

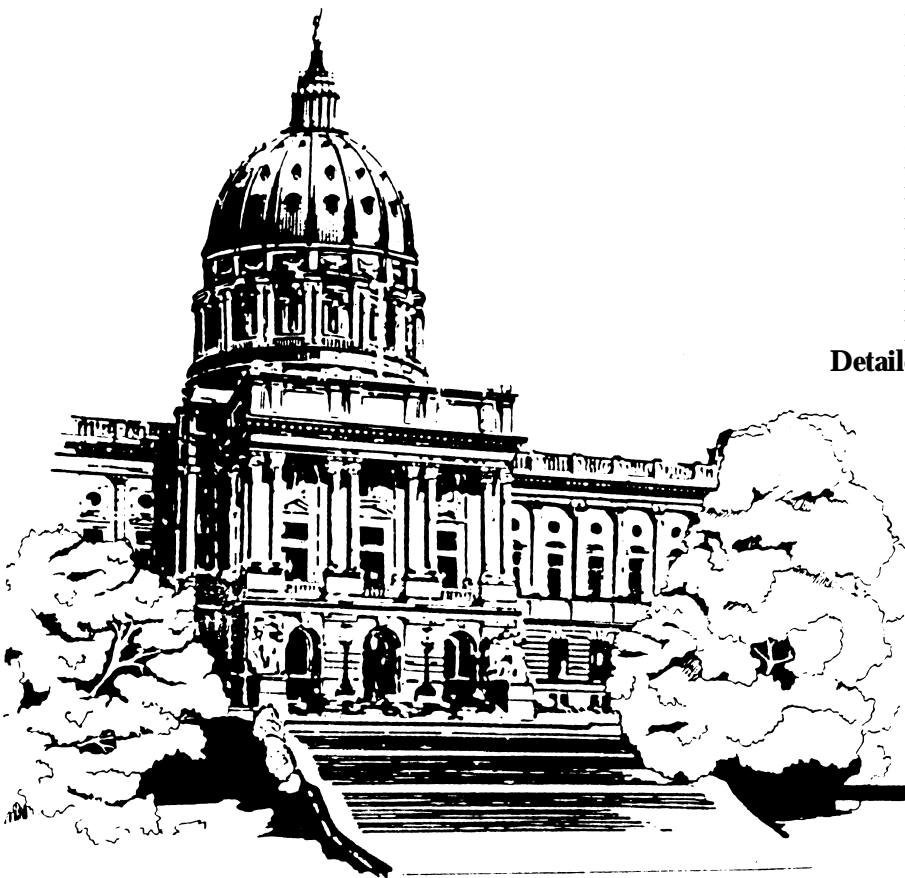
PENNSYLVANIA BULLETIN

Volume 34
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Pages 469—548

Agencies in this issue:

The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Patient Safety Authority
Pennsylvania Army National Guard
Pennsylvania Public Utility Commission

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 350, January 2004

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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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
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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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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

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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 2004.

4 Pa. Code (Administration)		210 Pa. Code (Appellate Procedure)	
Adopted Rules		Adopted Rules	
5	366	65	379
6	366		
Statements of Policy		231 Pa. Code (Rules of Civil Procedure)	
114	63	Adopted Rules	
		200	9
12 Pa. Code (Commerce, Trade and Local Government)		400	9
Statements of Policy		1000	9
123	488	1300	22
		1500	9
25 Pa. Code (Environmental Protection)		1600	9
Adopted Rules		2000	9
86	388	2020	9
		2050	9
34 Pa. Code (Labor and Industry)		2100	9
Adopted Rules		2120	9
401	319	2150	9
403	319	2170	9
405	319	2200	9
		2220	9
49 Pa. Code (Professional and Vocational Standards)		2250	9
Adopted Rules		2300	9
9	235	2320	9
13	39	2350	9
16	40	2950	22
18	43	3000	9, 22
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16	56	3300	476
25	58		
35	61	234 Pa. Code (Rules of Criminal Procedure)	
39	55	Proposed Rulemaking	
41	60	4	34
58 Pa. Code (Recreation)		246 Pa. Code (Minor Court Civil Rules)	
Proposed Rulemaking		Proposed Rulemaking	
141	484	200	480
143	484	300	480
147	485, 486	500	480
61 Pa. Code (Revenue)		249 Pa. Code (Philadelphia Rules)	
Adopted Rules		Unclassified	36
872	50		
		255 Pa. Code (Local Court Rules)	
204 Pa. Code (Judicial System General Provisions)		Unclassified	37, 231, 379, 482, 483
Adopted Rules			
81	9		

THE GENERAL ASSEMBLY

Recent Actions during the 2003 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2003 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Subject Matter</i>
2003 VETOES OF BILLS—VETO 001 through 002				
001	Dec 30	SB0940	PN1328	Intergovernmental Cooperation Authority Act for Cities of the Second Class—enactment
002	Dec 31	HB1222	PN3127	Judicial Code (42 Pa.C.S.)—cause of action for unauthorized enactment or enforcement of local ordinances governing agricultural operations, identification of incorrect debtor, etc.

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-134. Filed for public inspection January 23, 2004, 9:00 a.m.]

COMMISSION ON SENTENCING

Meeting Scheduled

The Commission on Sentencing announces the following public meeting to be held at The Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA 17101:

Wednesday, February 11, 2004	Quarterly Commission Meeting Harrisburger Room	9 a.m.
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MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 04-135. Filed for public inspection January 23, 2004, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 3000 AND 3300]

Proposed Rules Governing Attachment of Wages, Salary and Commissions under Section 8127(a)(3.1) of the Judicial Code; Proposed Recommendation No. 190

The Civil Procedural Rules Committee proposes that the Rules of Civil Procedure be amended by adding new Rule 3301 et seq. governing the attachment of wages, salary, and commissions to satisfy a money judgment arising from a residential lease pursuant to Section 8127(a)(3.1) of the Judicial Code. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than March 12, 2004 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3101. Definitions[;]. Garnishee. **Scope.**

* * * * *

(c) The rules of this chapter shall not apply to the attachment of wages, salary or commissions to satisfy a money judgment arising from a residential lease pursuant to Section 8127(a)(3.1) of the Judicial Code.

Official Note: For the attachment of wages under Section 8127(a)(3.1) of the Judicial Code, see Rule 3301 et seq.

Rule 3140. Notice by Garnishee.

* * * * *

Official Note: Registered mail includes certified mail. See Definition Rule 76.

Attachment of wages, salary, and commissions to satisfy a money judgment arising from a residential

lease pursuant to Section 8127(a)(3.1) of the Judicial Code is governed by Rule 3301 et seq.

CHAPTER 3300. ATTACHMENT OF WAGES, SALARY AND COMMISSIONS

Rule 3301. Scope. Definitions.

(a) The rules of this chapter govern an attachment of wages to satisfy a judgment pursuant to Section 8127(a)(3.1) of the Judicial Code.

Official Note: Section 8127(a)(3.1) of the Judicial Code provides for the attachment of wages for amounts awarded to a judgment creditor-landlord arising out of a residential lease upon which the court has rendered judgment which is final.

See subdivision (b) for the definition of "judgment."

Rule 3101 et seq. governing the enforcement of money judgments is not applicable to the attachment of wages under this chapter.

(b) As used in this chapter,

"defendant" means a judgment debtor-tenant,

"garnishee" means the employer of the defendant,

"judgment" means a judgment for amounts awarded to a plaintiff arising out of a residential lease or for physical damage to a leased residential property, entered in

(1) any civil action brought in the court of common pleas,

(2) any civil action brought before a district justice pursuant to Pa.R.C.P.D.J. 301 et seq., or

(3) any action for the recovery of possession of real property brought before a district justice pursuant to Pa.R.C.P.D.J. 501 et seq. in which the defendant appeared or filed papers or in which the complaint was served by handing a copy to the defendant.

"plaintiff" means a judgment creditor-landlord, and

"wages" includes salary and commissions.

Rule 3302. Commencement. Notice.

(a) Execution to attach wages shall be commenced by the plaintiff by filing a praecipe with the prothonotary of any county in which judgment has been entered. The praecipe shall be filed within five years of the entry of the judgment. The praecipe shall be in the form prescribed by Rule 3311.

(b) Upon the filing of the praecipe, the prothonotary shall issue a Notice of Intent to Attach Wages in the form prescribed by Rule 3312(a). The prothonotary shall attach to the notice a copy of the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(c) The Notice of Intent to Attach Wages shall be served upon the defendant in the manner provided by Rule 400 et seq. for service of original process in a civil action.

Rule 3303. Exemption from Attachment. Procedure.

(a) A defendant claiming an exemption from attachment based upon the federal poverty income guidelines shall file the claim for exemption with the prothonotary within thirty days of service of the Notice of Intent to Attach Wages.

(b)(1) If the defendant files a claim for exemption of wages from attachment either within thirty days as required by subdivision (a) of this rule or prior to the issuance of the writ of attachment, the prothonotary shall not issue the writ of attachment and shall promptly send a copy of the claim to the plaintiff. The notice of exemption shall be in the form prescribed by Rule 3312(c).

(2) If the defendant files a claim for exemption after the writ of attachment has been issued, the attachment of the defendant's wages shall continue unless the defendant obtains a court order staying or vacating the attachment.

(c) A plaintiff who wishes to challenge the claim of exemption shall file a motion requesting the court to direct the prothonotary to issue a writ for the attachment of wages. The motion shall set forth facts which establish that the plaintiff is entitled to attach wages pursuant to Section 8127(a)(3.1) of the Judicial Code. If the motion on its face sets forth such facts, the court shall set a hearing date or set forth another procedure provided by Rule 208.4 as may be appropriate.

Rule 3304. Writ for the Attachment of Wages. Issuance. Service.

(a) The prothonotary shall issue a writ for the attachment of wages upon

(1) praecipe of the plaintiff where the defendant has not timely filed a claim for exemption of wages from attachment, or

(2) order of the court entered upon motion pursuant to Rule 3303.

(b) The prothonotary shall mail the writ to the garnishee by ordinary mail.

(c) The writ of attachment of wages shall be substantially in the form provided by Rule 3313.

Official Note: Section 8127(c)(1) of the Judicial Code provides that the employer shall send the attached wages to the prothonotary of the court of common pleas within 15 days from the close of the last pay period in each month. Upon receipt of the attached wages, the prothonotary of the court of common pleas shall record and send said wages to the judgment creditor-landlord.

FORMS

Rule 3311. Praecipe For Notice of Intent to Attach Wages. Form.

The Praecipe For Notice of Intent to Attach Wages shall be substantially in the following form:

Caption

Praecipe For Notice of Intent to Attach Wages

To the Prothonotary:

Issue a Notice of Intent to Attach Wages in the above matter

- (1) against _____, defendant,
- (2) against _____, employer of the defendant.

Date: _____

 Attorney for Judgment Creditor-Landlord
 or Judgment Creditor-Landlord
 if unrepresented

 Address

 Telephone number

Certification by Judgment Creditor-Landlord

I certify that

1. The plaintiff judgment creditor is _____
 Name

 Address

2. The defendant judgment debtor is _____
 Name

 Address

3. The employer garnishee is _____
 Name

 Address

4. The judgment arises out of a residential lease for the premises at _____ (address).

5. (a) The amount of the judgment is \$ _____.

(b) A security deposit in the amount of \$ _____ is being held by the judgment creditor-landlord. This security deposit

_____ has been applied

_____ has not been applied

to payment of rent due on the same premises for which the judgment for attachment has been entered.

(c) The amount of \$ _____ has been paid toward satisfaction of the judgment. (Do not include the security deposit.)

6. This praecipe is filed within five years of the entry of the judgment upon which execution is sought.

7. The judgment was entered (check one):

_____ in a civil action in the court of common pleas.

_____ in a civil action (Pa.R.C.P.D.J. 301 et seq.) brought before a district justice and transferred to the court of common pleas.

_____ an action to recover possession of real property (Pa.R.C.P.D.J. 501 et seq.) brought before a district justice and transferred to the court of common pleas.

8.(a) if the judgment was entered in a civil action before a district justice, a copy of the complaint filed with the district justice is attached to this Notice, showing that the action arose from a residential lease.

(b) If the judgment was entered in an action for the recovery of possession of real property before a district justice, copies of the appropriate district justice records are attached showing that the defendant appeared or filed papers in the action or that the complaint was served by handing a copy to the defendant.

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

Date: _____

 Judgment Creditor-Landlord

Rule 3312. Notice of Intent to Attach Wages. Claim for Exemption. Notice of Claim for Exemption. Forms.

(a) The notice of attachment of wages required by Rule 3302(b) shall be substantially in the following form:

(CAPTION)

**NOTICE OF INTENT TO ATTACH WAGES,
SALARY OR COMMISSIONS**

A judgment has been entered against you in court for nonpayment of rent for, or damage to, residential property that you rented. The judgment creditor-landlord has begun proceedings to attach 10% of your net wages, salary or commissions for each pay period until the judgment is satisfied.

The following exception will prevent your wages from being attached:

Poverty Guidelines—Your wages may not be attached if your net income is below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services or if the amount of the attachment would cause your net income to fall below the poverty income guidelines. A copy of the guidelines is attached to this notice.

If this exemption is applicable to you, you must return the claim for exemption of wages which is attached to the prothonotary within 30 days of the date of service of this notice upon you. The date of service of this notice is _____. If you return the form claiming this exemption within 30 days, your wages will not be attached without subsequent court proceedings.

There may be other legal grounds for opposing the wage attachment that you may be able to raise by filing a motion with the court. For example, your wages may not be attached if you are an abused person or victim as set forth in Section 8127(f) of the Judicial Code when the attachment is to satisfy a judgment for physical damages to the leased premises.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

(b) The claim for exemption from wage attachment shall be substantially in the following form:

(CAPTION)

CLAIM FOR EXEMPTION FROM WAGE ATTACHMENT

Notice

This Claim for Exemption must be filed with the Prothonotary of the Court within 30 days of service upon you of the Notice of Intent to Attach Wages.

To the Prothonotary:

I, the above named defendant, claim exemption of my wages, salary or commissions from attachment on the following ground:

_____ My net income is below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services.

OR

_____ The amount of wages to be attached would place my net income below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services.

I have _____ dependents.
(Number)

My net income is \$ _____ .

(Net income is your total wages less (1) any support payments made to the court, (2) federal, state and local income taxes, (2) F.I.C.A. payments and nonvoluntary retirement payments. (4) union dues and (5) health insurance premiums.)

I certify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Defendant

This claim shall be delivered or mailed to

Office of the Prothonotary
Court of Common Pleas

Address

Telephone Number

(c) The notice of claim of exemption required by Rule 1303(b) shall be substantially in the following form:

(CAPTION)

**NOTICE OF CLAIM OF EXEMPTION
OF WAGES FROM ATTACHMENT**

To the above named plaintiff:

The defendant in the above captioned matter has filed a claim for exemption from attachment of his or her wages, salary or commissions. A copy of the claim is attached. If you wish to challenge the claim for exemption, you should file with the court a motion setting forth facts which show that the defendant's net income is not below the Federal Department of Health and Human Services poverty income guidelines or that the attachment will not cause the defendant's net income to fall below those poverty income guidelines.

Date: _____
Prothonotary

Rule 3313. Writ of Attachment of Wages. Form.

The writ of attachment of wages shall be substantially in the following form:

Caption

Writ of Attachment of Wages, Salary or Commissions

Commonwealth of Pennsylvania :
County of _____ :

To _____
Employer of Defendant _____
Name

You have been identified as the employer of the above named defendant.

You are directed to withhold the wages, salary and commissions of the defendant in your possession to satisfy the judgment against the defendant.

You are notified that

- 1. an attachment of wages, salary and commissions has been issued;
2. you are ordered to withhold from the wages, salary and commissions of the defendant an amount per pay period which does not exceed ten (10) percent of the defendant's net wages, salary and commissions;

Net wages are all wages paid less only the following items: (1) any support payments made to the court, (2) Federal, State and local income taxes, (3) F.I.C.A. payments and nonvoluntary retirement payments. (4) Union dues and (5) Health insurance premiums.

- 3. the total amount attached is \$ _____ and the withholding must continue until the amount of the attachment is satisfied;
4. the attached wages shall be sent to the prothonotary of the court of common pleas within 15 days from the close of the last pay period in each month. The check must
a. contain the name of the employee whose wages are being withheld,
b. be made payable to the Prothonotary, and
c. be sent to

Prothonotary
Court of Common Pleas
Wage Attachment Remittance

Address

Telephone Number

- 5. you are entitled to deduct each pay period from the money collected from the defendant employee the costs incurred from the extra bookkeeping necessary to record the transaction, not exceeding \$5.00 of the amount of money so collected.
6. by law, you may not take any adverse action against the defendant because his or her wages, salary or commissions have been attached.
7. you shall send the following notice to the prothonotary if the defendant has never been or is no longer an employee:

I have received a Writ of Attachment in the following case:

_____ v. _____, No. _____ of _____.
Plaintiff Defendant Year

The following person, _____, has never been
Name
(____) or is no longer an employee (____).

Date: _____
Employer

Prothonotary
Seal of the Court
By _____
Deputy

Explanatory Comment

The Civil Procedural Rules Committee is proposing to recommend a new chapter of rules, Rule 3301 et seq., to govern the attachment of wages, salary and commissions pursuant to Section 8127(a)(3.1) of the Judicial Code in actions or proceedings for "amounts awarded to a judgment creditor-landlord arising out of a residential lease." Rule 3101 et seq. governing the enforcement of judgments for the payment of money will not apply to a wage attachment under this provision of the Judicial Code.

Pursuant to the definition of the term "judgment" in proposed Rule 3301(b), wages may be attached to satisfy a judgment for rent or physical damage to a leased premises entered in a "civil action" whether in a court of common pleas or before a district justice. However, if the money judgment sought to be enforced is entered in an action for recovery of possession of real property before a district justice pursuant to Pa.R.C.P.D.J. 501 et seq., a writ of attachment of wages may issue only if the defendant appeared or filed papers in the action or if the complaint was handed to the defendant (judgment debtor-tenant).

Section 8127 of the Judicial Code imposes certain requirements upon the attachment of wages.

Security Deposit.—

Section 8127(a)(3.1) provides for the deduction from the attachment of a security deposit under circumstances set forth in the Code. Rule 1311 prescribes a form of Praecipe for Notice of Intent to Attach Wages which requires the plaintiff (judgment creditor-landlord) to execute a Certification as to the status of the security deposit.

Exemptions from Attachment.—

1. Poverty Guidelines. Section 8127(a)(3.1) requires that the "sum attached shall be no more than 10% of the net wages per pay period of the judgment debtor-tenant or a sum not to place the debtor's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less." First, the employer-garnishee will determine the ten percent limit of the net wages to be attached. Second, since the defendant (judgment creditor-tenant) is the only person who has knowledge whether the attachment will bring his or her net income below the poverty level, the rules require the defendant to assert this objection to the attachment by filing a claim for exemption which is attached to the Notice of Intent to Attach Wages served upon the defendant. Third, Rule 3302(b) requires the prothonotary to attach to the Notice a copy of the most recent federal poverty income guidelines of the Federal Department of Health and Human Services.

2. Other Exemptions. The Notice of Intent to Attach Wages advises the defendant that there may be other exemptions available, giving the example of an abused

person or victim/witness, and that these exemptions are to be claimed by filing a motion with the court.

Withholding of Wages.—

Section 8127(c) sets forth duties of the employer-garnishee with respect to the withholding of wages. The form of the writ of attachment set forth in Rule 3313 advises the employer of these statutory duties.

Prohibition against Discharge.—

Section 8127(e) provides that the “employer shall not take any adverse action against any individual solely because his wages, salaries or commissions have been attached.” The form of the writ of attachment advises the employer of this obligation as well.

The proposed rules require the intervention of the court in two circumstances. First, if the defendant files a claim for exemption on the ground that his or her income is below the federal poverty income guideline or that the attachment will bring his or her income below the federal poverty income guideline, the plaintiff may dispute the claim by filing a motion requesting the court to direct the prothonotary to issue a writ of attachment of wages. The motion must set forth facts which establish that the plaintiff is entitled to attach wages pursuant to Section 8127(a)(3.1) of the Judicial Code. Second, the defendant may file a motion to stay or vacate the attachment on other grounds of exemption from attachment, including the ground of being an abused person or victim-witness.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 04-136. Filed for public inspection January 23, 2004, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200, 300 AND 500]

Proposal to Amend Rule 209 and Rescind Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 209 and rescind Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to simplify and consolidate the rules relating to continuances. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

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

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

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

Michael F. Krimmel, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
Fax 717-795-2175

or e-mail to: minorrules@pacourts.us

no later than Monday, February 23, 2004.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 209. [Grounds for continuances generally] Continuances.

A. Continuances may be granted for cause or by agreement.

B. Continuances shall be to a specific time and date. The district justice shall note continuances on the docket and shall promptly give or mail to the parties written notice of continuances.

C. Except for good cause shown,

(1) not more than one continuance shall be granted to each party, and

(2) the aggregate of all continuances shall not extend the date of the hearing

(a) beyond 90 days from the date of filing the plaintiff’s complaint in proceedings commenced pursuant to Rule 303, or

(b) beyond 30 days from the date of filing the plaintiff’s complaint in proceedings commenced pursuant to Rule 502.

D. In all proceedings governed by these rules the [The] following shall constitute cause for granting a continuance [under these rules]:

(1) [The] the scheduling of [counsel] a party’s attorney of record to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether[:]

(a) as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board, or the Supreme Court;

* * * * *

(2) [The] the scheduling of [counsel] a party’s attorney of record to appear at any proceeding involving the discipline of a justice, judge, or district justice under Section 18 of Article V of the Constitution of Pennsylvania, whether[:]

(a) as counsel for a justice, judge, or district justice before the special tribunal provided for in 42 Pa.C.S. §

727, the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board; or

(b) as a member of the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board.

Official Note: [This rule sets forth certain grounds for the granting of a continuance under the various provisions of these rules relating to continuances, including Rule 320 and Rule 511.] This rule was amended in 2004 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in [this rule] subdivision D, of course, are not intended to be the only grounds on which a continuance will be granted.

CHAPTER 300. CIVIL ACTION

Rule 320. [Continuances] (Rescinded).

[Continuances of not more than thirty (30) days may be granted for cause or by agreement. Continuances shall be for a specific time and date and shall be noted on the original complaint form. A Notice of Continuance form stating the time and date of hearing shall be mailed to all parties. Not more than two continuances shall be granted to either party. See Rule 209.]

Official Note: [A limitation was placed upon the number of continuances to insure the expeditious handling of actions before district justices and to prevent a clogging of their dockets.] See Rule 209 governing continuances.

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

Rule 511. [Continuances] (Rescinded).

[Continuances may be granted for cause or by agreement. Continuances shall be to a specific time and date and shall be noted on the original complaint form. Continuances shall not be granted to extend the date of the hearing beyond thirty (30) days from the date the plaintiff's complaint is filed or, if the defendant files a cross-complaint, beyond twenty (20) days from the date that complaint is filed, whichever is the longer period from the filing of the plaintiff's complaint. The district justice shall promptly give written notice of a continuance to the parties on a Notice of Continuance form, but if a party has an attorney of record named in the complaint form, the notice, unless given at the hearing in the presence of the party, shall be given to the attorney instead of to the party. See Rule 209.]

Official Note: [The limitations in this rule are intended to insure expedition in the processing of these4 cases.] See Rule 209 governing continuances.

REPORT

Proposal to Amend Rule 209 and Rescind Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

Continuances

I. Background and Discussion

In an ongoing effort to simplify and consolidate certain Rules of Conduct, Office Standards, and Civil Procedure for District Justices, the Minor Court Rules Committee (hereinafter the Committee) undertook a review of the rules relating to continuances. The Committee noted that there are currently three separate rules relating to continuances: Rule 209 (relating to grounds for continuances generally), Rule 320 (relating to continuances in civil actions), and Rule 511 (relating to continuances in possessory actions). The Committee was concerned about unnecessary duplication and confusion resulting from having three continuance rules. In addition, some members of the Committee expressed concern about the restrictions on the length of continuances, particularly in Rule 511, being unnecessarily complicated.

Accordingly, the Committee proposes to consolidate all provisions relating to continuances in existing Rule 209,¹ and to rescind Rules 320 and 511.

II. Proposed Rule Changes

A. Rule 209

As indicated above, the Committee proposes that all provisions relating to continuances would be consolidated in Rule 209. Subdivision A of the amended Rule would retain the existing provisions from Rules 320 and 511 that continuances may be granted for cause or by agreement. Likewise, Subdivision B would retain the existing provisions that continuances must be to a time and date certain, and that the district justice must note continuances on the docket and notify the parties.

Subdivision C of the amended Rule would incorporate the limitations on continuances from Rules 320 and 511 with some changes. Specifically, the Rule would provide that generally not more than one continuance may be granted to each party. In addition, the aggregate of all continuances would be limited to extending the date of the hearing

- not more than 90 days from the filing of the plaintiff's complaint in civil actions, or
- not more than 30 days from the filing of the plaintiff's complaint in possessory actions.

The Committee believes that these time limitations are reasonable and would ensure that district justice cases proceed expeditiously, while allowing sufficient time for necessary continuances and taking into consideration the time frames for scheduling the original hearing date,² service,³ and the filing of cross-complaints.⁴ The introductory clause of Subdivision C would also provide that the limitations on continuances apply except for good cause shown, giving the district justice discretion to grant continuances outside the limitations when necessary.

¹ The placement of this Rule in Chapter 200 (Rules of Construction; General Provisions) makes it applicable to both civil actions (Chapter 300) and possessory actions (Chapter 500).

² See Rules 305 and 504.

³ See Rules 307 and 506.

⁴ See Rules 315 and 508.

Subdivision D of the amended Rule would incorporate, with only minor editorial changes, the existing provisions of Rule 209 relating to continuances because of scheduling conflicts with a party's attorney who must participate in attorney or judicial disciplinary proceedings.

B. Rules 320 and 511

In light of the Committee's proposed amendments to Rule 209, the Committee further proposes that Rule 320 (relating to continuances in civil actions) and Rule 511 (relating to continuances in possessory actions) be rescinded.

[Pa.B. Doc. No. 04-137. Filed for public inspection January 23, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Amended 2004 Court Calendar; No. 1 of 2003

Administrative Order

And Now, this 8th day of January, 2004, it is hereby Ordered that the Court Calendar of the Court of Common Pleas of Fayette County of the 14th Judicial District of Pennsylvania for the year 2004, be and the same is hereby established in accordance with the following schedule and made a part hereof.

It is further Ordered that the Prothonotary shall file seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts, two (2) certified copies and diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy with the *Fayette Legal Journal* for publication, and one (1) copy with the Fayette County Law Library.

By the Court

CONRAD B. CAPUZZI,
President Judge

Amended 2004 Fayette County Court Calendar

January

- 1—New Years Day (HOLIDAY)
- 2—Call of Civil List
- 5—Criminal Court Week
- 15—Arraignment Court
- 19—Martin Luther King, Jr. (HOLIDAY)
- 20—Civil Court Week
- 20—Orphans' Court Audits
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 27—Arbitration Day

February

- 2—Criminal Court Week
- 16—President's Day (HOLIDAY)
- 17—Orphans' Court Audits
- 19—Arraignment Court
- 23—Criminal Pre-trials
- 23—Call of the Criminal List
- 24—Arbitration Day

March

- 1—Criminal Court Week
- 15—Orphans' Court Audits
- 18—Arraignment Court
- 25—Criminal Pre-trials
- 25—Call of the Criminal List
- 30—Arbitration Day

April

- 2—Call of the Civil List
- 5—Criminal Court Week
- 9—Good Friday (HOLIDAY)
- 15—Arraignment Court
- 19—Civil Court Week
- 19—Orphans' Court Audits
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 27—Primary Election Day
- 27—Arbitration Day

May

- 3—Criminal Court Week
- 17—Orphans' Court Audits
- 20—Arraignment Court
- 25—Arbitration Day
- 27—Criminal Pre-trials
- 27—Call of the Criminal List
- 31—Memorial Day (HOLIDAY)

June

- 7—Criminal Court Week
- 17—Arraignment Court
- 21—Orphans' Court Audits
- 24—Criminal Pre-trials
- 24—Call of the Criminal List
- 29—Arbitration Day

July

- 2—Call of Civil List
- 5—Independence Day Observance (HOLIDAY)
- 6—Criminal Court Week
- 15—Arraignment Court
- 19—Civil Court Week
- 19—Orphans' Court Audit
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 27—Arbitration Day

August

- 2—Criminal Court Week
- 16—Orphans' Court Audits
- 19—Arraignment Court
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 31—Arbitration Day

September

- 6—Labor Day (HOLIDAY)
- 7—Criminal Court Week
- 16—Arraignment Court
- 20—Orphans' Court Audits
- 27—Criminal Pre-trials
- 27—Call of the Criminal List
- 28—Arbitration Day

October

- 1—Call of the Civil List
- 4—Criminal Court Week
- 11—Columbus Day Observance (HOLIDAY)
- 18—Civil Court Week
- 18—Orphans' Court Audits
- 21—Arraignment Court
- 25—Criminal Pre-trials
- 25—Call of the Criminal List
- 26—Arbitration Day

November

- 1—Criminal Court Week
- 2—Election Day
- 11—Veteran's Day (HOLIDAY)
- 15—Orphans' Court Audits
- 18—Arraignment Court
- 23—Criminal Pre-trials
- 23—Call of the Criminal List
- 25—Thanksgiving Day (HOLIDAY)
- 26—Day after Thanksgiving (HOLIDAY)
- 30—Arbitration Day

December

- 6—Criminal Court Week
- 16—Arraignment Court
- 20—Orphans' Court Audits
- 20—Criminal Pre-trials
- 20—Call of the Criminal List
- 24—Christmas Eve (HOLIDAY)
- 27—Christmas Observance (HOLIDAY)
- 28—Arbitration Day
- 31—New Year's Day Observance (Holiday)

[Pa.B. Doc. No. 04-138. Filed for public inspection January 23, 2004, 9:00 a.m.]

JEFFERSON COUNTY**Revision to Local Rule of Court L319—Termination of Inactive Civil Cases**

And Now, January 6, 2004, it is hereby Ordered as follows:

Local rule of Court, L319 is rescinded effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*.

Adoption of New Local rules of Court

Local Rule of court L230.2 is hereby adopted as a new Local rule of Civil Procedure.

Pursuant to Pa.R.C.P. No. 230.2, on or before March 1st of each year the prothonotary shall list for General Call a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto. The prothonotary shall serve Notice on council of record, and on the parties if not represented, that the date of the General Call for termination of inactive cases will be the fourth Monday in May each year. All procedures to be followed as set forth in PA R.C.P. No. 230.2.

These new and rescinded Local Rules of court shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Certified copies of this Order with the new and rescinded Local Rules of court shall be distributed by the Court Administrator as required by pertinent state rules of court, together with a diskette containing the hard copy version where required.

By the Court

JOHN H. FORADORA,
President Judge

[Pa.B. Doc. No. 04-139. Filed for public inspection January 23, 2004, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 7, 2003, meeting, proposed the following amendment:

Amend § 141.22 (relating to small game) to create a safety zone around Commission vehicles to reduce the chances of employees who are releasing pheasants from being injured.

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

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 7, 2003, meeting of the Commission. Comments can be sent until January 27, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

Every year as Commission employees release pheasants for hunting during the open season, hunters shoot the pheasants at or near the vehicles being used to transport the pheasants. Not only is this contrary to fair chase, it jeopardizes the safety of Commission employees releasing the pheasants. Adding § 141.22(a)(9) reduces the chances of Commission employees being injured when stocking pheasants.

2. Purpose and Authority

Because of increased incidents of careless hunters shooting at pheasants being released by Commission employees from their vehicles during the hunting season and the potential of serious physical injury, the Commission proposes to impose a safety zone of 150 yards around the vehicles. The safety zone distance is the same that is currently in place surrounding occupied dwellings and structures per section 2505(a) of the code (relating to safety zones). The intent of this proposed rulemaking is to provide the same safety parameters and protection for Commission employees releasing pheasants from their vehicles that is currently afforded to the general public at their residences.

Section 2102 of the code (relating to regulations) provides that the Commission shall promulgate regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth. This provision provides the authority for the proposed rulemaking.

3. Regulatory Requirements

The proposed rulemaking will make it unlawful for hunters to shoot at pheasants within 150 yards of a Commission vehicle involved in releasing pheasants.

4. Persons Affected

Persons who hunt for pheasants will be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

6. Effective Date

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

7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-173. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Unlawful activities.* It is unlawful to:

* * * * *

(9) Discharge a firearm within 150 yards of a Game Commission vehicle releasing pheasants.

* * * * *

[Pa.B. Doc. No. 04-140. Filed for public inspection January 23, 2004, 9:00 a.m.]

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 7, 2003, meeting, proposed the following amendments:

Amend §§ 143.45 and 143.52 (relating to completing and submitting applications; and procedure for unlimited antlerless licenses) by eliminating the requirement to circle the appropriate number on the antlerless license application envelope and to move the date when county treasurers begin accepting over the counter antlerless license applications.

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

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 7, 2003, meeting of the Commission. Comments can be sent until January 27, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Introduction

This proposed rulemaking eliminates the legal requirement that an applicant for an antlerless license circle the appropriate number on the application envelope, so it can be properly processed without being placed in a dead letter file, while another amendment adjusts the date for treasurers accepting over the counter applications so as not to conflict with the mail-in application processing demands.

2. Purpose and Authority

By eliminating the requirement that the preprinted number on the outside of the envelopes for those applying for antlerless deer licenses be circled indicating the number of applications enclosed, the Commission will not be forced into placing them into a dead letter file because of an inadvertent mistake, but rather can legally accept them and the enclosed applications and process them without unnecessary delay and extra mail handling.

By adjusting the date when county treasurers can begin accepting over the counter applications for antlerless deer licenses to the third Monday in September, the burden on the treasurers who are still processing mail-in applications will be lessened and allow ample time for applicants who have applied by mail to have their applications received and processed before others can purchase them over the counter.

Section 2705(13) of the code (relating to classes of licenses) lists antlerless deer licenses as one of the licenses that the Commission administers by establishing regulations, requirements and conditions. Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that "The commission shall adopt regulations for the administration, control and performance of activities conducted pursuant to the provisions of this chapter." These provisions provide the statutory authority for the proposed rulemaking.

3. Regulatory Requirements

The proposed rulemaking allows applicants for antlerless licenses who fail to circle the number of applications enclosed within their envelope to have their applications legally accepted and processed. This proposed rulemaking also allows county treasurers to legally accept over the counter antlerless applications at a later date to ease processing demands and conflicts with the mail-in applications.

4. Persons Affected

Persons who wish to apply for an antlerless deer license will be affected by the proposed rulemaking.

5. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

6. Effective Date

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

7. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-176. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.45. Completing and submitting applications.

* * * * *

(g) [**The appropriate preprinted number on the outside of the envelope shall be circled indicating the number of applications enclosed.**

(h)] The envelope shall contain return first class postage and be self-addressed. If requirements of this subsection are not met, applications [**shall**] will be placed in a dead letter file and may be reclaimed by the applicant upon contacting the Commission's Hunting License Division in Harrisburg. Postage, both forward and return, is the responsibility of the applicant.

[(i)] (h) * * *

§ 143.52. Procedure for unlimited antlerless licenses.

* * * * *

(c) Beginning on the [**date specified in subsection (b)] third Monday in September**, county treasurers within the designated wildlife management units shall accept antlerless applications over the counter from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.

[Pa.B. Doc. No. 04-141. Filed for public inspection January 23, 2004, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Commercial Wildlife Pest Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 7, 2003, meeting, proposed the following amendment:

Amend § 147.721 (relating to general) to include the act of soliciting in the definition of activities requiring a commercial wildlife pest control permit.

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

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 7, 2003, meeting of the Commission. Comments can be sent until January 27, 2004, to the Director,

Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The Commission is proposing to amend § 147.721 to include the act of soliciting as one of the requirements for a commercial wildlife pest control permit. This is currently not unlawful and has resulted in several incidents of nonpermitted persons taking advantage of the public.

2. *Purpose and Authority*

The purpose of the proposed rulemaking is to protect the public from unscrupulous persons who advertise to perform commercial wildlife pest control services while not currently possessing a permit. There have been several incidents of persons offering their services and activities for wildlife pest control when neither they nor their employees, who were to perform the actual control service, possessed a current commercial wildlife pest control permit from the Commission. Since the timing of some wildlife pest control methods and techniques is often critical, it is vitally important to more effectively regulate the activity.

Section 2901(b) of the code (relating to authority to issue permits), provides that "Unless otherwise provided in this title, the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued."

3. *Regulatory Requirements*

The proposed rulemaking will make the act of soliciting to provide commercial wildlife pest control services without a current permit from the Commission unlawful.

4. *Persons Affected*

Persons who advertise or solicit wildlife pest control services who are not currently permitted by the Commission will be affected by the proposed rulemaking. Wildlife pest control permittees will be affected through protection from the competition from unpermitted individuals, while the general public will be affected by not hiring someone advertising wildlife pest control services when they are not permitted by the Commission.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-174. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter T. COMMERCIAL WILDLIFE PEST CONTROL

§ 147.721. General.

A commercial wildlife pest control permit is required for [a] any person to take, harass, transport, release or dispatch designated wildlife [,] for another person [for a fee or other consideration,] or to solicit or offer their services to another to take, harass, transport or dispatch designated wildlife that is creating a nuisance, causing damage to property or is a risk to human health or safety. This permit authorizes the agent to control designated wildlife for another at any time of the year.

[Pa.B. Doc. No. 04-142. Filed for public inspection January 23, 2004, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Falconry

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 7, 2003, meeting, proposed the following amendment:

Amend § 147.103 (relating to classes of permits) to allow residents of this Commonwealth to apply for a falconry permit at 16 years of age.

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

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 7, 2003, meeting of the Commission. Comments can be sent until January 27, 2004, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Introduction*

The act of June 17, 2003 (P. L. 12, No. 5) (Act 5) amended section 2901 of the code (relating to authority to issue permits) to allow residents of this Commonwealth who are at least 16 years of age to apply for a falconry permit. Currently, § 147.103(a) requires a person to be 18 years of age. This conflict can be eliminated by amending § 147.103(a).

2. *Purpose and Authority*

Act 5 amended section 2901 of the code by changing the age requirement for eligible residents of this Commonwealth to apply for apprentice falconry permits from 18 years of age to 16 years of age. Current regulations require persons applying for a falconry permit to be at least 18 years of age. To make the regulations compatible with the code, § 147.103(a) needs to be amended to allow persons at least 16 years of age to apply for an apprentice falconry permit.

Section 2901(b) of the code states that unless otherwise provided in the code, the Commission may, as deemed necessary to properly manage game or wildlife resources,

promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued. This provision provides statutory authority for the proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking will allow a person 16 years of age to apply for a falconry permit.

4. *Persons Affected*

Persons who wish to apply for a falconry permit will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of

Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,
Executive Director

Fiscal Note: 48-175. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter F. FALCONRY

§ 147.103. Classes of permits.

(a) *Apprentice.* A permittee shall be [18] 16 years of age or older.

* * * * *

[Pa.B. Doc. No. 04-143. Filed for public inspection January 23, 2004, 9:00 a.m.]

STATEMENTS OF POLICY

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

Community Revitalization Program

The Department of Community and Economic Development (Department) amends Chapter 123 (relating to community revitalization program—statement of policy) to read as set forth in Annex A. The statement of policy is amended under the authority of section 209 of Act 9A of 2003, known as the First Supplemental General Appropriation Act of 2003 (Appropriation Act).

Background

The Appropriation Act requires the Department to publish Community Revitalization Program (program) guidelines in the *Pennsylvania Bulletin* prior to the spending of the 2003-2004 moneys designated for the program. This amended statement of policy updates the existing program guidelines published at 32 Pa.B. 4161 (August 24, 2002).

Amendments

Section 123.1 (relating to introduction) is amended to update the reference to the Appropriation Act and to the current fiscal year.

Section 123.3 (relating to eligibility) is amended to update the reference to the Appropriation Act and to the current fiscal year.

Section 123.4 (relating to program requirements and instructions) is amended to add the Project Budget and Profiles sections of the single application to the list of sections which must be completed by the applicant.

Section 123.5 (relating to application submission and approval procedure) is amended to update the reference to the Department website, the current fiscal year, the grant award cycles and the proposed award dates. This section is also amended to encourage applicants to submit their applications on-line and to reapply for the following year if no action is taken on their applications.

Section 123.6 (relating to procedures) is amended to update the reference to the current fiscal year; to add a provision stating that the single audit performed for Federal audit purposes will not be accepted for auditing grants funded with State moneys; and to add a provision stating that applications from grant recipients who did not fulfill their audit requirements under previous contracts will not be considered and will be placed on hold until the audit requirements are met.

Fiscal Impact

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public.

Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

Contact Person

For further information regarding the amended statement of policy, contact Richard Guinan, Strategic Planning and Operation, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (717) 787-3402.

Findings

The Department finds that the delay in implementing the statement of policy will have a serious adverse impact on the public interest.

Order

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

(a) The statement of policy of the Department, 12 Pa. Code Chapter 123, is amended by amending §§ 123.1 and 123.3—123.6 to read as set forth in Annex A.

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

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

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

DENNIS YABLONSKY,

Secretary

Fiscal Note: 4-SOP-77. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart A. STRATEGIC PLANNING AND OPERATION

CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

§ 123.1. Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects that are in accordance with Act 9A of 2003. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 9A of 2003, are in accordance with the program guidelines in this chapter and meet all Department Single Application for Assistance criteria found in the application.

(c) Applicants should be aware that applications for other Department programs may also be considered under the CRP. This creates a large pool of applications for a limited appropriation from the General Assembly. As such, not every application can or will be funded.

(d) 2003 CRP expenditures will be charged to the State fiscal year July 1, 2003, to June 30, 2004.

§ 123.3. Eligibility.

(a) *Eligible applicants.* The following applicants are eligible:

(1) General purpose units of local government, including, but not limited to, counties, cities, boroughs, townships and home rule municipalities.

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

(4) Nonprofit corporations incorporated under the laws of the Commonwealth.

(5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligible projects.*

(1) CRP funds may be used for community revitalization and improvement projects that are consistent with Act 9A of 2003. Eligible projects include projects which meet one or more of the following criteria:

(i) Improve the stability of the community.

(ii) Promote economic development.

(iii) Improve existing or develop new, or both, civic, cultural, recreational, industrial and other facilities.

(iv) Assist in business retention, expansion, creation or attraction.

(v) Promote the creation of jobs and employment opportunities.

(vi) Enhance the health, welfare and quality of life of Pennsylvania citizens.

(2) Projects for the sole benefit of a for-profit entity are not eligible for program funding.

(c) *Guideline compliance for Fiscal Year 2003-2004.* Projects that receive funding must meet one or more of the criteria in subsection (b).

§ 123.4. Program requirements and instructions.

The following requirements apply to CRP:

(1) Project applications shall be submitted using the Department's Single Application for Assistance. Applications are available from the Department's Customer Service Center, the Department's Regional Offices or the Department's website. Addresses and phone numbers are listed in § 123.5(a) (relating to application submission and approval procedure).

(2) The Department reserves the right to:

(i) Request additional information regarding proposed use of funds.

(ii) Verify non-Department funding sources.

(iii) Require explanation or revision of the project's budget.

(iv) Require clarification of the project's narrative.

(v) Consider an application ineligible in a specific funding round if the additional information requested is not received by the Department within 30 days of their request. The application may be considered in a subsequent round of the fiscal year, if the requested information is received by the Department by the established application deadlines.

(3) Incomplete applications may be rejected. An applicant shall follow the detailed instructions for completing

the Department's Single Application for Assistance when applying for CRP, especially, with regards to the completion of the Project Narrative, Project Budget and Profiles sections. The following excerpt from the Department's Single Application for Assistance provides the level of detail that the Department is seeking on a project:

A typewritten (or computer generated) Project Narrative must accompany the Single Application for Assistance. The narrative should provide a detailed and comprehensive description of the project. Applicants must explain who they are and what they are going to do with the grant funds. The narrative must specifically address each of the cost items identified in the Project Budget section of the application. In general, the narrative should include:

- Specific Problems to be Addressed or Improvement to be financed. Identify the problem that needs to be resolved. Please include brief background information, including general purpose and/or mission of the organization.

- Project Description. What do you plan to accomplish with this project and how do you plan to accomplish it?

- Expected Outcomes. Examples of measurable outcomes include jobs created or retained, people trained, land or buildings acquired, park constructed, feet of road repaired, etc.

- Projected Schedule and Key Milestones and Dates. A detailed project schedule must accompany the application, including key milestones and dates.

- Documentation to support Projected Budget Costs. This documentation may consist of an itemized line-by-line listing of how you arrived at the specific budget items for the project, bids or cost quotations, contractor estimates, appraisals, engineer estimates. A specific explanation is needed for any amounts in an "Other" or "Indirect Costs" budget category.

- Documentation of matching dollars such as commitment letters, receipts, etc.

- Religious disclaimer. If an applicant has a religious affiliation, the applicant should provide a disclaimer assuring that Department funds will not be used for religious purposes.

§ 123.5. Application submission and approval procedure.

(a) The application is available by calling the Customer Service Center, the Department's Regional Offices or at the Department's website www.inventpa.com. Applications will be accepted throughout the fiscal year up to the April 30, 2004, submission deadline. Applications will be subject to § 123.7 (relating to limitations and penalties).

(1) Applications may be submitted by mail to the following address:

Department of Community and Economic Development
Customer Service Center
Commonwealth Keystone Building
400 North Street, Fourth Floor
Harrisburg, PA 17120-0225
(800) 379-7448

(2) To expedite processing, applications should be submitted on-line by means of the Department's on-line Single Application for Assistance found at "www.esa.dced.state.pa.us."

(b) CRP grant awards will be made in two funding rounds during the fiscal year. The Department will grant

approximately 50% of the program appropriation in each round. These percentages are targets. The Department will make every effort to allocate program funds in accordance with these targets, but is not bound to them. Applicants should not apply in each round, and should apply only once during the 2003-2004 Fiscal Year. Grant applications not funded in a round will be rolled into the next round for consideration.

(1) The first round consideration will include all applications received between July 1, 2003, and February 13, 2004.

(2) The second round will include applications received by April 16, 2004, and applications not approved in the first round.

(3) Targeted grant announcement dates, subject to change without notice at the discretion of the Department, are as follows:

(i) April 2004 for the first round.

(ii) June 2004 for the second round.

(c) Any CRP funds remaining after the second round may be awarded by the Department up to the end of the fiscal year.

(d) Letters will not be sent to applicants after each funding round advising applicants that they have not been funded.

(e) Applicants that do not receive funding during any of the rounds will be notified during July 2004 to reapply during the next fiscal year.

(f) Follow up information as to the status of submitted grant applications may be obtained by contacting the DCED Customer Service Center. However, calls are not encouraged. The account manager letter is confirmation of receipt of the application. The demand for this program is very high, and staff may not be familiar with each individual application. Applicant care in preparation of the application will assist the Department in processing the application.

(g) Applicants should not submit more than one application per fiscal year. Additional applications do not enhance opportunity for funding. The Department reserves the right to reject additional applications from the same applicant, without notice to the applicant.

(h) The Department reserves the right to reject, without notification, applications received after April 30, 2004, for the 2003-2004 fiscal year appropriation.

§ 123.6. Procedures.

(a) CRP grant award notifications will be made by letter. After the award letter has been mailed, the applicant will receive a contract document that shall be signed by the grantee and returned to the Department for execution on behalf of the Commonwealth. Grants will not be awarded without a fully executed contract.

(b) The applicant will maintain full and accurate records with respect to the project. The Department will have free access to these records including invoices of material and other relative data and records, as well as the right to inspect all project work. The applicant will furnish upon request of the Department all data, reports, contracts, documents, and other information relevant to the project.

(c) Approved grants in the amount of \$100,000 or more require the grantee to provide an audit of the grant by a certified public accountant, prepared at the expense of the grantee, in compliance with Pennsylvania State law. The single audit performed for Federal audit purposes will not be accepted for auditing grants funded with State monies.

(d) Approved grants under \$100,000 require the grantee to submit a detailed financial statement and a close out report of the use of State funds consistent with the contract. An audit is recommended, although not required.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

(f) Applications from grant recipients who did not fulfill their audit requirements under previous contracts will not be considered and will be placed on hold until the audit requirements are met.

(g) Applications not acted on favorably will be considered to have been denied and will not be considered for the 2004-2005 fiscal year.

[Pa.B. Doc. No. 04-144. Filed for public inspection January 23, 2004, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby: (1) reissues its previous temporary orders designating West Nile Encephalitis (WNE) and Chronic Wasting Disease (CWD) "dangerous transmissible diseases"; and (2) designates Spring Viremia of Carp (SVC) as a "dangerous transmissible disease." These designations are made under authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation.

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection—although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a "dangerous transmissible disease" will facilitate the Department's surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs).

Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or "mad cow" disease. All are thought to be caused by a protein that has converted to an abnormal infectious form prion. There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. The designation of CWD as a "dangerous transmissible disease" will facilitate the development and oversight of a surveillance program, and will help the Department react and take action in the event CWD is detected.

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth's aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

Order

The Department hereby designates WNE, CWD and SVC "dangerous transmissible diseases" under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making these designations.

This order shall take effect January 1, 2004, and shall remain in effect until no later than January 1, 2005. The Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2005; (2) allow this temporary order to expire on January 1, 2005; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order should be directed to John I. Enck, Jr. VMD, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-6677.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 04-145. Filed for public inspection January 23, 2004, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 13, 2004.

BANKING INSTITUTIONS

New Charters

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-8-04	CNB Community Bank Clarion Clarion County <i>Branch Office:</i> 246 Broad Street New Bethlehem Clarion County	333 West Main Street Clarion Clarion County	Began Operations

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-8-04	Millennium Bank Malvern Chester County	<i>To:</i> 2800 State Hill Road Wyomissing Berks County <i>From:</i> 1200 Broadcasting Road Wyomissing Berks County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-146. Filed for public inspection January 23, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry (Bureau), and Edward Signor and Robert A. Signor are proposing to negotiate an exchange of lands in Tioga County.

The Bureau is proposing to acquire from the Signors a parcel of 39 acres in Union Township, a parcel of 40 acres in Covington Township and a parcel of 368 acres in Morris and Duncan Townships. These three parcels all adjoin existing Tioga State Forest holdings and contain a total of 447 acres.

In return, the Bureau proposes to convey to the Signors a parcel of 377 acres in Bloss Township adjoining Arnot Village on the east and north.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry and comment will begin January 26, 2004, and end February 24, 2004. Oral or written comments or questions concerning this proposed exchange should be addressed to Daniel A. Devlin, Chief, Forest Resource Planning and Information Division, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2105. The oral and written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-147. Filed for public inspection January 23, 2004, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Request for Proposals for Services to Enhance No Child Left Behind School District/Postsecondary Institution Collaborations and Performance Success

The Department of Education (Department) announces this Request for Proposals (RFP) to seek candidates to provide services to aid meeting the Commonwealth's No Child Left Behind Act (NCLB Act) requirements and to enhance K-12 student performance accomplishments through school district/postsecondary institution collaborations.

The main goal of this project is to aid in the review and study of the requirements that will enhance meeting State NCLB Act K-12 performance standards accomplishment by: (1) studying K-12 standards components in postsecondary teacher education programs of study and Commonwealth guidelines and making recommendations for improvement; (2) providing professional training to aid staff's understanding and interpretation of school district and Statewide assessment results (PSSA); (3) colleges and universities aiding school districts in cooperatively developing 2-5 year long range plans to address PSSA shortcomings; and (4) assisting identified high need districts in meeting the highly qualified teacher requirements of the NCLB Act.

Funding Source and Eligibility Requirements

The Commonwealth has up to \$200,000 to fund the requested services package. Awards will be available for the term of the current contract year. Funding is available on a competitive basis to an institution of postsecondary or higher education offering an approved teacher education program in this Commonwealth.

Important Dates and Application Deadline

The contract period is from February 27, 2004, through June 30, 2004. There will be a pre-proposal conference on February 12, 2004. Proposals must be submitted by February 23, 2004, to receive consideration. Electronic or faxed copies of the application will not be accepted. Prospective contractors may download application materials from the Department's website: www.teaching.state.pa.us/.

Contact and Additional RFP Information

Individuals who would like to receive a paper copy of the complete RFP or who have additional questions about the application process should contact Helen Rodriguez, Bureau of Teacher Certification and Preparation, Division of Teacher Education, Department of Education, 333 Market Street, 3rd Floor, Harrisburg, PA 17126-0333, (717) 772-3566, c-hrodrigu@state.pa.us.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 04-148. Filed for public inspection January 23, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. 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 will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

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

I. NPDES Renewal Applications

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

<i>NPDES Permit 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>
PA0209741	Reynolds/322 Co., Ltd. 9 Corporation Center Broadview Heights, OH 44167	French Creek Township Mercer County	Powdermill Run 20-C	Y

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

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

PA0051454, Sewage, **Kimmel Enterprises**, 2931 Eagleview Road, Norristown, PA 19403. This proposed facility is in East Norriton Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a small flow treatment plant at 1055 West Germantown Pike.

The receiving stream, an unnamed tributary to Stony Creek, is in the State Water Plan watershed 3F and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pennsylvania American Water Company—Norristown is on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,460 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-1 to 10-31)			20		40
(11-1 to 4-30)			25		50
Suspended Solids			30		60
Ammonia (as N)					
(5-1 to 10-31)			1.5		3.0
(11-1 to 4-30)			4.5		9.0
Total Residual Chlorine			0.5		
Fecal Coliform			200/100 ml as a geometric mean		
Dissolved Oxygen			minimum of 5.0 mg/l at all times		
pH			within limits of 6.0—9.0 standard units at all times		

In addition to the effluent limits, the permit contains the following major special conditions: abandon STP, remedial measures, no stormwater, obtain property rights, dry stream discharge, change of ownership, sludge disposal, 2/month monitoring and laboratory certification.

The EPA waiver is in effect.

PA0051802, Industrial Waste, SIC 2721, **Brown Printing Company**, 668 Gravel Pike, East Greenville, PA 18041-2199. This proposed facility is in Upper Hanover Township, **Montgomery County**.

Description of Proposed Activity: Renewal of the NPDES permit to discharge 11,000 gallons per day of treated process and sewage wastewater.

The receiving stream, unnamed tributary to Perkiomen Creek, is in the State Water Plan Watershed 3E and is classified for TSF. The nearest downstream public water supply intake for the East Greenville Water Treatment Plant is on the Perkiomen Creek, 0.8 mile below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 11,000 gallons per day.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-1 to 10-31)			15	30	38
(11-1 to 4-30)			25	50	63
Suspended Solids			30	60	75
NH ₃ -N					
(5-1 to 10-31)			1.5	3.0	3.8
(11-1 to 4-30)			4.5	9.0	11.0
Phosphorus as P					
(1st Year)			1.0	2.0	2.5
(2nd to 5th Year)			0.5	1.0	1.25
Total Dissolved Solids			1,500	2,000	2,500
Oil and Grease			15		30
Total Residual Chlorine			0.5	Monitor	1.2
Fecal Coliform			200 col/100ml		
Dissolved Oxygen			3.0 min.		
pH (STD)			6.0 min.		9.0
Copper, Total			0.042	0.062	0.084

The proposed effluent limits for Outfalls 002 and 003 are based on discharge of stormwater from the retention basins.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅				Monitor	
COD				Monitor	
Total Suspended Solids				Monitor	
Oil and Grease				Monitor	
pH				Monitor	
Total Kjeldahl Nitrogen				Monitor	
Total Phosphorus				Monitor	
Iron Dissolved				Monitor	

In addition to the effluent limits, the permit contains the following major special conditions: abandon WWTP; remedial measures; chemical additives; sludge disposal; and stormwater outfalls.

The EPA waiver is not in effect.

PA0052761, Sewage, **Buckingham Valley Nursing Home Association**, 820 Durham Road, P. O. Box 447, Buckingham, PA 18912. This existing facility is in Buckingham Township, **Bucks County**.

Description of Proposed Activity: Issuance of NPDES renewal permit for a discharge of treated sewage.

The receiving stream, an unnamed tributary to Mill Creek, is in the State Water Plan watershed 2F and is classified for CWF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Pennsylvania Suburban Water Company is on the Neshaminy Creek, approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum mg/l</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-1 to 10-31)			10		20
(11-1 to 4-30)			20		40
Total Suspended Solids			30		60
Ammonia as N					
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
Phosphorus as P					
(4-1 to 10-31)	0.1		0.8		1.6

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Nitrite and Nitrate as N (7-1 to 10-31)			8.0		16.0
Total Residual Chlorine			0.1		0.25
Fecal Coliform		200 colonies/100 ml as a geometric average			
Dissolved Oxygen		minimum of 5.0 at all times			
pH		within limits of 6.0—9.0 standard units at all times			

The EPA waiver is not in effect.

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

PA0026379, Amendment No. 1, Sewage, **Bradford Sanitary Authority**, P. O. Box 546, Bradford, PA 16701-0546. This proposed facility is in City of Bradford, **McKean County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply considered during the evaluation is the PA-NY state line on the Allegheny River, approximately 1 mile below point of discharge.

The receiving stream, Tunungwant Creek, is in watershed 16-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.3 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD ₅ (5-1 to 10-31)	526	789	10	15	20
(11-1 to 4-30)	1,052	1,577	20	30	40
Total Suspended Solids	1,576	2,364	30	45	60
NH ₃ -N (5-1 to 10-31)	211		4		8
(11-1 to 4-30)	631		12		24
Fecal Coliform (5-1 to 9-30)		200/100ml as a geometric average			
(10-1 to 4-30)		4,400/100ml as a geometric average			
Copper	0.8		0.016		0.032
Total Iron	115.6		2.2		4.4
Total Residual Chlorine			0.28		0.47
Chronic Whole Effluent Toxicity (WETT) (Interim)				3.3 TUc	
(Final)				2.9 TUc	
Dissolved Oxygen		minimum of 5 mg/l at all times			
pH		6.0 to 9.0 standard units at all times			

The EPA waiver is not in effect.

PA0239402, Sewage, **Randy L. Huntington**, 2112 West State Road, Jamestown, PA 16134. This proposed facility is in West Shenango Township, **Crawford County**.

Description of Proposed Activity: Discharge of treated sewage from a nonmunicipal STP.

The receiving water, an unnamed tributary to the Shenango River, is in State Water Plan 20-A and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Greenville Municipal Water Authority, is on the Shenango River, approximately 12 miles below the point of discharge.

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

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	10		20

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliform	200/100ml as a geometric average		
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA waiver is in effect.

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

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

WQM Permit No. 5803403, Department of General Services, 18th and Herr Streets, Harrisburg, PA 17120. This proposed facility is in New Milford Township, **Susquehanna County**.

Description of Proposed Action/Activity: This project is for the installation of sewage treatment facility with spray irrigation disposal for the Pennsylvania National Guard Readiness Center in New Milford Township, Susquehanna County.

WQM Permit No. 3503404, Scranton Sewer Authority, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: This project is for the upgrade and rehab of seven sewage pumping stations within the combined sewer system. The seven pumping stations in the City of Scranton include Parrot Ave., Keyser Ave., Middle St., Dorothy St., Shawnee Ave., Myrtle St. and Froude Ave.

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

WQM Permit No. 3604401, Sewerage, Marietta-Donegal Joint Authority, P. O. Box 167, Marietta, PA 17547. This proposed facility is in Marietta Borough, **Lancaster County**.

Description of Proposed Action/Activity: Upgrade/expansion; the design flow of the facility will be increased to 0.75 mgd per day.

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

WQM Permit No. 1004201, Industrial Waste, Evans City Borough, 220 Wahl Street, Evans City, PA 16033. This proposed facility is in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the addition of dechlorination stage to process wastewater.

WQM Permit No. 6286201, Industrial Waste Amendment No. 1, Waste Treatment Corporation, 1 Harmer Street, Warren, PA 16365. This proposed facility is in City of Warren, **Warren County**.

Description of Proposed Action/Activity: This project is for the construction of an effluent pumping station to supplement gravity flow discharge.

WQM Permit No. 2504401, Sewerage, Erie Spa, Inc. d/b/a Coventina Day Spa, Inc., 10747 Route 19, Waterford, PA 16441. This proposed facility is in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to replace a malfunctioning system.

WQM Permit No. 2004401, Sewerage, Cambridge Area Joint Authority, 161 Carringer Street, Cambridge Springs, PA 16403. This proposed facility is in Cambridge Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewer extension to serve the Forest Street area.

WQM Permit No. 2598406, Sewerage Amendment No. 1, John T. Afton, 7616 Knoyle Road, Wattsburg, PA 16422. This proposed facility is in Venango Township, **Erie County**.

Description of Proposed Action/Activity: This project is to modify a small flow treatment facility at the Scenic Heights Golf Course.

WQM Permit No. 3704401, Sewerage, Neshannock Township, 3131 Mercer Road, New Castle, PA 16105-3593. This proposed facility is in Neshannock Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve the Rose Hill Development on Kings Chapel Road.

WQM Permit No. 4304401, Sewerage, Springfield Township, 1791 Perry Highway, Volant, PA 16156-1517. This proposed facility is in Springfield and Pine Townships, **Mercer County**.

Description of Proposed Action/Activity: This project is for pump station improvements including replacing pumps, discharge piping and valves at both pump stations and replacing the trash basket with a comminutor at the Springfield pump station.

IV. NPDES Applications for Stormwater Discharges from MS4**V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503112	Hickory Hill Road, LP Hickory Hill Tract Development 1301 Lancaster Avenue Berwyn, PA 19312	Chester	East Nottingham Township	Unnamed tributary West Branch Big Elk Creek HQ-TSF
PAI011503113	Snyder Developers Carriage Lantern Court Development 119 West Lancaster Avenue Shillington, PA 19607	Chester	Honey Brook Borough	Unnamed tributary to West Branch Brandywine Creek HQ-TSF-MF
PAI011503114	Telvil Corporation Cedarmill Crossing Development 528 Main Street Harleysville, PA 19438	Chester	North Coventry Township	Schuylkill River HQ-TSF
PAI012303006	The Boeing Company Boeing Flood Contract Project P. O. Box 16858, P29095 Philadelphia, PA 19142	Delaware	Ridley Township Eddystone Borough	Crum Creek/Delaware River WWF/MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S013-RR	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township Stroudsburg Borough	Brodhead Creek TSF, MF Cherry Creek HQ-CWF

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904001	Robert Bender Heritage Building Group 3326 Old York Rd., Suite A100 Furlong, PA 18925	Lehigh	Upper Macungie Township	Leibert Creek HQ-CWF
PAS10Q003-2R	David M. Jaindl 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	Upper Macungie Township	Iron Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**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 a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determi-

nations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are 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 should 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)

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

Permit No. 3303501, Public Water Supply.

Applicant	Reynoldsville Water Authority
Township or Borough	Reynoldsville, Jefferson County
Responsible Official	Robert W. Crosby, Manager
Type of Facility	PWS
Consulting Engineer	Mark A. Zemaitis, P. E. Partridge Venture Engineering PC Nine Frontier Dr., Suite A Gibsonia, PA 15044
Application Received Date	December 30, 2003
Description of Action	Construction of a new well (well no. 4) and associated raw water transmission line to supply the Authority and their customers a reliable source of drinking water during periods when existing storage reservoirs receive little or no water from their contributing streams.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of

Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Former Ace Services, City of Philadelphia, **Philadelphia County**. Erik Stephens, Manko, Gold, Katcher & Fox LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, on behalf of Kevin Hee, Sr., Ace Service Corp., 2001 S. Vandalia St., Philadelphia, PA 19148, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics, lead, 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 *Philadelphia Daily News* on December 22, 2003.

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

Progress Park, Lot No. 2, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of City of Lebanon, 400 South 8th Street, Lebanon, PA 17042, submitted a Notice of Intent to Remediate site soils contaminated with inorganics and PAHs and site ground-water contaminated with PAH. The applicant proposes to

remediate the site as a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on October 10, 2003.

Progress Park, Lot No. 8, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Jonathon R. Beers, P. E., City Engineer, City of Lebanon, 400 South 8th Street, Lebanon, PA 17042, submitted a Notice of Intent to Remediate site soils contaminated with inorganics and PAH. The applicant proposes to remediate the site as a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on October 10, 2003.

Former Charles Chip Inc. Site, West Hempfield Township, **Lancaster County**. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Regency V, LP, 1899 Lititz Pike, Lancaster, PA 17601 and QVC, Inc., 1200 Wilson Drive, Studio Park, West Chester, PA 19380-4262, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel, fuel oil no. 2, PAHs, chlorinated solvents and other organics. The applicant proposes to remediate the site to meet a combination of requirements for the Statewide Health, Background and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer/Lancaster New Era* on November 28, 2003.

Kutztown University Maintenance Facility, Maxatawny Township, **Berks County**. Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610-0307, on behalf of Kutztown University, Kutztown, PA 19530, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on December 31, 2003.

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 the 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 a 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 before the application. TDD users should 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 (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

48-309-118A: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) for modification of the cement kiln and cement processing project and the associated air cleaning devices by altering a stack height as was originally proposed in the Prevention of Significant Deterioration application for their Nazareth Plants 1 and 2 in Lower Nazareth Township, **Northampton County**.

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

38-05019B: AES Ironwood, LLC (305 Prescott Road, Lebanon, PA 17042) for modification of operational definitions for start-up conditions for the facility's two combustion turbines. The proposed definitional changes are not expected to significantly impact emissions from their facility in South Lebanon Township, **Lebanon County**.

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

14-00002E: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) for installation of an air cleaning device (a fabric collector) on a lime product silo feed conveyor and various associated product silos in Spring Township, **Centre County**.

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

11-00412A: Fuel Recovery, Inc. (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143) for installation of a portable vibrating screening operation at their Sonman refuse site in Portage Township, **Cambria County**.

11-00509A: RNS Services, Inc. (7 Riverside Plaza, Blossburg, PA 16912) for installation of screen at Cambria Slope Mine No. 33 in Cambria Township, **Cambria County**.

11-00510A: AMFIRE Mining Co., LLC—Madison Mine (One Energy Place, Latrobe, PA 15942) for installation of a new deep mine facility in Jackson Township, **Cambria County**.

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

10-293B: Quality Aggregates (201 Deer Road, Boyers, PA 16020) for plan approval to replace two 150 top crushers with one 300 tph crusher at a nonmetallic crushing/screening plant at their Boyers plant in Marion Township, **Butler County**.

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

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

21-03055A: Fry Communications, Inc. (309 Hempt Road, Mechanicsburg, PA 17055) for installation of an eight-unit double-web heatset web offset printing press controlled by an Ecotherm oxidizer system at their building no. 4 facility in Silver Spring Township, **Cumberland County**. Potential VOC emissions are not expected to increase beyond 11 tons per year. The plan approval and ensuing update to the facility-wide operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-03147: A and M Composting, Inc. (2022 Mountain Road, Manheim, PA 17545) for reconstruction of their sludge composting facility in Penn Township, **Lancaster County**. Emissions will be controlled by biofilters. Estimated emissions after the biofilters are 23 tons per year of ammonia and 2 tons per year of VOCs. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

36-05015C: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) for the use of landfill gas as a fuel in the facility's boilers at their Leola plant in Upper Leacock Township, **Lancaster County**. The facility's emissions will be approximately 4 tpy of NO_x, 2 tpy of SO_x and 1 tpy of PM₁₀. This plan approval will include testing, monitoring, recordkeeping, work practice standards and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

38-05028A: Curwood Specialty Films (5 Keystone Drive, Lebanon, PA 17042) to add a flexographic printing press at their existing plant in South Lebanon Township, **Lebanon County**. All of the facility's printing presses are controlled by a regenerative thermal oxidizer. VOC emissions will continue to be limited to 50 tons annually;

HAP emissions will continue to be limited to 10 tons annually per pollutant and 25 tons annually for combined HAP. The plan approval and operating permit will contain emission limits along with work practices, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.

19-304-008D: Benton Foundry, Inc. (5297 SR 487, Benton, PA 17814) for construction of a phenolic urethane cold box foundry core-making machine at their iron foundry in Sugarloaf Township, **Columbia County**.

The proposed core-making machine is a Gaylord Model 24VTSB core-making machine. The VOC and VHAP emissions from this machine will be controlled by an existing packed bed scrubber which utilizes a sulfuric acid solution as the scrubbing medium. The resultant VOC and VHAP emissions from the machine will be a maximum of 5.055 tons and .479 ton, respectively, in any 12 consecutive month period. The VOC and VHAP emissions from the foundry will not increase however as the proposed core-making machine will replace two existing core-making machines.

The Department's review of the information submitted by Benton Foundry, Inc. indicates that the proposed core-making machine will meet all applicable air quality 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 proposes to issue plan approval for the construction of the proposed core-making machine.

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

1. The VOC and combined VHAP emissions from the Gaylord Model 24VTSB core-making machine shall not exceed 5.055 tons and .479 ton, respectively, in any 12 consecutive month period nor shall the total combined VOC and total combined VHAP emissions from the two existing Gaylord Model 19-VSTB-RD core-making machines constructed under Plan Approval 19-304-008C exceed 5.055 tons and .479 ton, respectively, in any 12 consecutive month period nor shall the total combined VOC and total combined VHAP emissions from all phenolic urethane cold box core-making machines at this site, both existing and new, exceed 5.055 tons and .479 ton, respectively, in any 12 consecutive month period.

2. The Gaylord Model 24VTSB core-making machine shall not process more than 10,000 tons of sand in any 12 consecutive month period nor shall the two Gaylord Model 19-VSTB-RD core-making machines constructed under Plan Approval 19-304-008C process more than a combined total of 10,000 tons of sand in any 12 consecutive month period nor shall all phenolic urethane cold box core-making machines at this site, both existing and new, process more than a combined total of 10,000 tons of sand in any 12 consecutive month period.

3. The packed bed scrubber shall be equipped with instrumentation to continuously monitor the differential pressure across the scrubber, the pH of the scrubbing solution and the pressure of the scrubber's recirculation system.

4. The pH of the scrubbing solution shall not exceed 5.0.

5. The flow rate of the packed bed scrubber's recirculation system shall be equal to or greater than 120 gallons per minute. Compliance with this condition shall be verified by ensuring that the pressure of the recirculation system is equal to or greater than 25 psi.

6. Comprehensive, accurate records shall be maintained of the amount of sand processed through the Gaylord Model 24VTSB core-making machine each month, the amount of sand processed through the two Gaylord Model 19-VSTB-RD core-making machines each month, the total combined amount of sand processed through all of the core-making machines each month, the pH of the scrubbing solution, the identity of the binders and catalyst used in the core-making process and the resin to sand ratio and the catalyst to binder ratio for all sand processed.

OPERATING PERMITS

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

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

21-05005: Department of Corrections—SCI Camp Hill (P. O. Box 598, Camp Hill, PA 17001-4859) for a Title V Operating Permit Renewal in Lower Allen Township, **Cumberland County**. The facility's major sources of emissions include four coal no. 2 oil/natural gas fired boilers and other combustion sources and two engine driven generators which primarily emit NOx. The Title V operating permit will incorporate General Permit No. GP1-21-05005C for new boiler no. 1 and Plan Approval No. 21-05005B for new boiler no. 4. The Title V operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-05011: Tate Access Floors, Inc. (52 Springvale Road, Red Lion, PA 17356) for operation of a manufacturing facility in Windsor Township, **York County**. This action is a renewal of the Title V Operating Permit issued in 1999. The facility's emissions include 11 tpy of VOCs, 21 tpy of HAPs and other insignificant emissions from the combustion of natural gas in a 4.5 mmBtu boiler, small heaters and small ovens. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

06-05010: Senient Colors, Inc. (2526 Baldwin Street, St. Louis, MO 63106) for operation of a boiler house at their former dye manufacturing facility in Robeson Township, **Berks County**. The facility is a non-Title V (State-only) facility. The boilers will be limited to the type of fuels used. The facility will be required to limit the emissions to less than 100 tons of particulate, SOx, NOx and CO, 50 tons of VOCs and 25/10 tons of HAPs, during any consecutive 12-month period. Two of the boilers are

subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources. The permit will include monitoring, recordkeeping, work practices and reporting to keep the facility within all applicable air quality requirements.

22-03049: Chromalloy American Corp. (1400 North Cameron Street, Harrisburg, PA 17105) for operation of a turbine parts manufacturing facility in the City of Harrisburg, **Dauphin County**. Annual emissions from this facility are expected to be less than 2 tons of NOx per year and 1 ton of PM10 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.

36-03085: Goodhart Sons, Inc. (2515 Horseshoe Road, Lancaster, PA 17605) for operation of a paintbooth in Upper Leacock Township, **Lancaster County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

10-00341: Wholesale Auto Rehab Services, Inc. (3419 Harts Run Road, Glenshaw, PA 15116) for a Natural Minor Operating Permit to operate an automobile repair surface coating operation in Cranberry Township, **Butler County**.

PUBLIC HEARINGS

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

PA-46-0013A: Hatfield Quality Meats, Inc.—A Subsidiary of The Clemens Family (2700 Funks Road, Hatfield, PA 19440). Approval of Reasonably Available Control Technology (RACT) Plan in Hatfield Township, **Montgomery County**.

The Department has made a preliminary determination to approve a presumptive RACT emission limitations plan as an amendment to the State Implementation Plan (SIP) for the facility. The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for this facility to comply with current regulations.

This preliminary determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The preliminary RACT determination for this facility includes compliance with the NOx emission limitation of 25 Pa. Code § 129.93(c)(1) by the Hatfield Quality Meats, Inc., A Subsidiary of The Clemens Family (Plantwide Applicability Limit Plan Approval PA-46-0013A) maintenance and operation in accordance with manufacturers specifications.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation are available

for public inspection between 8 a.m. and 4 p.m., weekdays. To make an appointment, contact Records Management at (610) 832-6268 for an appointment. After January 15, 2004, the new address will be 2 East Main Street, Norristown, PA 19401, (484) 250-5900.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

32850701. NPDES Permit No. PA0213683, Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), to renew the permit and related NPDES permit and to revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County**, to add fly ash to the site. No additional discharges. Application received September 2, 2003.

30950701. NPDES Permit No. PA0215619, Consolidation Coal Company (1 Bridge Street, Monogah, WV 26554), to revise the permit for the Hughes Hollow Slurry Impoundment in Wayne Township, **Greene County**, to

add acreage as borrow area for Hughes Hollow Slurry Impoundment reclamation. Surface Acres Proposed 14. No additional discharges. Application received November 26, 2003.

30841316. NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County**, to add underground permit area acres and add and delete subsidence control plan area acres. Underground Acres Proposed 15.9, SCP Acres Proposed 1,978.5. No additional discharges. Application received December 8, 2003.

30841317. NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route

519, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County**, to install an air shaft and add an NPDES point. Surface Acres Proposed 13.6. Receiving streams: unnamed tributary of Templeton Fork (TSF). Application received December 16, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should 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 FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E08-412. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Culvert installation in Leroy Township, **Bradford County**, ACOE Baltimore District (Leroy, PA Quadrangle N: 0.80 inch; W: 14.44 inches).

To construct three 57-inch by 30-inch by 30-foot long CMPA culverts with R-4 rock, 15 inches to 18 inches deep on the inlet and outlet face slopes in Little Shradler Creek (EV) approximately 1.75 miles southwest of Sunfish Pond.

The project will not impact wetlands while impacting approximately 40 feet of waterway and disturbing approximately 0.05 acre of earth.

E17-392. Department of Conservation and Natural Resources, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Forestry District No. 9 reservoir road bridge replacement in Karthaus Township, **Clearfield County**, ACOE Baltimore District (Devils Elbow, PA Quadrangle N: 15.0 inches; W: 3.6 inches).

To remove an existing single-span bridge and construct, operate and maintain public road crossing Upper Three Runs (HQ-CWF) to provide public and commercial access within the Moshannon State Forest. The minor road crossing shall be constructed with a corrugated metal culvert pipe that has a minimum rise of 5.6 feet, span of 7.1 feet and length of 30 feet at a skew of 75°. The corrugated metal culvert pipe shall be installed with 1-foot depression masonry headwalls and masonry wingwalls. In-stream construction of the minor road crossing shall be completed dry work conditions by dam and pumping or cofferdams diverting stream flow around work areas. Since Upper Three Runs is a wild trout stream, no construction or future repair shall be conducted in or along the stream channel between October 1 and December 31 without prior written permission from the Fish and Boat Commission. As proposed the project will not impact wetlands while impacting 25 feet of waterway that is approximately along the eastern right-of-way of SR 1011 approximately 1.6 miles east of Reservoir Road and SR 1011 intersection.

E17-393. Robert J. Tepke, 3997 Farmington Court, Export, PA 15632. Private ford crossing Little Anderson Creek in Bloom and Brady Townships, **Clearfield County**, ACOE Baltimore District (Luthersburg, PA Quadrangle N: 4.9 inches; W: 7.7 inches).

To construct, operate and maintain a private ford crossing Little Anderson Creek (CWF) to provide access to private property. The ford crossing shall be constructed with five precast concrete cattle slats, R-4 rip rap approaching the cattle slats and a graded roadway approaching the stream sloped to 5 feet horizontal to 1 foot vertical. Each section of cattle slat shall have a minimum width of 8 feet; the minimum width of R-4 rip rap on either side of the cattle slat shall be 2 feet; and the sloped roadway on the stream bank shall be stabilized with a hard, durable ASSHTO No. 57 sized aggregate or larger. The cattle slats shall be installed so that the maximum elevation of the slats shall be equal or slightly lower than the upstream and downstream bed elevations for a smooth transitioning streambed. As proposed, the project will not impact wetlands while impacting 35 feet of waterway that is approximately along the western right-of-way of SR 0219 approximately 500 feet south of Bloom Township Road T-360 and SR 0219 intersection.

E57-102. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Culvert bridge maintenance in Davidson Township, **Sullivan County**, ACOE Baltimore District (Sonestown, PA Quadrangle N: 12.4 inches; W: 0.93 inch).

To maintain: (1) the following wood plank bridges on stone masonry abutment walls: (a) 6-foot span with 45 square foot waterway opening over an unnamed tributary to West Branch Fishing Creek (Elk Grove, PA Quadrangle N: 9.25 inches; W: 10.62 inches); (b) 7-foot span with 28 square foot waterway opening over Big Dam (Elk Grove, PA Quadrangle N: 9.0 inches; W: 11.60 inches); (c) 10-

foot span with 50 square foot waterway opening over Deep Hollow (Elk Grove, PA Quadrangle N: 11.25 inches; W: 14.83 inches); (d) 10-foot span with 65 square foot waterway opening over Laurel Run (Elk Grove, PA Quadrangle N: 11.55 inches; W: 15.70 inches); (2) CMPA Culvert 84 inches by 132 inches by 25 feet long depressed 1 inch in the streambed with concrete wingwalls including about 75 linear feet of R-5 rip rap 24 inches thick along the west bank placed from the wingwall upstream in Hemlock Run (Sonestown, PA Quadrangle N: 12.40 inches; W: 0.93 inch); (3) Double CMPA culverts 67 inches by 95 inches by 25 feet long with concrete wingwalls and head walls in West Branch Fishing Creek (Sonestown, PA Quadrangle N: 12.65 inches; W: 2.17 inches). The facilities are in the vicinity of West Branch Fishing Creek Road, about 1 mile west of Elk Grove. The facilities will not impact wetlands or waterways. The streams are HQ-CWFs.

E60-163. Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Cherry Run Road bridge replacement in Hartley Township, **Union County**, ACOE Baltimore District (Weikert, PA Quadrangle N: 17.50 inches; W: 14.40 inches).

To remove and existing bridge/approach wall and to: (1) construct and maintain a 56-foot long precast concrete ConSpan arch culvert with precast wingwalls, a clear span of 25.23 feet, a minimum inlet underclearance of 6.85 feet and a skew of 39°21'39"; (2) place R-4 choked R-7 riprap for embankment protection along the ends of the wingwalls; and (3) 45 linear feet of precast concrete wall on the left upstream bank in Cherry Run 500 feet up Cherry Run Road from SR 3002. This project is predicted to impact 245 linear feet of Cherry Run (EV, CWF), with a total of 0.013 acre of permanent wetland impacts proposed.

ACTIONS

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit 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>
PA0056073	Russell and Susan Vreeland 219 Valley Green Drive Coatesville, PA 19320	Chester County West Caln Township	UNT to Rock Run	Y
PA0056251	Timothy J. Longmore 2518 Rickert Road Perkasie, PA 18944	Bucks County Hilltown Township	UNT to Morris Run	Y

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

<i>NPDES Permit 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>
PA0103101	Wesley Woods Inc. R. R. 1 Box 155A Grand Valley, PA 16420	Eldred Township Warren County	Unnamed tributary to Caldwell Creek 16-E	Y
PA0222364	Tidioute Trading Post R. D. 1 Box 97-1 A Tidioute, PA 16351	Limestone Township Warren County	Allegheny River 16-F	Y
PA0222569	Bob Smith Treatment Facility Association 10301 Lake Pleasant Road Waterford, PA 16441	Greene Township Erie County	Unnamed tributary to East Branch LeBoeuf Creek 16-A	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Actions

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

NPDES Permit No. PA0054526, Industrial Waste, **UniTech Services Group**, 401 North Third Street, Royersford, PA 19468. This proposed facility is in Royersford Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Schuylkill River.

NPDES Permit No. PA0058742, Sewage, **Warminster Municipal Authority**, 415 Gibson Avenue, P. O. Box 2279, Warminster, PA 18974. This proposed facility is in Warminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new NPDES permit to treat and discharge 1.2 mgd (average design capacity) of sewage from the Warminster NAWC WWTP to an unnamed tributary to Little Neshaminy Creek.

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

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

WQM Permit No. 5003404, Sewerage, **Jane Johnson**, 1882 Orchard Road, Chambersburg, PA 17201. This proposed facility is in Southwest Madison Township, **Perry County**.

Description of Proposed Action/Activity: Construction/operation of a single family residence sewage treatment facility consisting of a Chromaglass Model CA-5 aerobic package treatment plant, two 40 ft² free access sand filters, tablet chlorinator, a 250-gallon chlorine contact tank and a 300-gallon pump tank with an effluent lift pump.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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>
PAI023903045	Liberty Property Limited Partnership 1510 Valley Center Parkway Suite 240 Bethlehem, PA 18017	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503010	James W. and Shirley M. Halterman R. D. 4, Box 4094 Saylorsburg, PA 18353	Monroe	Price and Middle Smithfield Townships	Michael Creek and tributary to Brodhead Creek HQ-CWF
PAI025203002	Department of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Pike	Delaware Township	Dingmans Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Solebury Township Bucks County	PAG2000903177	Vernon Biddington Biddington Tract Subdivision 1180 Street Road New Hope, PA 18938	Pidcock Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bensalem Township Bucks County	PAR10D711	JC Enterprises General Contracting, Inc. Crespo Estates Subdivision 1930 East Stella Street Philadelphia, PA 19134	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newtown Township Bucks County	PAG2000903178	Newtown Center Associates Village at Newtown South 229 Beechmont Drive New Rochelle, NY 10804	Newtown Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<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>
Upper Southampton Township Bucks County	PAG2000903099	Second Street Pike Partners, LP Tri County Eye Physicians and Surgeons, PC 319 South Street Pike Southampton, PA 18966-3812	Unnamed tributary Southampton Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Britain Borough Bucks County	PAG2000903138	Foundations Behavioral Health 833 East Butler Avenue New Britain, PA 18901	Cooks Run WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Makefield Township Bucks County	PAG2000903131	Robert and Patricia Zogorski Site 225 Oberholtzer Road Elizabethtown, PA 17022	Unnamed tributary Pidcock Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newtown Borough Bucks County	PAG2000903139	Wayne Curtis/Sterling Pennedevco, LLC CVS—Newtown 9806 State Highway 151 San Antonio, TX 78251	Unnamed tributary Neshaminy Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Nockamixon Township Bucks County	PAG2000903093	Daniel Maloney Maloney Minor Subdivision P. O. Box 173, 9337 Easton Road Ferndale, PA 18921-0173	Gallows Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Doylestown Borough Bucks County	PAG2000903133	Bucks County Water and Sewer Authority Harvey Ave. WWTP Expansion 1275 Almshouse Road Warrington, PA 18976	Cooks Run WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Britain Township Bucks County	PAG2000903078	Moser Group Moser Office Building 210 Holly Street Chalfont, PA 18976	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Richland Township Bucks County	PAG2000903150	William Grant Development 8205 Algon Avenue Philadelphia, PA 19152	Tohickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Newtown Township Bucks County	PAG2000903143	Brandywine Operating Partnership, LP Newtown Corporate Center 14 Campus Boulevard Suite 100 Newtown Square, PA 19073	Core Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Sadsbury Township Chester County	PAG2001503120	Donald Kauffman Kauffman Turkey Barn Expansion 2775 South Blackhorse Road Parkesburg, PA 19635	Valley Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Nottingham Township Chester County	PAG2001503096	West Port LLC Development P. O. Box 239 Kemblesville, PA 19347	Black Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Nottingham Township Chester County	PAG2001503094	Wilmer and Joyce Hostetter Reserves of Dunlap 481 Limestone Road Oxford, PA 19363	Unnamed tributary Northeast Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Delaware County	PAG2002303061	Lucy Wright 218 Painter Road Media, PA 19063	Chester Creek, Crum Run Tributary TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bethel Township Delaware County	PAG2002303010	Iacono Construction Company 1525 Winding Brook Run Boothwyn, PA 19061	Naaman's Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bethel Township Delaware County	PAG2002303066	John F. Gaska 201 Portland Avenue Wilmington, DE 19804	Naaman's Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bethel Township Delaware County	PAG2002303072	Michael Iacobucci Developers, Inc. 1 Raymond Drive Havertown, PA 19083	Naaman's Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Pottsgrove Township Montgomery County	PAG2004603165	Baldrige Development, Inc. Eckerd Pharmacy 11825 Manchester Road St. Louis, MO 63131	Sanatoga Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Worcester Township Montgomery County	PAG2004603179	Frog Hollow Racquet Club 2109 Weber Road Worcester, PA 19490	Zacharis Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<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>
Upper Merion Township Montgomery County	PAG2004603166	Upper Merion Township Heuser Park 175 West Valley Forge Road King of Prussia, PA 19406	Trout Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Greenville Borough Montgomery County	PAG2004603199	East Greenville Borough Improvements to Water System P. O. Box 128 206 Main Street East Greenville, PA 18041	Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Royersford Borough Montgomery County	PAG2004603169	Robert Heist Grist Mill Court 159 Barton Drive Spring City, PA 19475	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County North Whitehall Township	PAG2003903024	Reno Land Development, Inc. Robert Seagreaves 2814 Walbert Ave. Allentown, PA 18104	Lehigh River TSF	Lehigh County Conservation District (610) 391-9583
Luzerne County Lehman and Dallas Townships	PAG2004003013(1)	Angelicola Realty R. R. 2, Box 300 Harveys Lake, PA 18618	UNT to Huntsville Reservoir CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Butler Township	PAG2004003030	Sand Springs Golf Development Corp. 4511 Falmer Dr. Bethlehem, PA 18020	Nescopeck Creek CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Allen Township	PAG2004803038	Frank Horwith 1449 Nor Bath Blvd. P. O. Box 7 Northampton, PA 18067	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Centre County Ferguson Township	PAR10F141	Saybrook Single Family Residential Development Phase VII-Minor Modifications to PAR10F141 501 Rolling Ridge Dr., Suite 200 State College, PA 16801	UNT Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817
Centre County College Township	PAR10F152	Independence Place Phase III-IV Minor Modifications to PAR10F152 422 Allegheny St. Hollidaysburg, PA 16648	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Bellefonte, PA 16823 (814) 355-6817

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>
Hazle Township Luzerne County	PAR202235	PennSummit Tubular, LLC 225 Kiwanis Blvd. West Hazleton, PA 18201	Black Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and 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).

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

Permit No. 5106519, Minor Amendment.

Applicant	Fox's Water Service
Borough or Township	Summit Township
County	Butler
Type of Facility	Bulk Water Hauling
Consulting Engineer	Kurt H. Todd, P. E. Gray-Warnick Engineering 662 West New Castle Rd. Butler, PA 16001
Permit to Construct Issued	January 5, 2004

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: Approval of a revision on January 7, 2004, to the Official Plan of Antis Township, Blair County by Shawn McElravy. Project involves construction of a small flow treatment facility to serve a proposed single-family dwelling on the north side of SR 4021 approximately 1 mile north of the intersection with SR 865 near Bellwood. Treated effluent is to be discharged to an unnamed tributary to the Little Juniata River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the owner as appropriate.

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act

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

Plan Location: The proposed development is along the north side of Bell-Tip Road (SR 4021), approximately 1,200 feet northeast of SR 0865 in Antis Township, Blair County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: The plan was disapproved because the proposal is inconsistent with municipal wasteload management under Chapter 94 in that the sewage generated from this development is tributary to the hydraulically overloaded sewer system in Bellwood Borough. The approved Correction Action Plan for Bellwood Borough does not allow for new connections to its system at this time.

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

Proposed Consent Decree

**Quaker City Gear Site, Lower Moreland Township,
Montgomery County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has entered into a Consent Decree with the Mermelstein Family Trust (Trust), to resolve the litigation captioned and docketed as *Commonwealth of Pennsylvania, Department of Environmental Protection v. David Mermelstein, Trustee for the Mermelstein Family Trust*, No. 46 M. D. 2002, presently pending before the Commonwealth Court. The Trust shall reimburse certain Department response costs incurred to remediate hazardous substances released and threatened to be released at the Quaker City Gear Site (Site), 351 Red Lion Road, Huntingdon Valley, Lower Moreland Township, Montgomery County. The Trust is the present owner of the Site. Quaker City Gear Works Corporation abandoned the property after conducting metal workings and gear manufacturing on the Site. The Department has performed response actions including an environmental assessment and field investigation

of the Site, the characterization of abandoned drums of liquid hazardous substances on the Site and the removal and lawful disposal of these drums at a permitted facility.

The Trust wishes to sell the Site and settle its response cost liability. The Department has determined that it is in the public interest to resolve its claims against the Trust. Therefore, the Trust has agreed to reimburse the Department for certain response costs in the amount of \$80,000 and shall receive contribution protection from claims related to its ownership of the property.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113), which states that "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Decree, which contains the specific terms of the agreement, is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, contact David Ewald, (610) 832-6200, dewald@state.pa.us or Gina M. Thomas, Esq., (610) 832-6300, githomas@state.pa.us. A public comment period for the Consent Decree will extend for 60 days from the date of publication. Persons may submit written comments regarding the agreement within 60 days from the date of publication by submitting them to David Ewald at the previous address.

Pennsylvania Priority List of Hazardous Sites for Remedial Response

1. Background

The Hazardous Sites Cleanup Act (HSCA) was enacted in 1988 to provide for the cleanup of Commonwealth sites that are releasing or threatening the release of hazardous substances. Section 502(a) of the HSCA (35 P. S. § 6020.502) requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites for Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants, which present a substantial threat to the public health, safety and environment. In accordance with section 502(a) of the HSCA, the Hazard Ranking System (HRS) (40 CFR Part 300, Appendix A), established under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C.A. §§ 9601–9675), is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of the HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. HRS scores are finalized by the Department using the HRS in effect at the time the score is prepared and the proposed listing notice is issued under the statute.

The HRS was developed by the EPA as the method used to evaluate the relative potential of hazardous substance releases to cause health or safety problems, ecological or environmental damage. It is the principal mechanism for placing a site on the National Priorities List, the list of priority releases for long-term remedial evaluation and response under CERCLA. The HRS is

calculated by utilizing known information to establish the level of threat presented in four potential pathways of human or environmental exposure: groundwater, surface water, air and soil exposure. Within each pathway of exposure, the HRS considers three categories of factors:

- (1) Factors that indicate the presence or likelihood of a release to the environment.
- (2) Factors that indicate the nature and quantity of the substances presenting the potential threat.
- (3) Factors that indicate the human or environmental targets potentially at risk from the site.

The resultant HRS score represents an estimate of the relative probability and magnitude of harm to human populations or sensitive environments from potential exposure to hazardous substances by the groundwater, surface water, soil exposure or air pathways.

2. Summary and Purpose

Placement of a site on the PAPL is used to identify sites that need further study and/or remedial response decisions to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under the HSCA or other authorities and/or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup.

Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further site investigation and/or an analysis of remedial alternatives to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. Response action decisions and implementation will proceed on individual sites regardless of the progress at other sites. Given the limited resources available in the Hazardous Sites Cleanup Fund, the Department must carefully balance the relative needs for response at the sites it has studied. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

3. Technical Evaluation Grants under the HSCA

Under section 510 of the HSCA (35 P. S. § 6020.510), the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the Department regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. The grant will be signed; however, the grant will not be effective until the proposed remedial response is available for public review. At that time, the municipality may proceed with the review of the Department's proposed remedial response.

A. Effective Date

The following site is being placed on the PAPL effective upon publication of this *Pennsylvania Bulletin*.

B. Contact Persons

Individual site information may be obtained by contacting the Department's regional office in which the site is located. The regional office's address is in the Additional Information section of this notice.

C. Statutory Authority

The PAPL is published under the authority of section 502(a) of the HSCA. Under section 502(b) of the HSCA, a decision to place a site on the PAPL or to remove a site from the PAPL is not a final action subject to review under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) or section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), nor shall it confer a right or duty upon the Department or any person.

D. Review and Public Comment

The HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This notice opens the 30-day comment period for the sites being added with this publication. Written comments should be mailed to April Flipse, Hazardous Sites Cleanup Program, Department of Environmental Protection, Southeast Region, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428.

The regional office site files contain all information considered by the Department in placing a site on the PAPL. Files are available for review in the appropriate regional Field Operations Office, by appointment only, from 8 a.m. to 4 p.m., Monday through Friday excluding State holidays. Contact the regional Environmental Cleanup Program Manager, whose address can be found in the Additional Information section of this notice. The Department considers all written comments received during the formal comment period. All written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

E. Contents of List

This notice places one site on the PAPL. Table 1 lists the site added to the PAPL. The name of the site, HRS score, municipality, county and the Department region are included in this table. Table 2 lists sites currently on the PAPL. Included is the site added by this notice. The name of the site, HRS score, municipality, county and the Department region are included in this table. The sites are listed in decreasing order of HRS scores.

Table 1—Site Added by this Notice

Site	HRS	Municipality	County	Department Region
Chem Fab HSCA Site	39	Doylestown Borough and Township	Bucks	Southeast

Table 2—PAPL

Site	HRS	Municipality	County	Department Region
Dupont/New Castle	54.75	New Castle	Lawrence	Northwest
Chem Fab HSCA Site	39	Doylestown Borough and Township	Bucks	Southeast
Gettysburg Foundry	38.20	Cumberland Township	Adams	Southcentral

F. Site Listing Summary

The Chem Fab Site (Site), 300 North Broad Street, Doylestown Borough, Bucks County is an approximately 1-acre parcel currently owned by 300 North Broad Street, Ltd., a fictitious name of Heywood Becker, and is situated several blocks west of the Bucks County Courthouse in Doylestown Borough, as well as an associated plume of contaminated groundwater that extends into Doylestown Township. The surrounding properties are light industrial, commercial and residential.

Chem Fab, Inc., a subsidiary of Harvey Radio Company, Inc. from 1969 to approximately 1977, operated an electroplating and metal etching facility at the Site from 1965 to approximately 1986. Wastes generated included ferric chloride, mineral spirits, chromic acid rinse water and sludge, chromic acid, sulfuric acid, trichloroethylene and tetrachloroethylene.

The EPA conducted a drum removal action at the Site in 1995 and then placed it on the No Further Remedial Action Planned list. Subsequent to these EPA actions, the Department has conducted a site investigation in two phases and generated a Site Characterization Report in July 2000, a Phase II Site Characterization Report in November 2002, a Site Characterization Report Addendum in January 2003 and an Engineering Evaluation Report in May 2003.

These Department investigations have identified several areas, both on the current 300 N. Broad Street property and on a former part of the Chem Fab property now owned by Extra Space, Inc., which have soil contamination above Statewide health standards. Contaminants in soils are impacting surface water. In addition, there is an extensive groundwater plume beneath both properties and other neighboring properties. The plume is migrating towards Doylestown Borough's Public Water Production Well No. 13. The primary contaminants of concern include trichloroethylene, tetrachloroethylene, their degradation products and chromium, mostly in hexavalent form. The groundwater in several monitoring wells at the Site is literally yellow due to extremely high concentrations of chromium. While groundwater pH varies, several sampling events have generated purge water that was D002 hazardous for corrosivity.

G. Additional Information

Department of Environmental Protection, Southeast Region, Bruce D. Beitler, Environmental Program Manager, Chief, Hazardous Sites Cleanup Program, April Flipse, Project Officer, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428.

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>Department Region</i>
F. E. Cooper Bear Creek Area Chemical	33.62 28.46	Broad Top Township Fairview, Parker, Concord Township, Petrolia, Fairview, Karns City, Bruin Borough, Butler County; Perry Township, Armstrong County	Bedford Butler, Armstrong	Southcentral Northwest
Schiller Mun. and Ind. Disp.	24.65 19.58	Richmond Township Elizabeth Township	Crawford Allegheny	Northwest Southwest

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and 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 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 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. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Ace Services, City of Philadelphia, **Philadelphia County**. Erik Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA

19004, on behalf of Kevin Hee, Sr., Ace Service Corp., 2001 S. Vandalia St., Philadelphia, PA 19148, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents, inorganics, lead, other organics and PAH. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Auto Service Station—Commerce Bank N. A., Warwick Township, **Bucks County**. Jason D. Plucinski, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Commerce Bank N. A., 1700 Atrium Way, Mount Laurel, NJ 08054, has submitted a Final Report concerning remediation of site soil contaminated with benzene and groundwater contaminated with lead and benzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Hollidaysburg Car Shop and Reclamation Plant, Hollidaysburg Borough and Frankstown Township, **Blair County**. Environmental Alliance, Inc., 1812 Newport Gap Pike, Wilmington, DE 19808, on behalf of Pennsylvania Lines LLC, Three Commercial Place, Norfolk, VA 23510-9241 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416, submitted a Final Report concerning remediation of site soils, groundwater and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

Progress Park, Lot No. 2, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of City of Lebanon, 400 South 8th Street, Lebanon, PA 17042, submitted a Baseline Environmental Report concerning remediation of site soils contaminated with inorganics and PAHs and site groundwater contaminated with PAHs. The site is being remediated as a Special Industrial Area.

Progress Park, Lot No. 8, City of Lebanon, **Lebanon County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Jonathon R. Beers, P. E., City Engineer, City of Lebanon, 400 South 8th Street, Lebanon, PA 17042, submitted a Baseline Environmental Report concerning remediation of site soils contaminated with inorganics and PAHs. The site is being remediated as a Special Industrial Area.

Mark Hershey Farms, Inc., West Cornwall Township, **Lebanon County**. Hafer Environmental Services, Inc., on behalf of Mark Hershey Farms, Inc., 479 Horseshoe Pike, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

Glen-Gery Corporation, Wyomissing Borough, **Berks County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Glen Gery Corporation, 1166 Spring Street, Wyomissing, PA 19610, submitted a Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline, unleaded gasoline, fuel oil no. 2 and MTBE. The report is intended to document remediation of the site to the Statewide Health Standard.

Plowfield Mobile Home Park, Ephrata Borough, **Lancaster County**. RETTEW Associates, Inc., 320 Columbia Avenue, Lancaster, PA 17603, on behalf of Frederick B. and Doris M. Plowfield, 286 South Reading Road, Ephrata, PA 17522, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil and kerosene. The report is intended to document remediation of the site to the Statewide Health Standard.

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), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office AFTER which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Sunoco Station (Duns No. 0004-9056), Ridley Township, **Delaware County**. Marco Droese, Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Ashok Patel, Hockessin Liquor, 719 Ace Memorial Dr., Route 41, Hockessin, DE 19707, has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline, MTBE and unleaded gasoline. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on December 18, 2003.

Spring Mill Development, Inc., Plymouth Township, **Montgomery County**. Michael Christie, P.G., Penn E & R., Inc., 2755 Bergey Rd., Hatfield, PA 19440, has submitted a Final Report concerning the remediation of site soil contaminated with lead, heavy metals, pesticides, solvents, BTEX, PHC and PAH. The report demonstrated attainment of Site-Specific Standards and was approved by the Department on December 17, 2003.

Mancill Mill Road Site, Upper Merion Township, **Montgomery County**. Matthew D. Williams, Advantage Engineering, 20 S. 36th St., Camp Hill, PA 17011, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with asbestos. The report was approved by the Department on December 22, 2003.

Allegra MicroSystems W. G. Inc. (Formerly), Upper Moreland Township, **Montgomery County**. Richard T. Wroblewski, P.G., Environmental Resources Management, 350 Eagleview Blvd., Suite 200, Exton, PA 19341, on behalf of Bruce Goodman, Goodman Properties, 636 Old York Rd., Jenkintown, PA 19046, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, fuel oil no. 2, inorganics, MTBE, other organics and PAH. The report demonstrated attainment of Statewide Health Standards and was approved by the Department on December 24, 2003.

Roosevelt Associates Site, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 214 W. Church Rd., King of Prussia, PA 19406, on behalf of Roosevelt Associates c/o Colliers, Lanard & Axilbund, 399 Market St., Philadelphia, PA 19145-2183 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with lead, BTEX and naphthalene and site groundwater contaminated with BTEX and naphthalene. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on December 18, 2003.

5601 Chestnut Street Site, City of Philadelphia, **Philadelphia County**. Bernard Beegle, Advanced

GeoServices Corp., 1055 Andrew Drive, West Chester, PA 19380, on behalf of Chesmark Associates, LP, Patrick Burns, 5004 State Rd., P. O. Box 306, Drexel Hill, PA 19026, has submitted a Final Report concerning remediation of site soil contaminated with fuel oil no. 6 and leaded gasoline and site groundwater contaminated with leaded gasoline. The report demonstrated attainment of Statewide Health Standards and was approved by the Department on December 19, 2003.

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

Kemps Foods, Inc., City of Lancaster, **Lancaster County**. Geologic NY, Inc., P. O. Box 5080, Cortland, NY 13405, on behalf of Kemps Foods, Inc., 1801 Hempstead Road, Lancaster, PA 17604, submitted a Final Report concerning remediation of site groundwater contaminated with BTEX, PHCs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 8, 2004.

Former American Can Site, City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Lenard and Lois Brenner, 3880 Union Deposit Road, Harrisburg, PA 17109, submitted a Final Report concerning remediation of site soils contaminated with lead and PHCs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 8, 2004.

Barbara Peters Property, Maxatawny Township, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Barbara Peters, 111 Kohler Road, Kutztown, PA 19530, submitted a Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health standard and was approved by the Department on January 8, 2004.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Country Fair Store No. 61, 1449 W. 8th St., Erie, **Erie County**. Michelle Montague, P. G., Environmental Remediation & Recovery, Inc., 5719 Rt. 6N, Edinboro, PA 16412 has submitted a Final Report concerning the remediation of soil and groundwater contaminated with lead, heavy metals, PAHs and solvents. The Final Report was approved. Final report demonstrated attainment of the Statewide Health, Site-Specific Standards and was approved by the Department on June 10, 2003.

Caparo Steel Co. (AOC-3) Former Labor Ditch Area, City of Farrell, **Mercer County**. Paul Wojciak, P. E., Env. Management Assoc. LLC, 10925 Perry Hwy., Suite 23, Wexford, PA 15090 (on behalf of Caparo Steel Co., Richard A. Herman, 15 Roemer Blvd., Farrell, PA 16121) has submitted a Final Report concerning the remediation of soil contaminated with inorganics, lead and other organics. The report was approved. Final report demonstrated attainment of the Statewide Health, Non-residential Standards and was approved by the Department on August 11, 2003.

Caparo Steel Co. (AOC-1) Former Oil Reclaim and Adjacent Areas, City of Farrell, **Mercer County**. Paul Wojciak P. E., Env. Management Assoc. LLC, 10925 Perry Hwy., Suite 23, Wexford, PA 15090 (on behalf of Caparo Steel Co., Richard A. Herman, 15 Roemer Blvd., Farrell, PA 16121) has submitted a Final Report concerning the remediation of soil contaminated with inorganics, lead, PAHs and other organics. The report was disapproved.

The Final Report did not demonstrated attainment of the Statewide Health, Nonresidential Standards and was disapproved by the Department on May 30, 2003.

Halliburton Energy Services Property, Bradford Township, **McKean County**. Entact Environmental Tactics, 4040 W. Royal Lane, Suite 136, Irving, TX on behalf of Halliburton Energy Services, Inc., 350 High St., Bradford, PA, has submitted a Final Report concerning the remediation of Soil contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The report was approved. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on March 21, 2003.

Highland Group Ind. Sheffield Property, Sheffield Township, **Warren County**. Karen E. Souza, Civil & Env. Consultants, 333 Baldwin Rd., Pittsburgh, PA 16205 on behalf of Highland Group Ind., 35 Mill St., Sheffield, PA 16347 has submitted a Request for Reduction of Attainment Sampling concerning the remediation of soil contaminated with chlorinated solvents. The request was disapproved. The request did not meet requirements of 25 Pa. Code § 250.704(d) and was disapproved by the Department on September 29, 2003.

Ivy Woods Industrial Works, Clinton Township, **Butler County**. Civil Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205 (on behalf of Ivy Woods Industrial Works, 161 Deer Creek Rd., Saxonburg, PA 16056) has submitted a Remedial Investigation Report concerning the remediation of soil contaminated with asbestos. The report was approved. The Remedial Investigation Report demonstrated attainment of the Site Specific Nonresidential Standards and was approved by the Department on July 24, 2003.

Lord Corp. Cambridge Springs Facility, Cambridge Springs, **Crawford County**. Arcadis G & M Inc., 6397 Emerald Pkwy., Suite 150, Dublin, OH 43016 (on behalf of Lord Corp. Cambridge Springs Facility, 124 Grant St., Cambridge Springs, PA 16403) has submitted a Final Report concerning the remediation of soil and groundwater contaminated with solvents. The report was approved. Final report demonstrated attainment of the Site-Specific Standards and was approved or by the Department on May 14, 2003.

National Forge Company, Irvine, **Warren County**. RCR Group Inc., 900 Market St., Suite 200, Wilmington, DE 19801 on behalf of National Forge Company, One Front St., Irvine, PA 16329 has submitted a Final Report concerning the remediation of soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs, PAHs and solvents. The report was approved. The Final Report demonstrated attainment of the Statewide Health Site-Specific Commercial Industrial Standards area requirements and was approved by the Department on November 13, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit No. 300252. Knoll, Inc., 1235 Water St., East Greenville, PA 18041, Upper Hanover Township, **Montgomery County**. Residual waste incinerator has ceased operation and the unit has been closed. Permittee requests permit revocation and release of the associated bond. Bond will be released upon this revocation action becoming final. The permit was revoked by the Southeast Regional Office on December 29, 2003.

AIR QUALITY

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

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

GP1-22-3019A: Harrisburg Housing Authority (100 Hall Manor, Harrisburg, PA 17104) on January 12, 2004, was authorized to operate five small gas and no. 2 oil fired combustion units under GP1 in the City of Harrisburg, **Dauphin County**.

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

GP5-14-03A: Mid-East Oil Co. (P. O. Box 1378, Indiana, PA 15701) on December 3, 2003, to construct and operate a 1,340 brake horsepower natural gas-fired reciprocating internal combustion compressor engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at their Confer-R facility in Burnside Township, **Centre County**.

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

10-324: Butler Area School District (110 Campus Lane, Butler, PA 16001) on January 9, 2004, to operate three natural gas fired boilers in Butler, **Butler County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

52-310-009: Springbrook Enterprises, Inc. (HC 8, Box 8210, Hawley, PA 18428) on January 6, 2004, to construct a stone crushing and screening operation and associated air cleaning device at their facility in Blooming Grove Township, **Pike County**.

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

01-05023A: Carmeuse Lime, Inc. (877 Oxford Road, Hanover, PA 17331) on January 8, 2004, to modify the used oil fired in three lime kilns controlled by individual

wet scrubbers at their Hanover lime plant in Oxford Township, **Adams County**.

06-03130: Quaker Maid Cabinetry (P. O. Box 341, Hamburg, PA 19526) on January 8, 2004, to construct a wood furniture manufacturing facility controlled by multiple dry filter pads in Hamburg Borough, **Berks County**.

06-05090B: Chiyoda America, Inc. (P. O. Box 470, Morgantown, PA 19543-0470) on January 7, 2004, to install an activated carbon filter to control the VOC emissions from their facility's color lab and QC/QA area in Caernarvon Township, **Berks County**.

28-03045: Dominion Transmission, Inc. (625 Liberty Avenue, Pittsburgh, PA 15222) on January 9, 2004, to construct two natural gas fired gas turbine driven natural gas compressors to back up existing electric compressors and an emergency generator at their Chambersburg Station in Hamilton Township, **Franklin County**. This facility is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

67-05043B: Crown Cork and Seal Co. (1650 Broadway, Hanover, PA 17331) on January 8, 2004, to construct a seam welder on one of their facility's can assembly lines in Penn Township, **York County**.

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

41-330-004: Sunoco, Inc.—R & M (205 Park Avenue, Syracuse, NY 13204) on December 2, 2003, to construct a soil vapor extraction system and associated air cleaning device (a biofilter) in Armstrong Township, **Lycoming County**.

49-00024B: Sunbury Property, LLC, owner—Knight-Celotex, LLC, operator (1400 Susquehanna Avenue, Sunbury, PA 17801) on December 2, 2003, to construct a fiberboard sanding operation and associated air cleaning device (a cartridge collector) in the City of Sunbury, **Northumberland County**.

12-399-015D: GE Transportation Systems (55 Pine Street, Emporium, PA 15834) on December 9, 2003, to modify an armature and motor frame vacuum pressure impregnation and surface coating operation by doubling the allowable armature and motor frame throughput and by increasing the allowable VOC and HAP emission rates from 4.24 tons and .05 ton, respectively, per 12 consecutive month period to 8.67 tons and .09 ton, respectively, per 12 consecutive month period in Emporium Borough, **Cameron County**.

17-305-049: Energy Link, Inc. (P. O. Box 602, DuBois, PA 15804) on December 23, 2003, to construct a coal stockpiling and railcar loading operation in Lawrence Township, **Clearfield County**.

59-00018A: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) on December 23, 2003, to construct a 572 brake horsepower diesel-fired generator at their Blossburg Quarry in Liberty Township, **Tioga County**.

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

62-032A: Ellwood National Forge—Irvine Plant (1 Front Street, Irvine, PA 16329) on January 6, 2004, to operate an existing baghouse in Brokenstraw Township, **Warren County**.

37-322A: Joseph A. Tomon Funeral Home (123 5th Street, Ellport, PA 16117) on January 6, 2004, to install a crematory incinerator in Ellport, **Lawrence County**.

25-025F: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Room 9-201, Erie, PA 16531) on January 6, 2004, to install a new paint and cure booth in building no. 12 in Lawrence Park Township, **Erie County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0050C: Better Materials, Corp. (P. O. Box 231, Easton, PA 18044) on January 6, 2004, to operate an asphalt batch plant in Wrightstown Township, **Bucks County**.

23-0012: Epsilon Product, Co., LLC (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on January 6, 2004, to operate plant 2 and a thermal oxidizer in Marcus Hook Borough, **Delaware County**.

46-0014E: Knoll, Inc. (1235 Water Street, P. O. Box 157, East Greenville, PA 18041) on January 6, 2004, to operate a 500 kW emergency generator in Upper Hanover Township, **Montgomery County**.

46-0027: Ortho McNeil Pharmaceutical (Welsh and McKean Roads, Spring House, PA 19477) on January 6, 2004, to operate a 1.5 mW emergency electric generator in Lower Gwynedd Township, **Montgomery County**.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

49-00012A: Eldorado Properties Corp. owner—Petroleum Products Corp., operator (P. O. Box 2621, Harrisburg, PA 17105) on December 10, 2003, to revoke a plan approval issued on September 29, 2003, to construct two bulk gasoline/distillate storage tanks due to wetlands issues in Point Township, **Northumberland County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

06-05014: GST Autoleather, Inc. (16 South Franklin Street, Fleetwood, PA 19522) on January 8, 2004, to operate a leather finishing facility (Fleetwood Plant) in the Fleetwood Borough, **Berks County**. This is a renewal of the operating permit.

06-05036: Cryovac, Inc. (P. O. Box 295, Reading, PA 19603) on January 6, 2004, to operate their expandable polystyrene foam products manufacturing facility in Muhlenberg Township, **Berks County**. This is a renewal of the operating permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

36-03026: Skips Cutting, Inc. (501 Alexander Drive, Ephrata, PA 17522) on January 5, 2004, to operate a fabric dyeing plant in Ephrata Township, **Lancaster County**.

36-03120: Esbshade Mills (220 Eby Chiques Road, Mount Joy, PA 17552) on January 5, 2004, to operate their feed mill in Rapho Township, **Lancaster County**.

36-03129: Kalas Manufacturing, Inc. (25 Main Street, Denver, PA 17517) on January 5, 2004, to operate their manufacturing facility in East Cocalico Township, **Lancaster County**.

38-03042: American LaFrance Aerials (340 North 18th Street, Lebanon, PA 17046) on January 5, 2004, to operate their manufacturing plant in West Lebanon Township, **Lebanon County**.

38-05024: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on January 7, 2004, to operate their crushing operation at their Prescott Stone/Concrete Plant in South Lebanon Township, **Lebanon County**.

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

19-320-005: Press Enterprise, Inc. (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on December 2, 2003, to operate an eight-color heatset web offset lithographic printing press and dryers and associated air cleaning device (a regenerative thermal oxidizer) in Scott Township, **Columbia County**.

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

32-00102: Homer Center School District (65 Wildcat Lane, Homer City, PA 15748) on December 31, 2003, a State-only Operating Permit in Center Township, **Indiana County**. The facility's primary emissions are from four boilers used to provide comfort heat and hot water.

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

37-00152: New Castle Refractories Co., Inc. (915 Industrial St., New Castle, PA 16102) on January 7, 2004, to amend a Natural Minor Operating Permit to recognize a new Federal Tax ID resulting from corporate restructuring. The facility is in the City of New Castle, **Lawrence County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

36-05027: R. R. Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601) on January 6, 2004, to operate their Lancaster facility in the City of

Lancaster, **Lancaster County**. The Title V Operating Permit was administratively amended to incorporate Plan Approvals 36-05027A and 36-05027B. This is Revision No. 2 of the operating permit.

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

03-00027: Reliant Energy Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317) on January 7, 2004, TV-OP-03-00027 has been administratively amended to incorporate the conditions of Plan Approval PA-03-00027A. PA-03-00027A was issued on June 14, 2001, to allow the construction of voluntary, ozone-season SCR systems on the exhaust from units 1 and 2 at their Keystone Power Plant in Plumcreek Township, **Armstrong County**.

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

24-00012: C/G Electrodes LLC (800 Theresia Street, Saint Marys, PA 15857) on January 6, 2004, for an administrative amendment to the Title V permit to incorporate changes brought about through Plan Approval No. 24012C. The facility is in the City of St. Marys, **Elk County**. The EPA and public comment periods were addressed during the plan approval process.

25-00025: General Electric Transportation Systems (2901 East Lake Road, Erie, PA 16531) on January 8, 2004, for an administrative amendment to a Title V Operating Permit for their facility in Lawrence Park Township, **Erie County**. The permit was administratively amended to incorporate a change of Responsible Official.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permit Actions

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

56971301. NPDES Permit No. PA0214973, GM&S Coal Corporation (P. O. Box 33, Boswell, PA 15531), to revise the permit for the Geronimo Mine in Jenner Township, **Somerset County**, to add borehole for underground sludge disposal. Surface Acres Proposed 0.25. No additional discharges. Permit issued January 5, 2004.

30831303. NPDES Permit No. PA0013511, RAG Cumberland Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, to install 57 boreholes. Surface Acres Proposed 17.1. No additional discharges. Permit issued January 6, 2004.

30841316. NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to renew the permit for the Bailey Mine in Richhill Township, **Greene County** and the related NPDES permit. No additional discharges. Permit issued January 6, 2004.

63831302. NPDES Permit No. PA0213608, Eighty Four Mining Company (P. O. Box 284, Eighty Four, PA 15330), to renew the permit for the Mine 84 in Somerset Township, **Washington County** and the related NPDES permit. No additional discharges. Permit issued January 6, 2004.

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

56753048 and NPDES Permit No. PA0119954. Gray Mining Company, Inc. (1134 Stoystown Road, Friedens, PA 15541), permit renewal for continued operation of a bituminous surface mine commencement, operation and restoration of a bituminous surface mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 296.0 acres. Receiving streams: Stony Creek (WWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek Surface Water Withdrawal. Application received October 29, 2003. Permit issued December 30, 2003.

11880201 and NPDES Permit No. PA0598208. Ebensburg Power Company (2040 New Germany Road, P. O. Box 845, Ebensburg, PA 15931), permit renewal for continued operation of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County**, affecting 56.5 acres. Receiving streams: unnamed tributary to South Branch Blacklick Creek and the South Branch of Blacklick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 29, 2003. Permit issued December 30, 2003.

56813006 and NPDES Permit No. PA0125466. NSM Coals, Inc., (P. O. Box 260, Friedens, PA 15541), permit renewal for reclamation only and for continued restoration of a bituminous surface mine and discharge of treated mine drainage in Stonycreek Township, **Somerset County**, affecting 929.7 acres. Receiving streams: unnamed tributaries to Clear Run and to Clear Run; and to Boone Run (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek surface water intake. Application received September 18, 2003. Permit issued January 5, 2004.

56880109 and NPDES Permit No. PA0598283. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), permit renewal for continued operation of a bituminous surface and limestone removal mine in Brothersvalley Township, **Somerset County**, affecting 154.2 acres. Receiving streams: unnamed tributaries of Bluelick Creek and Bluelick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 18, 2003. Permit issued January 5, 2004.

56910201 and NPDES Permit No. PA0599271. AMFIRE Mining Company, LLC (One Energy Place,

Latrobe, PA 15650), permit renewal for continued operation of a bituminous surface mine (coal refuse reprocessing) in Paint Township, **Somerset County**, affecting 31.0 acres. Receiving streams: Paint Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 1, 2003. Permit issued January 8, 2004.

Noncoal Permit Actions

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

10020306 and NPDES Permit No. PA0242250. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone, shale, sandstone and coal operation in Worth Township, **Butler County**, affecting 241.2 acres. Receiving streams: two unnamed tributaries to Slippery Rock Creek. Application received November 4, 2002. Permit issued December 16, 2003.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

360340123. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Sunset Ridge in Manheim Township, **Lancaster County**, with an expiration date of June 8, 2005. Permit issued December 31, 2003.

21034073. Rogele, Inc. (1025 S. 21st St., P. O. Box 1757, Harrisburg, PA 17105-1757), construction blasting at Jefferson Court in South Middleton Township, **Cumberland County**, with an expiration date of June 8, 2005. Permit issued December 31, 2003.

28034045. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting at Guilford Water—Water Main Relocation in Guildford Township, **Franklin County**, with an expiration date of April 8, 2004. Permit issued December 31, 2003.

09034029. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at New Britain Corporation Center in New Britain Township, **Bucks County**, with an expiration date of July 9, 2004. Permit issued January 2, 2004.

46034053. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at Estates at Chestnut Lane South in Horsham Township, **Montgomery County**, with an expiration date of January 8, 2005. Permit issued January 2, 2004.

40034041. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Pittston Township, **Luzerne County**, with an expiration date of May 26, 2004. Permit issued January 2, 2004.

39034018. Amroc (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Borrow Pit for Route 222 by-pass in Upper Macungie Township, **Lehigh County**, with an expiration date of April 9, 2004. Permit issued January 2, 2004.

23034019. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at The Reserve at Spring Valley Project in Aston Township, **Lehigh County**, with an expiration date of January 8, 2007. Permit issued January 2, 2004.

45034053. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Winona Lake Development in Middle Smithfield Township, **Monroe County**, with an expiration date of November 29, 2004. Permit issued January 2, 2004.

45034054. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Wilderness Acres in Middle Smithfield Township, **Monroe County**, with an expiration date of November 29, 2004. Permit issued January 2, 2004.

52034028. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Panther Trucking & Excavating in Greene Township, **Pike County**, with an expiration date of November 30, 2004. Permit issued January 2, 2004.

22034026. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Sports Complex at Bradford Estates in West Hanover Township, **Dauphin County**, with an expiration date of January 10, 2005. Permit issued January 7, 2004.

21034074. Westra Construction, Inc. (4002 Fenton Avenue, Harrisburg, PA 17109), construction blasting at Comfort Inn in Upper Allen Township, **Cumberland County**, with an expiration date of July 10, 2004. Permit issued January 7, 2004.

39034019. Clair Stahley, Inc. (P. O. Box 526, Orefield, PA 18069), construction blasting at Nob Hill Estates in Whitehall Township, **Lehigh County**, with an expiration date of January 17, 2005. Permit issued January 7, 2004.

48034041. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting at Southmont/Lowes site in Bethlehem Township, **Northampton County**, with an expiration date of January 19, 2005. Permit issued January 7, 2004.

67034079. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Equine Meadows, Phase III in Windsor Township, **York County**, with an expiration date of December 31, 2005. Permit issued January 7, 2004.

06034063. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Village of Briarcrest in Caernarvon Township, **Berks County**, with an expiration date of January 16, 2007. Permit issued January 7, 2004.

15034046. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting for Greenwood Mushroom Site in Kennett Township, **Chester County**, with an expiration date of January 16, 2005. Permit issued January 7, 2004.

21034075. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for South Middlesex Road in Middlesex Township, **Cumberland County**, with an expiration date of December 6, 2004. Permit issued January 7, 2004.

67034083. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting for Rose Brook in Windsor Township, **York County**, with an expiration date of July 21, 2004. Permit issued January 7, 2004.

09034030. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Lake Warren Road Subdivision in Nockamixon Township, **Bucks County**, with an expiration date of December 31, 2005. Permit issued January 6, 2004.

67034076. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Wood Crest Hills in Springettsbury Township, **York County**, with an expiration date of December 31, 2005. Permit issued January 6, 2004.

67034077. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Woods at Lake Redman in Springfield Township, **York County**, with an expiration date of December 31, 2005. Permit issued January 6, 2004.

67034078. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at New Brittney in Manchester Township, **York County**, with an expiration date of December 31, 2005. Permit issued January 6, 2004.

06034065. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Twin Valley Power Transmission Line in Caernarvon Township, **Berks County**, with an expiration date of January 16, 2007. Permit issued January 7, 2004.

23034020. Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting at Reserve at Spring Valley in Aston Township, **Delaware County**, with an expiration date of January 29, 2005. Permit issued January 7, 2004.

06034066. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Wyomissing Borough, **Berks County**, with an expiration date of July 29, 2004. Permit issued January 7, 2004.

45034055. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Clearview Builders in Price Township, **Monroe County**, with an expiration date of December 6, 2004. Permit issued January 8, 2004.

45034056. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County**, with an expiration date of December 6, 2004. Permit issued January 8, 2004.

13034004. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Kidder Township, **Carbon County**, with an expiration date of June 9, 2004. Permit issued January 8, 2004.

21034076. Steven L. Gordon Backhoe Service (486 Middle Road, Newville, PA 17241), construction blasting at Rockfield Development in Carlisle Borough, **Cumberland County**, with an expiration date of July 29, 2004. Permit issued January 8, 2004.

21034077. Steven L. Gordon Backhoe Service (486 Middle Road, Newville, PA 17241), construction blasting at Clarendon Development in Dickinson Township, **Cumberland County** with an expiration date of July 29, 2004. Permit issued January 8, 2004.

360340124. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 17603), construction blasting at Kissel Hill Villages in Manheim Township, **Lancaster County**, with an expiration date of January 29, 2009. Permit issued January 8, 2004.

06034067. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Heidelberg Water in Lower Heidelberg Township, **Berks County** with an expiration date of January 29, 2005. Permit issued January 8, 2004.

38034032. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Met-Ed in Cornwall Township, **Lebanon County**, with an expiration date of January 29, 2007. Permit issued January 8, 2004.

21034078. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Home Depot in Carlisle Borough, **Cumberland County**, with an expiration date of January 29, 2007. Permit issued January 8, 2004.

21034079. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Indian Hills in South Middleton Township, **Cumberland County**, with an expiration date of January 29, 2005. Permit issued January 8, 2004.

49034004. Zartman Construction, Inc. (R. R. 1 Box 349Z, Rt. 11, Northumberland, PA 17857) and **DC Guelich Explosive Company** (Box 29, Bloomsburg, PA 17815), construction blasting at Rt. 487-03-01A Project (Knoebels Grove) in Ralpho and Franklin Townships, **Northumberland and Columbia Counties**, with an expiration date of December 31, 2004. Permit issued January 8, 2004.

15034048. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Philadelphia Suburban Waterline/Route 322 in East Brandywine Township, **Chester County**, with an expiration date of January 30, 2005. Permit issued January 8, 2004.

15034047. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Downingtown Wawa in East Caln Township, **Chester County**, with an expiration date of January 30, 2007. Permit issued January 8, 2004.

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

24034001. Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823). Blasting activity permit for the construction of a department store in Fox Township, **Elk County**, for 180 days. Application received December 29, 2003. Application issued January 5, 2004.

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

30034003. Douglas K. Loizeaux (2737 Merryman's Mill Road, Phoenix, MD 21131). Blasting activity permit issued for demolition, in Rices Landing Borough, **Greene County**, with an expected duration of 1 day. Permit issued January 6, 2004.

02034010. Demtech, Inc. (65 Bald Mountain Road, DuBois, WY 82513). Blasting activity permit issued for demolition, in Braddock Borough, **Allegheny County**, with an expected duration of 90 days. Permit issued January 9, 2004.

02034012. Mashuda Corporation (21101 Rt. 19, Evans City, PA 16033). Blasting activity permit issued for construction, in Findlay Township, **Allegheny County**, with an expected duration of 1 1/2 years. Permit issued January 9, 2004.

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 should 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and 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 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-939. The Upper Hanover Authority, P. O. Box 205, East Greenville, PA 18041, Upper Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a pump station and connecting wet well within the floodplain of Macoby Creek (TSF), occupying an area measuring 12 feet by 12 feet and 8 feet by 8 feet, respectively. The proposed work includes excavation, grading and filling of approximately 120 cubic yards within the floodplain. The site is approximately 380 feet northeast of the intersection of 6th Street, St. Paul's Church Road and James Road (Milford Square, PA Quadrangle N: 1.43 inches; W: 14.08 inches).

E15-708. West Chester Area School District, 829 Paoli Pike, West Chester, PA 19380.

To perform the following activities associated with the construction of a new high school (Bayard Rustin High School) on a 177-acre parcel locally known as the Marshall Jones Tract:

1. To breach a nonjurisdictional dam and to restore the portion of the UNT to Goose Creek (WWF) which was previously impounded by the 0.61-acre farm pond.
2. To place fill within 0.18 acre of wetland associated with the construction of the school facility.
3. To construct and maintain a 50-foot long by 8-foot wide pedestrian bridge across the UNT to Goose Creek.
4. To construct and maintain an 8-inch and 10-inch underground sanitary sewer line (onsite and offsite respectively) involving various stream crossings at 15 locations: 1 onsite across the UNT to Goose Creek; 1 across the East Branch of Chester Creek (WWF); and 13 across UNTs to Chester Creek.
5. To construct and maintain a 24-inch by 38-inch RCP stormwater outfall structure and associated riprap protection along an UNT to Goose Creek which is along Shiloh Road.

The site is northwest of the intersection of Street Road (SR 926) and Shiloh Road (West Chester, PA Quadrangle N: 11.2 inches; W: 7.1 inches) in Westtown Township, **Chester County**.

The permittee has agreed to construct 0.40 acre of replacement wetlands (PEM/PSS) adjacent to Goose Creek and its unnamed tributary.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

E23-237. Harper Associates, 6 East Hinckley Avenue, Ridley Park, PA 19078, Ridley Township, **Delaware County**, ACOE Philadelphia District.

To relocate approximately 530 linear feet of an unnamed tributary to Crum Creek (WWF) and to construct and maintain 210 linear feet of 94-inch CMP stream enclosure and 425 linear feet of new stream channel for the purpose of site improvement of the Fairview Golf Course. The site is approximately 200 feet northeast of the intersection of Fairview Road and Haverford Road (Bridgeport, NJ-PA N: 22.1 inches; W: 12.1 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

E40-617. Jackson Township, 2211 Huntsville Road, Shavertown, PA 18708. Jackson Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing culvert, to construct and maintain two road crossings of a tributary to Browns Creek (CWF), each consisting of approximately 40 linear feet of dual 36-inch concrete culverts and to place fill in approximately 0.26 acre of PEM wetlands, for the purpose of expanding an existing parking lot that serves the Jackson Township municipal building and recreational park. The permittee is required to provide for 0.26 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is on the west side of SR 1005 (Huntsville Road), approximately 1.2 miles north of the intersection of SR 1005 and SR 1012 (Kingston, PA Quadrangle N: 9.0 inches; W: 13.7 inches) (Subbasin: 5B).

E39-416. Red Maples, P. O. Box 246, Trexlertown, PA 18087-0226. Upper Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.11 acre of PEM wetlands within the Spring Creek Watershed (HQ-CWF) for the purpose of constructing the Red Maples Mobile Home Park. The permittee is required to provide 0.11 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is adjacent to Grange Road (T-540) approximately 0.4 mile northwest of its intersection with SR 0222 (Allentown West, PA Quadrangle N: 11.2 inches; W: 10.8 inches) (Subbasin: 2C).

E13-139. Towamensing Township, 120 Stable Road, Leighton, PA 18235. Towamensing Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 91-inch by 58-inch elliptical concrete by 60-foot long culvert, depressed 1 foot below streambed elevation, across Hunter Creek (CWF, MF, wild trout). The project is on Strohl Valley Road approximately 100 feet west of SR 2011 (Palmerton, PA Quadrangle N: 21.6 inches; W: 6.3 inches) (Subbasin: 2C).

E45-453. Stroud Township, 1211 North Fifth Street, Stroudsburg, PA 18360. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To maintain four wooden pedestrian bridges and a wooden boardwalk across tributaries to Brodhead Creek (TSF) and in a de minimis area of PEM/SS wetlands equal to 0.01 acre as follows: (1) crossing no. 1—a bridge

having a single-span of approximately 23 feet and an underclearance of approximately 3 feet; (2) crossing no. 2—a bridge having a single-span of approximately 35 feet and an underclearance of approximately 3.5 feet; (3) crossing no. 3—a bridge having a single-span of approximately 22 feet and an underclearance of approximately 4 feet and a wooden boardwalk in wetlands having a length of approximately 44 feet; and (4) crossing no. 4—a two-span bridge having spans of approximately 15 feet and an underclearance of approximately 2.6 feet. Each bridge is 10 feet wide and will impact a total of 40 feet of stream channel. The bridges were constructed as part of the Nature Trail System within Pinebrook Park and are also situated in the 100-year floodplain of Brodhead Creek. The project is between SR 0191 and Brodhead Creek, just downstream of the SR 0191 bridge (East Stroudsburg, PA Quadrangle N: 6.2 inches; W: 11.5 inches) (Subbasin: 1E).

E64-244. Frank and Lynda Marks, R. R. 1, Box 205, Damascus, PA 18415. Damascus Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain two road crossings of tributaries to Hollister Creek (HQ-CWF, wild trout) for the purpose of constructing a private residential driveway. The crossings consist of: (1) a single-span steel I-beam bridge 25 feet wide, having a span of approximately 26 feet and an underclearance of approximately 2.5 feet; and (2) a 24-inch, 25-foot long culvert with its invert depressed 6 inches below streambed elevation. The project is approximately 300 feet north of T-561 (Boyce Road), approximately 0.9 mile southwest of the intersection of T-561 and SR 1016 (Callicoon, NY-PA Quadrangle N: 0.5 inch; W: 15.4 inches) (Subbasin: 1A).

E48-338. Hornstein Enterprises, Inc., 1150 Cedar Crest Boulevard, Allentown, PA 18103. Forks Township, **Northampton County**, Army Corps of Engineers Philadelphia District, Subbasin 1-F.

To construct and maintain the following stormwater outfall structures in Bushkill Creek (HQ-CWF, perennial): (1) a 53-inch by 34-inch RCP; (2) a 24-inch diameter RCP; and (3) a 4-inch diameter PVC pipe. This work is associated with the proposed Penn's Ridge planned residential development. The project is approximately 0.4 mile north of the intersection of SR 2019 (Bushkill Drive) and SR 2036 (Zucksville Road) (Easton, PA-NJ Quadrangle N: 17.9 inches; W: 16.9 inches). The project proposes to directly affect 27 linear feet of stream channel.

ENVIRONMENTAL ASSESSMENTS

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

D06-011EA. Mount Penn Water Authority, 200 North 25th Street, Reading, PA 19606. Lower Alsace Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Mount Penn Dam No. 3, which is a high hazard dam across a tributary to Antietam Creek (CWF). The purpose of the breach is to eliminate a threat to public safety and to restore the stream to free-flowing conditions. Project also involves the construction of an earthen off-stream nonjurisdictional dam and reservoir for fire service. The dam is approximately 1,300 feet northeast of the intersection of Hill Road (T442) and T409 (Reading, PA Quadrangle N: 16.9 inches; W: 1.7 inches).

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of NO_x, VOCs and the following criteria pollutants: CO, lead, SO_x, PM, PM₁₀ and PM₁₀ precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC registry are currently available for use as follows:

(1) To satisfy new source review (NSR) emission offset ratio requirements.

(2) To "net-out" of NSR at ERC-generating facilities.

(3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the EPA.

For additional information concerning the certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This ERC registry report, ERC registry application and instructions are on the Department's website: www.dep.state.pa.us (select Subjects/Air Quality/Business/Permits/Emission Reduction Credits).

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
U. S. Naval Hospital County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Mark Donato, (215) 897-1809	NO _x	30.50	3/31/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs VOCs	54.00 25.00	— 3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: George Gornick, (215) 632-2300	VOCs	137.45		Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Karl Henschel, (570) 742-6644	NO _x VOCs	24.45 12.88	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller, (412) 762-5263	VOCs	41.70	6/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess, (412) 274-3884	VOCs	171.82		Trading
York International Corporation Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald, (717) 771-7346	VOCs VOCs	12.20 2.70	6/01/2006 10/01/2005	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle, (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills ERC Generating Facility: Avery Dennison Corp. County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg, (570) 323-4430	VOCs	3.62		Internal Use/Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Avery Dennison Corp. County: Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard, (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr., (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock, (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod, (609) 584-3000	NOx	5.20		Trading
Dominion Transmission, Inc., CNG Transmission Corp. Source Location: Leidy Township County: Clinton Ozone Nonattainment Status: Moderate Contact Person: Sean R. Sleight, (304) 623-8462	NOx VOCs	15.28 0.55	10/27/2004	Internal Use and Trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler, (610) 694-5104	NOx VOCs	1,054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MActac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens, (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy, (814) 875-2427	VOCs	33.60 2.60 1.80	12/01/2004 12/31/2005 12/31/2006	Internal Use/Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Sun Company, Inc. Source: API Separator 10 and 1-F Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: John A. Rossi	VOCs	2.37	9/30/2004	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr, (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading
Smithkline Beechman Pharmaceuticals Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler, (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Global Packaging, Inc. County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Global Packaging, Inc. County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Lars Lundin, (570) 833-3545	NOx VOCs	136.00 237.67	5/3/2009	Internal Use/Trading
Caparo Steel Company Source Location: Farrell Plant County: Mercer Ozone Nonattainment Status: Moderate Contact Person: Richard A. Herman, (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: William L. West, (216) 642-7178	NOx VOCs	1,663.00 373.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth, (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Smith-Steelite Plant: Emsworth Manufacturing Facility County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Wm. K. Shadle, (412) 299-8167	VOCs	7.32	6/7/2004	Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton, (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Allegheny Ludlum Corp. Source Location: Washington Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: Deborah L. Calderazzo, (724) 226-5947	NOx	7.78	7/31/2004	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland Ozone Nonattainment Status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis, (412) 756-2376	NOx	158.68		Trading
Sun Company, Inc. Sources: Separators Source Location: Marcus Hook Borough County: Delaware Ozone Nonattainment Status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	81.88	9/30/2004	Trading/Internal Use
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone Nonattainment Status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Jefferson Smurfit Corporation Source Location: Upper Providence Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Thomas Tutwiler, (610) 935-4119	VOCs	12.4	5/31/2004	Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone Nonattainment Status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone Nonattainment Status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
Bethlehem Steel Corporation Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak, (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
General Electric Transportation System Source Location: E. Lake Road County: Erie Ozone Nonattainment Status: Moderate Contact Person: Mark D. Restifo, (814) 875-5406	NOx VOCs	280.90 1.70	12/31/2010	Trading
Hershey Foods Corporation Source Location: East Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: Shawn P. Greenwood, (610) 678-0552	NOx	189.00	10/4/2004	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jeff Muffat, (651) 778-4450	VOCs VOCs	607.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Amarjit Gill, (713) 653-8554	NOx VOCs	910.00 26.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Peter M. Guzanick, (412) 517-7217	NOx VOCs	17.05 1.87	8/6/2008	Trading
Transit America, Inc. Source Location: One Red Lion Road County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Timothy J. Bergere, Esq., (215) 772-7431	NOx	43.8	4/30/2004	Trading
JG Furniture Group, Inc. Source Location: Quakertown County: Bucks Ozone Nonattainment Status: Severe Contact Person: Donald Boisselle, (336) 410-7263	VOCs	24.4	9/1/2007	Trading
Recipient/Holder of ERC: Cypress Energy, Inc. ERC Generating Facility: Laclede Steel Corporation County: Bucks Ozone Nonattainment Status: Severe Contact Person: Gary Stephenson, (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation County: Bucks Ozone Nonattainment Status: Severe Contact Person: David Oppenheimer, (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer Ozone Nonattainment Status: Moderate Contact Person: Dennis Lencioni, (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bristol Ozone Nonattainment Status: Severe Contact Person: Lloyd Davis, (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Ozone Nonattainment Status: Severe Contact Person: Gregory Sautter, (614) 438-3197	VOCs	113.00	1/31/2012	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
PPL Inc. Source Location: Holtwood Station County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Linda A. Boyer, (610) 774-5410	NOx VOCs	3,769.09 9.70	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Ozone Nonattainment Status: Moderate Contact Person: Rhonda Vete, (412) 469-6122	NOx NOx VOCs	5.11 62.57 0.25	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Ozone Nonattainment Status: Moderate Contact Person: Richard C. Pitzer, (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading
Naval Surface Warfare Center Source Location: Philadelphia Naval Shipyard County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Mark Donato	VOCs	45.70	9/15/2005	Internal Use
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Brian Chabak, (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland Ozone Nonattainment Status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Ozone Nonattainment Status: Moderate Contact Person: Tim Haubach, (724) 752-6493	VOCs	5.70	6/3/2010	Trading
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Township County: Venango Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Allan B. Currie, Jr., (517) 787-5181	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Trevor Woods, (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Michael Masington, (215) 875-2649	NOx	50.00	2/28/2007	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Ozone Nonattainment Status: Moderate Contact Person: John M. Cigan, (610) 826-8719	NOx VOCs	30.80 53.80	5/31/2006	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone Nonattainment Status: Moderate Contact Person: Edward F. Werkheiser, (610) 261-3424	NOx VOCs	298.10 3.70	10/15/2004	Trading
The Peoples Natural Gas Company Source Location: Laurel Ridge Station County: Cambria Ozone Nonattainment Status: Moderate Contact Person: Sheri Franz, (412) 497-6582	NOx VOCs	13.00 4.00	11/11/2004	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Ozone Nonattainment Status: Moderate Contact Person: Kevin S. Barnett, (412) 553-2094	NOx VOCs	48.86 882.43	Varies from 9/29/2010 to 5/1/2012	Trading
Rohm and Haas Source Location: Richmond Street County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Frank Jackson, (215) 537-4000	NOx VOCs NOx	50.10 30.30 0.19	6/13/2005 12/31/2004	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Ozone Nonattainment Status: Moderate Contact Person: Glenn Shaffer, (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Wendy Cooper, (610) 286-7434	VOCs	42.61	3/29/2012	Trading
National Fuel Gas Supply Corp. Source Location: Heath Station County: Jefferson Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	122.80 2.10	7/1/2005	Trading
Williams Generation Company Source Location: Hazleton Co Gen Facility County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: Terrie Blackburn, (918) 573-9766	NOx	794.6	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Ozone Nonattainment Status: Moderate Contact Person: Daniel R. Chapman, (814) 678-4602	NOx VOCs	89.80 2.38	5/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Frank J. Brandauer, (626) 398-2773	VOCs	3.13	6/30/2012	
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: David J. Jablonowski, (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Allan J. Goss, (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Ozone Nonattainment Status: Moderate Contact Person: Carl Russo, (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: James Rowlett, (724) 489-2288	NOx	251.43		Trading

Summary of ERC Transactions

The following ERC transactions are approved by the Department's Bureau of Air Quality. The ERC transaction requirements are in 25 Pa. Code § 127.208.

ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Wyeth-Ayerst Laboratories, Inc.
Location of Source: West Chester, Chester County
Certified ERCs (tpy): 28.4 tpy of NOx
Amount of ERCs traded to Purchaser/Recipient: 28.4 tpy of NOx
Date of ERCs Transfer: 11/25/2003
ERCs available for future use: 0

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Wyeth Pharmaceuticals
Location of Source: Pearl River, Rockland County, NY
Plan Approval Number: 3-3924-00025/00834
NOx credits used: 28.4 tpy
NOx credits available for future use: 0

[Pa.B. Doc. No. 04-149. Filed for public inspection January 23, 2004, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 253-0300-101. Title: Technical Guidance on Assessing the Potential for Vapor Intrusion into Buildings from Groundwater and Soil under the Act 2 Statewide Health Standard. Description: This document provides guidance to remediators of contaminated sites on how to assess, under the Statewide Health Standard, the potential for vapor intrusion into buildings from contaminated soil and groundwater. Effective Date: January 24, 2004. Contact: David Hess, (717) 783-9480, dahess@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-150. Filed for public inspection January 23, 2004, 9:00 a.m.]

Proposed Revisions to General Plan Approval and General Operating Permit

The Department of Environmental Protection (Department) proposes to revise the following general plan approval and operating permit: BAQ-GPA/GP-1 (GP-1) for small gas and no. 2 oil fired combustion units.

The primary purpose of this revision is to reflect the way general permit conditions have evolved since GP-1 was issued initially. These changes clarify that the general permit may be used either as a general plan approval or as a general operating permit for one or more boilers in a facility, depending upon the conditions as outlined under Condition 2, Applicability/Source Coverage Limitations. In addition, a number of conditions have been changed to clarify that the authorization to continue operation under the general permit expires every 5 years, which is the same term for regular operating permits.

Conditions 9, 10 and 17 from the previously issued general permit were deleted since many of those provisions are now outlined in expanded Condition 2. This has created changes in the numbering of conditions from Condition 9 and following.

Proposed Permit Conditions

Following are the conditions affected by this revision. The condition numbers reflect how they will appear in the new revision.

2. Applicability/Source Coverage Limitations

This Small Combustion Unit General Permit is limited to combustion units with rated capacities of less than 50 million Btu per hour of heat input fueled by natural gas supplied by a public utility, liquefied petroleum gas, or by No. 2 or lighter (viscosity less than or equal to 5.82 cSt) commercial fuel oils.

This Small Combustion Unit General Permit shall not be used where the operator has added waste materials or recycled oils to their commercial fuel oils.

This Small Combustion Units General Permit has been established in accordance with the provisions described in 25 Pa. Code Subchapter H of Chapter 127. If the combustion units at the facility cannot be regulated by the requirements of this general permit, an operating permit issued in accordance with 25 Pa. Code Subchapter F of Chapter 127 will be required, or, if the facility is a Title V facility, a Title V operating permit issued in accordance with Subchapters F and G will be required.

This Small Combustion Unit General Permit is designed to serve as both a general plan approval and a general operating permit for one or more boilers located in a facility. The specific use of the general permit will depend upon permit status, emission levels and location of the facility as outlined below.

Plan Approval

This Small Combustion Unit General Permit authorizes the construction of combustion unit(s) that meet the best available technology (BAT) required under 25 Pa. Code §§ 127.1 and 127.12(a)(5). For purposes of this general permit, BAT for units with a rated capacity equal to or greater than 10 million Btu per hour shall include the installation of low NOx burners, flue gas recirculation (FGR), combinations of these or other measures capable of meeting the emission limitations described in Condition No. 17. A facility may use this general permit as a plan approval to construct qualifying combustion units. Appropriate provisions of this general permit will then be

incorporated into either a Title V or state-only operating permit where the non-Title V facility includes regulated sources in addition to combustion units covered by this Small Combustion Unit General Permit. If the facility consists only of small combustion units qualifying for coverage under this General Permit, the facility may continue to operate so long as authorization to operate is renewed every five years in accordance with Condition 9 of this General Permit.

Operating Permit

This Small Combustion Units General Permit is not intended for use as an operating permit by a Title V facility as defined in 25 Pa. Code § 121.1. A "Title V facility" includes sources that have actual emissions or a potential to emit (PTE) equal to or greater than the maximum permitted emission levels shown in the following table for a single facility. A facility is eligible to operate under this Small Combustion Units General Permit if its actual emissions will remain below the maximum permitted emission levels listed below. A combustion unit in a facility is exempted from the permit requirements of § 127.402 if it is demonstrated that the facility's actual emissions are less than the permit exemption levels in this section.

<i>Pollutant</i>	<i>Maximum Permitted Emission Levels/Facility</i>	<i>Facility Permit Exemption Levels</i>
CO	<100 TPY	< 20 TPY
NOx	<100 TPY *	< 10 TPY
SOx	<100 TPY	< 8 TPY
VOCs	< 50 TPY *	< 8 TPY
PM ₁₀	<100 TPY	< 3 TPY
Single HAP	< 10 TPY	< 1 TPY
HAPs	< 25 TPY	<2.5 TPY

* <25 TPY for Severe nonattainment area including Bucks, Chester, Delaware, Montgomery and Philadelphia counties.

3. Application for Use

Any person proposing to install, operate, or modify a combustion unit under this Small Combustion Unit General Permit shall notify the Department using the Small Combustion Unit General Permit Application provided by the Department. In accordance with 25 Pa. Code § 127.621 (relating to application for use of general plan approvals and general operating permits), the applicant shall receive written authorization from the Department prior to constructing or operating under this general permit.

4. Compliance

Any combustion unit operating under this Small Combustion Unit General Permit shall comply with the terms and conditions of the general permit. The combustion unit and any associated air cleaning devices shall be:

- a. Operated in such a manner as not to cause air pollution.
- b. Operated and maintained in a manner consistent with good operating and maintenance practices.
- c. Operated and maintained in accordance with the manufacturer's specifications and the applicable terms and conditions of this Small Combustion Unit General Permit.

5. *Permit Modification, Suspension and Revocation*

This Small Combustion Unit General Permit may be modified, suspended, or revoked if the Department determines that affected combustion unit(s) cannot be regulated under this general permit. Authorization to use this Small Combustion Unit General Permit shall be suspended or revoked if the permittee fails to comply with applicable terms and conditions of the Small Combustion Unit General Permit.

Authorization to operate the combustion unit under this Small Combustion Unit General Permit may be suspended, if, at any time, the permittee causes, permits or allows any modification without Department approval (as defined in 25 Pa. Code § 121.1) of the combustion unit and any associated air pollution control device covered by this general permit. Upon suspension of the authorization, the permittee may not continue to operate or use said combustion unit. If warranted, the Department will require that the combustion unit be permitted under the state operating permit or Title V operating permit requirements in 25 Pa. Code Chapter 127, as appropriate.

6. *Notice Requirements*

The applications and notifications required by 25 Pa. Code § 127.621 shall be submitted to the appropriate Regional Office of the Department responsible for issuing general permits in the county in which the combustion unit is, or will be, located. As required under § 127.621(b) the application shall be either hand delivered or transmitted by certified mail return receipt requested.

The permittee shall notify the Department in writing of any malfunction of the combustion unit which results in, or may result in, the emission of air contaminants in excess of the limitations specified in, or established pursuant to, any applicable rule or regulation contained in 25 Pa. Code, Subpart C, Article III (relating to air resources). The notification shall be made to the Department within 24 hours of the discovery of the malfunction during a business day or by 5:00 pm on the first business day after a weekend or holiday.

7. *Sampling and Testing*

No later than one hundred and eighty days (180) of initial start-up, the permittee shall demonstrate compliance with the emission limitations for NO_x, CO, and VOC established in Conditions 15, 16, and 17 for each boiler. The demonstration may include performance stack testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing), portable analyzers approved by the Department, recent on-site test data on identical boilers, or any other means approved by the Department. As an alternative, this demonstration may be submitted to the Department with the application to construct and operate under this Small Combustion Unit General Permit.

The permittee shall, upon the request of the Department, provide fuel analyses, or fuel samples of the fuel used in any combustion unit authorized to operate under this general permit.

If, at any time, the Department has cause to believe that air contaminant emissions from a combustion unit covered by this general permit are in excess of the limitations specified in, or established pursuant to, any applicable regulation contained in 25 Pa. Code, Subpart C, Article III, the permittee shall conduct tests deemed necessary by the Department to determine the actual emission rate(s).

8. *Monitoring, Recordkeeping and Reporting*

The permittee shall comply with applicable monitoring, recordkeeping and reporting requirements set forth in 25 Pa. Code Chapter 139 (relating to sampling and testing), the Air Pollution Control Act, the Clean Air Act, and the applicable regulations under the acts.

9. *Term of Permit*

Authority to operate under this Small Combustion Unit General Permit is granted for a fixed period of five years. The Department will notify each applicant, in writing, when authority to construct and/or operate under this general permit is granted.

10. *Permit and Administrative Fees*

The Small Combustion Unit General Permit establishes the following application and permit renewal fees payable every five years if no equipment changes occur:

a. Three hundred dollars during the 2000-2004 calendar years.

b. Three hundred seventy-five dollars beginning in the 2005 calendar year.

An additional application and fee as indicated above is required each time the permittee installs or modifies a combustion unit. The installation or modification of a combustion unit must be conducted according to the terms and conditions of this general permit and only after written authorization is received from the Department. Two or more combustion units may be installed under a single plan approval fee.

11. *Expiration and Renewal of Authorization*

The permittee's right to operate under this Small Combustion Unit General Permit terminates on the date of expiration of the authorization to operate under this permit unless a timely and complete renewal application is submitted to the Department 30 days prior to the authorization expiration date.

Upon receipt of a complete and timely application for renewal, the combustion unit may continue to operate subject to final action by the Department on the renewal application. This protection shall cease to exist if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by the Department any additional information required by the Department to process the renewal application.

The Small Combustion Unit General Permit application for renewal shall include the identity of the owner or operator, location of the combustion unit, current authorization number, description of the combustion unit, the appropriate renewal fee listed in Condition 10 and any other information requested by the Department. At a minimum, the permit renewal fee shall be submitted to the Department at least 30 days prior to the expiration of the Small Combustion Unit General Permit.

13. *Prohibited Use*

Any stationary air contamination source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration) and 25 Pa. Code Chapter 127, Subchapter E (relating to new source review), 25 Pa. Code Chapter 127, Subchapter G (relating to Title V operating permits), or 25 Pa. Code § 129.91 (relating to control of major sources of NO_x and VOCs), may not operate under this Small Combustion Unit General Permit. Title V facilities may use this Small Combustion Unit General Permit as a

general plan approval when the major new source review and prevention of significant deterioration requirements are not applicable.

14. *Transfer of Ownership or Operation*

The permittee may not transfer authorization to operate under this Small Combustion Unit General Permit. New owners shall submit a new application and fees as described in Condition 10.

15. *Combustion Units Constructed On or Before June 9, 1989*

Any combustion unit operated under this Small Combustion Unit General Permit may not, at any time, result in the emission of:

a. Visible emissions in excess of the limitations specified in 25 Pa. Code § 123.41 (relating to limitations) as follows:

i. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any one hour.

ii. Equal to or greater than 60% at any time.

b. Particulate matter in excess of 0.4 pound per million Btu of heat input as specified in 25 Pa. Code § 123.11 (relating to combustion units).

c. Sulfur oxides in excess of the limitations specified in 25 Pa. Code § 123.22 (relating to combustion units) as follows:

i. In areas outside of the air basins and in the Allegheny County, Lower Beaver Valley, and Monongahela Valley air basins, the sulfur content of No. 2 oil shall not exceed 0.5% by weight.

ii. In all air basins, except the Allegheny County, Lower Beaver Valley, Monongahela Valley air basins and the outer zone of the Southeast Pennsylvania air basin, the sulfur content of No. 2 oil shall not exceed 0.3% by weight.

iii. In the inner zone of the Southeast Pennsylvania air basin, the sulfur content of No. 2 oil shall not exceed 0.2% by weight.

16. *Combustion Units for Which Construction Commenced After June 9, 1989 and Subject to Federal New Source Performance Standards*

These combustion units shall also comply with this Condition, subparagraphs a. through e. of this Small Combustion Unit General Permit and the emission limitations of the New Source Performance Standards prescribed in 40 CFR Part 60, Subpart Dc.

a. The permittee shall install and maintain the necessary meter(s) to determine and to record amount of fuel usage.

b. The permittee shall comply with the recordkeeping and certification requirements in accordance with 40 CFR §§ 60.46c(e), 60.42c(h) and 60.48c(f)(1). Reports shall be submitted on a semi-annual basis unless no excess emissions occurred. If there are no excess emissions, the permittee shall semi-annually report that no excess emissions occurred during the semi-annual reporting period (this does not apply to gas-fired units).

c. The permittee shall maintain daily fuel consumption records in accordance with 40 CFR § 60.48c(g) (this applies to both gas and oil-fired units). Records shall be kept for the fuel firing rates of the combustion unit on a monthly basis in order to determine sulfur dioxide (SO₂) emissions in accordance with 40 CFR § 60.48c(d) (this applies to oil-fired units only).

d. Semi-annual reports shall be submitted by the permittee in accordance with 40 CFR §§ 60.48c(d), 60.48c(e)(11) and 60.48c(j). The initial semi-annual report shall be postmarked by the 30th day of the sixth month following the completion of the initial performance test. Each subsequent report shall be postmarked by the 30th day following the end of the reporting period (this does not apply to gas-fired units).

e. Pursuant to 40 CFR § 60.4, the permittee shall submit copies of all requests, reports, applications, submittals, and other communications to both EPA and the appropriate Regional Office of the Department. The EPA copies shall be forwarded to:

Air Enforcement Branch, Mail Code 3AP12
US EPA, Region III
1650 Arch Street
Philadelphia PA 19103-2029

17. *Best Available Technology Requirements*

a. *Combustion Units Constructed after December 2, 1995, with Rated Capacity Equal to or Greater than 10 Million Btu per Hour*

As a condition of this Small Combustion Unit General Permit, the permittee shall construct qualifying small gas and No. 2 virgin oil fired combustion units capable of reducing nitrogen oxides (NO_x) and carbon monoxide (CO) emissions to or below:

i. 30 ppmdv NO_x at 3% O₂ when firing gas;

ii. 90 ppmdv NO_x at 3% O₂ when firing No. 2 fuel oil; and

iii. 300 ppmdv CO at 3% O₂.

The combustion unit(s) shall be fired only on gas (natural or liquefied petroleum) or No. 2 commercial fuel oil to which there has been no reclaimed or waste oil or other waste materials added.

b. *Additional Requirements for Combustion Units for Which Construction Commenced After (Date of Publication in PB)*

Except for units located in the inner zone of the Southeast Pennsylvania air basin, all oil-fired combustion units shall also be restricted to the use of No. 2 oil that has a sulfur content of 0.3% by weight or less.

Opportunity to Comment

A copy of the draft revised general plan approval and general operating permit is available on the Department's website: www.dep.state.pa.us (DEP Keyword: Participate; scroll down to "Proposals Open for Comment" and choose "Regulations & Other Proposals"). A copy of the draft revised general plan approval and general operating permit may also be obtained by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984.

The Department requests written comments on the proposed revisions to the general permits. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Douglas L. Leshner, Chief, Title V/NSR Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-

8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed general plan approval and operating permit. Public comments must be submitted to the Department by March 9, 2004. Comments received by facsimile will not be accepted.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-151. Filed for public inspection January 23, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-152. Filed for public inspection January 23, 2004, 9:00 a.m.]

Governor's Council on Physical Fitness and Sports Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting by means of a conference call on Wednesday, January 21, 2004, from 10 a.m. to 12 p.m. at the Department of Health, Room 1000, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact James Domen, Acting Manager, Physical Activity Program, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-2957, for speech and/or hearing

impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-153. Filed for public inspection January 23, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Cedar Haven-Lebanon County Home
590 South Fifth Avenue
Lebanon, PA 17042-9154

The Highlands at Wyomissing
2000 Cambridge Avenue
Wyomissing, PA 19610-2714

Jewish Home of Eastern PA
1101 Vine Street
Scranton, PA 18510

Lebanon Valley Brethren Home
1200 Grubb Street
Palmyra, PA 17078-3513

Heritage Towers
200 Veterans Lane
Doylestown, PA 18901

Cedarbrook Nursing Homes
350 South Cedarbrook Road
Allentown, PA 18104

Saint Mary's at Asbury Ridge
4855 West Ridge Road
Erie, PA 16506

Saint Mary's East
607 East 26th Street
Erie, PA 16504

St. Paul Homes
339 East Jamestown Road
Greenville, PA 16125

Rolling Fields, Inc.
9108 State Highway 198
Conneautville, PA 16406

Nugent Convalescent Home
500 Clarksville Road
Hermitage, PA 16148

Clepper Manor
959 East State Street
Sharon, PA 16146

The Lutheran Home at Hollidaysburg
916 Hickory Street
Hollidaysburg, PA 16648
SAIS No. 010502

The Lutheran Home at Johnstown
807 Goucher Street
Johnstown, PA 15905
SAIS No. 270102

Bradford County Manor
R. D. 3, Box 322
Troy, PA 16947

Little Flower Manor of the Diocese of Scranton
200 South Meade Street
Wilkes-Barre, PA 18702-6299

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Westmoreland Skilled Care Center
532 West Pittsburgh Street
Greensburg, PA 15601

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Jameson Care Center, Inc.
3349 Wilmington Road
New Castle, PA 16105

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, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address 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 wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-154. Filed for public inspection January 23, 2004, 9:00 a.m.]

Approval Order

Public Meeting held
January 8, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Health—Out-of-Hospital Do-Not-Resuscitate Orders; Regulation No. 10-174

On August 26, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapters 1001, 1003, 1005, 1007 and 1051. The proposed regulation was published in the September 6, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 5, 2003.

This regulation implements Act 59 of 2002 which amended the Advance Directive for Health Care Act to instruct emergency medical services providers to follow procedures for implementing an out-of-hospital do-not-resuscitate (DNR) order. An out-of-hospital DNR order issued under Act 59 of 2002 directs that cardiopulmonary resuscitation will not be provided to an eligible patient who goes into cardiac or respiratory arrest. This regulation will replace the interim regulation the Department established under Act 59 of 2002.

We have determined this regulation is consistent with the statutory authority of the Department (Act 59 of 2002, Section 6) 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. 04-155. Filed for public inspection January 23, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, January 8, 2004, and announced the following:

Regulation Approved

Department of Health #10-174: Out-of-Hospital Do-Not-Resuscitate Orders (amends 28 Pa. Code Chapters 1001, 1003, 1005, 1007 and 1051)

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-357	Environmental Quality Board Noncoal Underground Mines and Other Excavations	1/13/04
7-382	Environmental Quality Board Safe Drinking Water; Filter Backwash Recycling Rule (FBRR)	1/13/04

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-381	Environmental Quality Board Safe Drinking Water; Radionuclides Rule	1/13/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-156. Filed for public inspection January 23, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

William Meis, D.O.; Prehearing

**Appeal of William Meis, D.O. under the Medical
Care Availability and Reduction of Error (MCARE)
Act (40 P. S. §§ 1303.101—1303.910); Doc. No.
MM03-11-007**

On or before February 2, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's October 2, 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 February 23, 2004, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 20, 2004. A hearing date will 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 February 9, 2004, 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 February 17, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-157. Filed for public inspection January 23, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pitts-

burgh, 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 Leonard and Heather Harper; file no. 03-407-91203; Liberty Mutual Insurance Group; doc. no. PH03-12-032; March 4, 2004, 12:30 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Richard A. Mercurio, M.D.; file no. 03-407-92131; Nationwide Mutual Insurance Company; doc. no. E03-12-037; April 8, 2004, 9 a.m.

Appeal of Pamela N. Betts; file no. 03-303-72489; Erie Insurance Exchange; doc. no. PI03-12-036; April 8, 2004, 10:30 a.m.

Appeal of Mladen Bosnjak; file no. 03-308-72787; State Farm Fire and Casualty Insurance Company; doc. no. PI03-12-034; April 8, 2004, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the 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. 04-158. Filed for public inspection January 23, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured 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 insured's policy. The administrative

hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Gail E. Merritt (for the Estate of Abby Merritt); file no. 03-407-91207; Erie Insurance Exchange; doc. no. E03-12-033; April 8, 2004, 11:30 a.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. 04-159. Filed for public inspection January 23, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0922, 2842 Street Road, Bensalem, PA 19020.

Lease Expiration Date: October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of Street and Mechanicsville Roads, Bensalem Township.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Bucks County, Wine & Spirits Shoppe #0932, Warrington Mews Shopping Center, Suite 31, 1111 Easton Road, Warrington, PA 18976.

Lease Expiration Date: June 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of Easton and Bristol Roads, Warrington Township.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Delaware County, Wine & Spirits Shoppe #2313, 2012 Darby Road, Havertown, PA 19083.

Lease Expiration Date: May 31, 2004

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 within a 1-mile radius of the intersection of Route 3 and Darby Road.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: James M. Bradley, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4606, Maple Glen Shopping Center, 1925 Norristown Road, Maple Glen, PA 19002.

Lease Expiration Date: March 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of Norristown and Welsh Roads, Upper Dublin Township.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4612, 225 N. York Road, Hatboro, PA 19040.

Lease Expiration Date: February 28, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of York and Montgomery Roads, Hatboro.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4625, 109 Town Center Road, King of Prussia, PA 19406.

Lease Expiration Date: January 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,500 net useable square feet of new or existing retail commercial space within a 1-mile radius of Route 202 and Town Center Road, Upper Merion Township.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4639, Gilbertsville Shopping Center, 1050 E. Philadelphia Avenue, Gilbertsville, PA 19525-9517.

Lease Expiration Date: May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of Philadelphia and Congo Streets, Douglass Township.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5113, Snyder Plaza North, 35 Snyder Avenue, Philadelphia, PA 19148.

Lease Expiration Date: November 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,400 net useable square feet of new or existing retail commercial space within a 1-mile radius of the Liquor Control Board store in Snyder Plaza, 35 Snyder Avenue, Philadelphia.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5116, 101 E. Olney Avenue, Philadelphia, PA 19120.

Lease Expiration Date: January 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,254 net useable square feet of new or existing retail commercial space within a 1-mile radius of Front Street and Olney Avenue, Philadelphia.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5129, 1446 Point Breeze Avenue, Philadelphia, PA 19146.

Lease Expiration Date: October 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of our store on Point Breeze Avenue, Philadelphia.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5188, 7333 Elmwood Avenue, Philadelphia, PA 19142.

Lease Expiration Date: May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,904 net useable square feet of new or existing retail commercial space within a 1-mile radius of our store at the intersection at Elmwood and Island Avenues, Philadelphia.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4630, North End Shopping Center, 1300 N. Charlotte Street, Pottstown, PA 19464.

Lease Expiration Date: August 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1-mile radius of the intersection of Route 663 and N. Charlotte Street, Lower Pottsgrove Township.

Proposals due: February 13, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert J. Jolly, (215) 482-9671

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-160. Filed for public inspection January 23, 2004, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member board on Monday, February 2, 2004, at 9:30 a.m. in Boardroom C, Penn Center, 2601 North Third Street, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B.K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 04-161. Filed for public inspection January 23, 2004, 9:00 a.m.]

PENNSYLVANIA ARMY NATIONAL GUARD

Environmental Impact Statement

The Pennsylvania Army National Guard announces its intent to prepare an Environmental Impact Statement addressing the proposed transformation of the 56th Brigade into a Stryker Brigade Combat Team. The public scoping period will end February 10, 2004.

Public information meetings are scheduled as follows:

January 29, 2004, 10 a.m. to 2 p.m.
State Capitol Building Rotunda
Harrisburg, PA

February 3, 2004, 5:30 p.m. to 8:30 p.m.
Lickdale Elementary School
40 Fisher Avenue
Jonestown, PA

For additional information, contact Lt. Col. Chris Cleaver, State Public Affairs Officer, Pennsylvania Army National Guard, (717) 861-8468.

BRIGADIER GENERAL JESSICA L. WRIGHT,
Acting Adjutant General

[Pa.B. Doc. No. 04-162. Filed for public inspection January 23, 2004, 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). A 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 by February 17, 2004. 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-00120363. Marshall Pitcher Enterprises, LLC t/d/b/a Shuttle Bug Livery (1215 River Road, Upper Black Eddy, Bucks County, PA 18972), a corporation of the Commonwealth—persons, in paratransit service, between points in the Townships of Bedminster, Bridgeton, Buckingham, Doylestown, Durham, Hilltown, New Britain, Newtown, Nockamixon, Plumstead, Solebury, Springfield, Tinicum, Warrington, Warwick and Wrightstown

and the Boroughs of Chalfont, Doylestown, Dublin, Ivyland, New Britain, New Hope, Newtown, Perkasio, Quakertown, Sellersville and Yardley, all located in Bucks County, and from points in said territory, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-163. Filed for public inspection January 23, 2004, 9:00 a.m.]

Telecommunications

A-311222F7001. Verizon North Inc. and Essex Acquisition Corp. f/k/a Essex Communications, Inc. Joint petition of Verizon North Inc. and Essex Acquisition Corp. f/k/a Essex Communications, Inc. for approval of amendment A as an adoption to an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Essex Acquisition Corp. f/k/a Essex Communications, Inc., by its counsel, filed on January 9, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment A as an adoption 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 North Inc. and Essex Acquisition Corp. f/k/a Essex 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. 04-164. Filed for public inspection January 23, 2004, 9:00 a.m.]

Telecommunications

A-310183F7001. Verizon North Inc. and Sprint Communications Company L. P. Joint petition of Verizon North Inc. and Sprint Communications Company L. P. for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Sprint Communications Company L. P., by its counsel, filed on January 8, 2004, 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 North Inc. and Sprint Communications Company

L. P. 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. 04-165. Filed for public inspection January 23, 2004, 9:00 a.m.]

Telecommunications

A-311293F7000. Verizon Pennsylvania Inc. and Digital Connections, Inc. d/b/a Digital Connections of Pennsylvania, Inc. Joint petition of Verizon Pennsylvania Inc. and Digital Connections, Inc. d/b/a Digital Connections of Pennsylvania, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Digital Connections, Inc. d/b/a Digital Connections of Pennsylvania, Inc., by its counsel, filed on January 7, 2004, 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 Digital Connections, Inc. d/b/a Digital Connections of Pennsylvania, 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. 04-166. Filed for public inspection January 23, 2004, 9:00 a.m.]

Telecommunications

A-311222F7000. Verizon Pennsylvania Inc. and Essex Acquisition Corp. f/k/a Essex Communications, Inc. Joint petition of Verizon Pennsylvania Inc. and Essex Acquisition Corp. f/k/a Essex Communications, Inc. for approval of amendment A as an adoption to an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Essex Acquisition Corp. f/k/a Essex Communications, Inc., by its counsel, filed on January 9, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment A as an adoption 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 Essex Acquisition Corp. f/k/a Essex 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. 04-167. Filed for public inspection January 23, 2004, 9:00 a.m.]

Telecommunications

A-310183F7000. Verizon Pennsylvania Inc. and Sprint Communications Company L. P. Joint petition of Verizon Pennsylvania Inc. and Sprint Communications Company L. P. for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Sprint Communications Company L. P., by its counsel, filed on January 9, 2004, 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 Sprint Communications Company L. P. 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. 04-168. Filed for public inspection January 23, 2004, 9:00 a.m.]

Wastewater Service

A-230083F2000 and A-230099. Bradford Heights Woodland Property Management LLC and Pennsylvania Wastewater Company. Joint application of Bradford Heights Woodland Property Management LLC and Pennsylvania Wastewater Company for approval of the abandonment by Pennsylvania Wastewater Company of wastewater service to the public in portions of Bradford Township, Clearfield County, and for Bradford Heights Woodland Property Management, LLC to begin to offer, render, furnish or supply wastewater service to the public in portions of Bradford Township, Clearfield County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harris-

burg, PA 17105-3265, with a copy served on the applicant, on or before February 9, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania Wastewater Company and Bradford Heights Woodland Properties Management LLC

Through and By Counsel: James P. Melia, Esquire, Kirkpatrick and Lockhart, LLP, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-169. Filed for public inspection January 23, 2004, 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

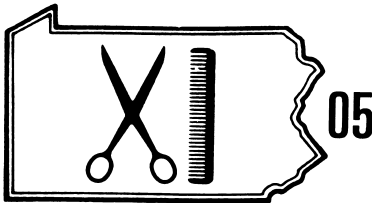
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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. 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 explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

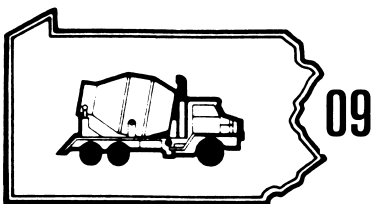
SERVICES



Barber Services

CN00006373-01 Vendor to provide professional beauty services on-site for approximately 50 female residents of the Hollidaysburg Veterans Home on an as needed basis. Vendor will perform these services under this agreement as an independent contractor. Vendor to provide services during weekdays. Vendor will provide his/her own equipment and supplies. The Hollidaysburg Veterans Home to provide space, chair, and shampoo sink. The bid opening is tentatively scheduled to be held 02/27/04. Contractor must be registered with the Commonwealth. In order to do so, please visit www.vendorregistration.state.pa.us. If you would like a bid packet, please either e-mail to bcclapper@state.pa.us or fax your request, along with your Vendor Registration number, to the information below.

Description: Military Affairs
Location: Hollidaysburg Veterans Home, P. O. Box 319, RT 220 and Meadows Intersection, Hollidaysburg, PA 16648-0319
Duration: 01 July 2004 through 30 June 2005 with renewal options
Contact: Becky J. Clapper, FAX: (814) 696-5395



Construction & Construction Maintenance

03-054 Repair roof - Pine Hall. Contractor to remove existing shingles and furnish and install replacement shingle roof. Interested vendors should fax request for bid package 03-054 to 570-443-4177. Please include company name, mailing address and telephone number.

Description: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Contact: Michelle Stanton, PA, (570) 443-4233

010G77 Perform soil and aggregate testing within various sites in Engineering District 1-0 (Crawford, Erie, Forest, Mercer, Venango and Warren Counties). Tests will be performed in the contractors laboratory which must be accredited by the AASHTO Accreditation Program. Please fax your request for a bid package to 814-678-7051.

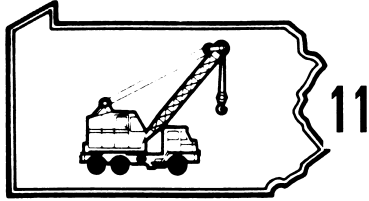
Description: Transportation
Location: 255 Elm Street, Oil City, PA 16301
Duration: 1-year contract with two 2-year renewals. Total of 5 years.
Contact: Amy Judson-Burak, (814) 678-7185

03-053 Repair roof - Laurel Hall. Contractor to remove existing shingles and furnish and install replacement shingle roof. Interested vendors should fax request for bid package 03-053 to 570-443-4177. Please include company name, mailing address and telephone number.

Description: Public Welfare
Location: White Haven Center, 827 Oley Valley Road, White Haven, PA 18661
Contact: Michelle Stanton, PA, (570) 443-4233

42-022M65 This contract will provide manpower, equipment, and incidental guiderail material for installation of approximately 10,000 Linear Feet of Strong Post Guiderail and approximately 500 Linear Feet of Weak Post Guiderail at various locations throughout Clearfield County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatment, and anchorage. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory pre-bid meeting (only one day) will be held which will include review of the guiderail locations, and a site will be determined for where the guiderail material will be stored. The Department shall be responsible for removal of the cable type and/or panel type guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the contractor. All requests for bid packages must be received by FAX at (814) 768-0735, Attention: Debbie Swank, Telephone No. (814) 765-0403.

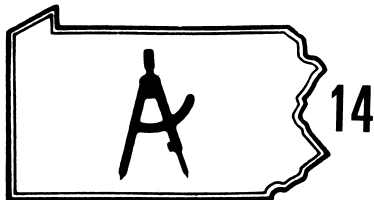
Description: Transportation
Location: Various locations within Clearfield County
Duration: 8/01/04 to 7/31/05
Contact: Debbie Swank, (814) 765-0403



Demolition—Structural Only

KUCC-0046 Revised Kutztown University is seeking qualified contractors for the work associated with the renovations to the passenger elevator in the Administration Building at Kutztown University. The project shall consist of the modernization of the existing passenger elevator by overhauling and/or replacement of components to meet current code standards. The electrical work is to include the relocation and addition of electrical components in the elevator machine room and hoistway. Bid packages are available for a non-refundable fee of \$75.00 from: John Holton, RPA Associates Inc., 3 Park Plaza, Wyomissing, PA 19610-2912. Phone: (610) 374-6144. Bid packages are available January 19, 2004 through Pre-Bid. A pre-bid meeting has been scheduled for January 29, 2004 at 1:30 p.m. in Room OM-26, Old Main Building. Bids are to be received no later than 3:00 p.m. on February 19, 2004 in Room 229, Office of Planning and Construction. Bids will be opened on February 19, 2004 at 3:00 p.m. in the conference room of the Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

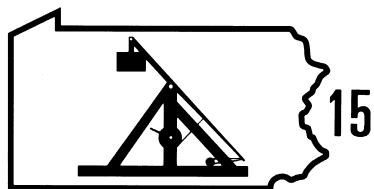
Description: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: The University anticipates issuing a Notice to Proceed no later than March 31, 2004. All work must be completed on or before July 30, 2004.
Contact: Barbara Barish, (610) 683-4602



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.

Description: Transportation
Location: Various
Contact: www.dot2.state.pa.us



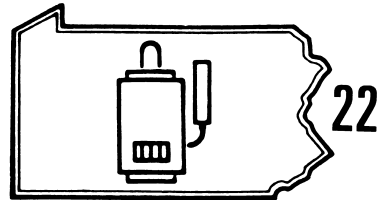
Environmental Maintenance Service

AMD 33(2992)101.1 Acid Mine Drainage Abatement Project, Clover Run. The principal items of work and approximate quantities include a vertical shaft and channel restoration consisting of 875 cubic yards of excavation and disposal, 1,260 tons of mine shaft backfilling and 1,015 tons of channel lining. This project also includes 5,710 cubic yards of sedimentation pond modification, construction of 7 brush piles and 9 acres of seeding. This project issues on January 23, 2004 and bids will be opened on February 19, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control and Reclamation Act of 1977," and is subject to that law and to the Federal Grant for this project.

Description: Environmental Protection
Location: Gaskill Township, Jefferson County, PA
Duration: 150 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994

BOGM 03-16 Cleaning Out and Plugging Five (5) Abandoned Oil and Gas Wells, (Joseph Denardo and John Hopper Properties). The principal items of work and approximate quantities include cleaning out and plugging five (5) abandoned oil and gas wells to Department specifications, preparing and restoring well sites, and mobilizing and demobilizing plugging equipment. The wells are estimated to be between 2,700-2,800 feet in depth. This project issues on January 23, 2004 and bids will be opened on February 19, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference for this project is planned but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid conference.

Description: Environmental Protection
Location: Cecil Township and the City of Washington, Washington County, PA
Duration: 140 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 783-7994



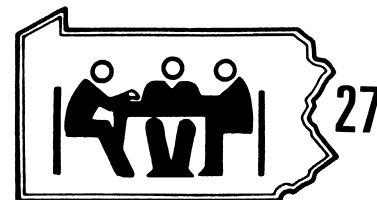
HVAC Services

CN00006815 The contractor shall provide all maintenance, parts and materials to the Institution's Chiller Units.

Description: Corrections
Location: State Correctional Institution at Pittsburgh, P. O. Box 99901, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 2004 to June 30, 2007 OR till closure of Institution if it occurs within that time period
Contact: Carol Schaeffer/Purchasing Agent, (412) 761-1955, Ext. 291

CN00006813 The contractor will provide maintenance and repairs to the Institution's Energy Management Systems Automatic Temperature Controls.

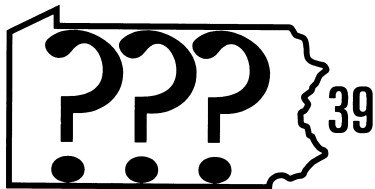
Description: Corrections
Location: State Correctional Institution at Pittsburgh, P. O. Box 99901, 3001 Beaver Avenue, Pittsburgh, PA 15233
Duration: July 01, 2004 to June 30, 2007 OR till closure of Institution if it occurs within that time period
Contact: Carol Schaeffer/Purchasing Agent, (412) 761-1955, Ext. 291



Lodging/Meeting Facilities

420094 We will need 50 single rooms for 02/07/05 and 250 single rooms for 02/08/05 and 02/09/05 for a conference 02/08/05 through 02/10/05. We need a dedicated meeting room for at least 300 people, a banquet room that seats at least 300 people, 4 break rooms to accommodate 100, 150, 150 and 200 participants, respectively, seated theatre style, meeting room with tables set in hollow square to seat 40 participants and parking for approx. 350 - no-charge parking for participants. We will need hot and cold food service. Location must be within fifty miles of the State capital in Harrisburg, PA.

Description: Transportation
Location: 1118 State Street, Harrisburg, PA
Duration: This contract will expire on 02/28/05.
Contact: Cookie McWithey, (717) 783-5988

**Miscellaneous**

102727 Department of Transportation, Butler County Dist. 1020, is soliciting bids for purchasing of Est. (300) tons of solar deicing salt (astmgrade) for making salt brime mixture from firms and corporation, must include delivery charge in the unit per per ton. Requesting a bid package, please fax with a company contact name with your complete address, phone number and Fed. I.D. # to FAX (724) 283-3571 or e-mail your information to askunda@state.pa.us.

Description: Transportation
Location: Solar deicing salt will be delivered to 351 New Castle Road, Butler, PA (as needed).
Duration: Expiration Date: May 01, 2007
Contact: Andy Skunda, (724) 284-8226

[Pa.B. Doc. No. 04-170. Filed for public inspection January 23, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

