  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8630** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, York Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop H, York Station, 110 North Street, York, PA 17403 (I-83 south, Exit 10, 1/10 mile from I-83)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8634** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Gibson Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop R, Gibson Station, R. D. #1, Box 227B, New Milford, PA 18834 (1/2 mile west of SR 0081 on SR 0848)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8636** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Northwest Training Center, THREE (3) cuttings per month or as required by the Officer in Charge. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Northwest Training Center, 195 Valley View Drive, R. D. #3, Box 785-D, Meadville, PA 16335  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8627** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Emporium Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop F, Emporium Station, 12921 Route 120, Emporium, PA 15834  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8623** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Beaver Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop D, Beaver Station, 1400 Brighton Road, Beaver, PA 15009 (1/2 mile east of SR 60, Exit 14)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8633** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Shickshinny Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop P, Shickshinny Station, 872 Salem Boulevard, Berwick, PA 18603 (US 11, 4.6 miles south of PA 239)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8620** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Waynesburg Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop B, Waynesburg Station, 255 Elm Drive, Waynesburg, PA 15370  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8624** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, New Castle Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

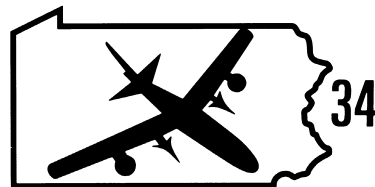
**Department:** State Police  
**Location:** Troop D, New Castle Station, R. D. #5, Box 5265, New Castle, PA 16105 (Route 18, 1/8 mile north of Mitchell Road)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8625** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Franklin Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop E, Franklin Station, 6724 US 322, Franklin, PA, 16323 (SR 322, .9 mile west of intersection with SR 257 in Cranberry Twp.)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**FM 8622** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Clarion Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at (717) 705-5951.

**Department:** State Police  
**Location:** Troop C, Clarion Station, 209 Commerce Road, Clarion, PA 16214 (SR 68, 0.25 mile south of I-80, Exit 62)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951



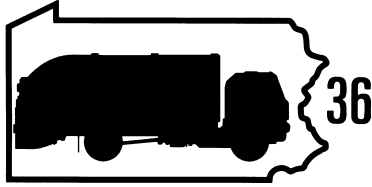
### Railroad/Airline Related Services

**724168** Provide initial and recurrent training support for up to five (5) individuals employed by the PA Department of Transportation, Bureau of Aviation's Flight Services Division. The training provided will be for either recurrent or initial training when requested. The individuals receiving the requested training are responsible for photography flying the Department's Piper Navajo.

**Department:** Transportation  
**Location:** Service to be provided at the Contractor's Training Site  
**Duration:** January 1, 2004—December 31, 2008  
**Contact:** Katy Comer, (717) 705-1236

**724167** Provide initial and recurrent training support for the PA Department of Transportation, Bureau of Aviation. The training provided will be for the recurrent training of six (6) persons and initial training of at least one (1) person each year for a Raytheon King Air B300 and a Beechcraft King 200 aircraft.

**Department:** Transportation  
**Location:** Service to be provided at the Contractor's Training Site  
**Duration:** January 1, 2004—December 31, 2008  
**Contact:** Katy Comer, (717) 705-1236



## Sanitation

**Bid #8619** Trash and rubbish removal services for the PA State Police, Troop H, Headquarters, for the period July 1, 2003 to June 30, 2006. Service to be rendered TWICE (2) a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 705-5951.

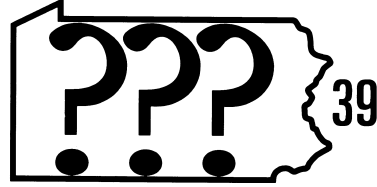
**Department:** State Police  
**Location:** Troop H, Headquarters, 8000 Bretz Drive, West Hanover Twp., Harrisburg, PA 17112  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**Bid #8617** Trash and rubbish removal services for the PA State Police, New Castle Station, for the period July 1, 2003 to June 30, 2006. Service to be rendered TWICE (2) a week. Recyclables removed TWICE (2) a month. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** New Castle Station, R. D. #5, Box 5265 (Route 18, 1/8 mile north of Mitchell Road), New Castle, PA 16105.  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951

**Bid #8618** Trash and rubbish removal services for the PA State Police, Erie Headquarters and Crime Lab, for the period July 1, 2003 to June 30, 2006. Service to be rendered TWICE (2) a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, (717) 705-5951.

**Department:** State Police  
**Location:** Erie Headquarters, P. O. Box 10607, 4320 Iroquois Avenue, Erie, PA 16514-0607 (Route 955, 4.5 miles north of I-90, Exit 9)  
**Duration:** 7/01/03 to 6/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951



## Miscellaneous

**ME-217324** Certified Public Accountants/Public Accountants and/or Accountants are required to observe various drawings conducted by the Lottery and to certify that the prescribed security and drawing procedures are followed and thereby insuring the integrity of these activities. These activities include, but are not limited to the observation and certification of the various on-line games drawings which the Lottery conducts; observation of various second chance, and promotional drawings; the review of procedures as required; observation and participation in the quarterly ball weight certifications of the balls used in the various drawings and for such other functions, or to perform such other duties, as the Lottery shall from time to time determine appropriate.

**Department:** Revenue  
**Location:** WHP Television Studio, 330 North Sixth Street, Harrisburg, PA 17110 and Lottery Headquarters, 2850 Turnpike Industrial Drive, Middletown, PA 17057  
**Duration:** The contract will run three (3) years, with two (2) possible 1-year extensions.  
**Contact:** Raymond Straub, (717) 986-4771

**30776009** To provide cleaning, lubricating, testing and calibrating scales used at various locations on the grounds of the Allentown State Hospital. More information can be obtained by contacting the purchasing department at (610) 740-3425 or fax at (610) 740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** July 1, 2003 to June 30, 2007  
**Contact:** Robert Mitchell, (610) 740-3425

**30872004** Fire alarm system service.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03—6/30/06  
**Contact:** Doris Cavallini, (570) 271-4579

**30872003** Electric motor repair service.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03—6/30/06  
**Contact:** Doris Cavallini, (570) 271-4579

[Pa.B. Doc. No. 03-912. Filed for public inspection May 9, 2003, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*

