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PENNSYLVANIA BULLETIN

Volume 33

Number 29

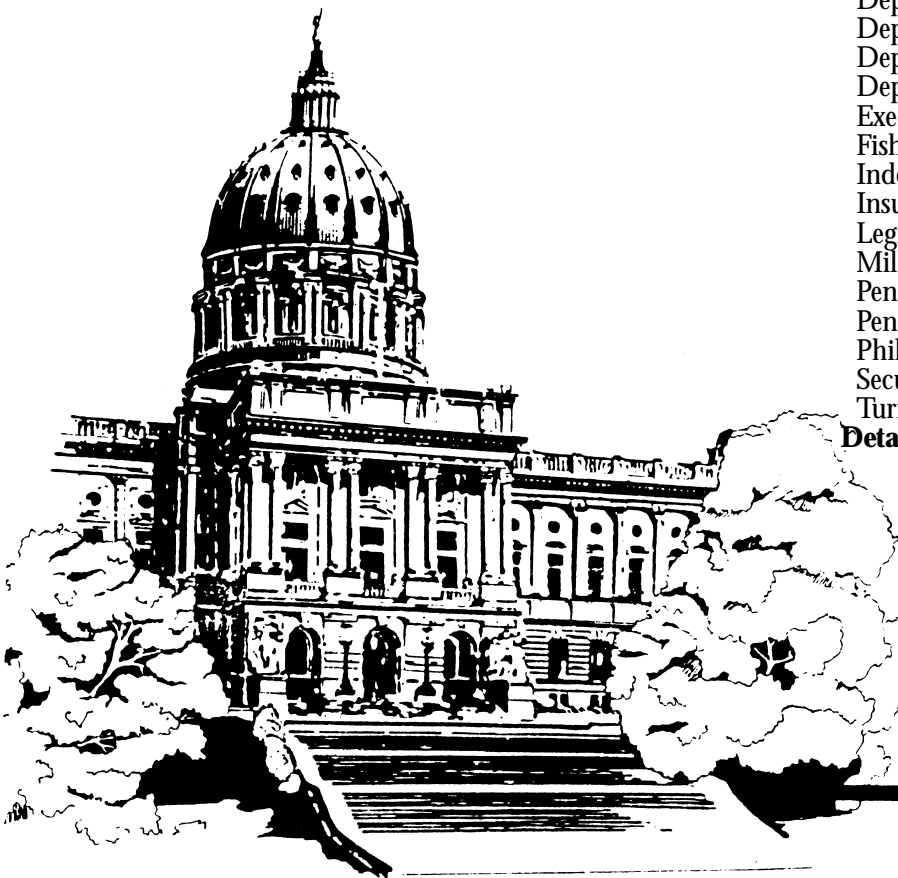
Saturday, July 19, 2003 • Harrisburg, Pa.

Pages 3467—3590

Agencies in this issue:

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Department of Environmental Protection
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Department of Health
Department of Revenue
Department of State
Executive Board
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Milk Marketing Board
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Securities Commission
Turnpike Commission

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
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No. 344, July 2003

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2003-5]

Upper Delaware Federal Scenic River

June 22, 2003

Whereas, the Commonwealth of Pennsylvania is one of the foremost states in the Nation in the battle to improve the quality of our environment; and

Whereas, there is a need to ensure the wise use of the valuable and unique natural resources of Pennsylvania; and

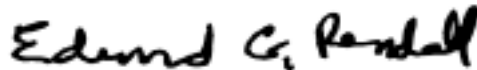
Whereas, the Wild and Scenic Rivers Act, as amended, (P. L. 90-542, 16 U.S.C. § 1271) provides the Congressional declaration that certain selected rivers of the Nation, with their immediate environment, possess outstandingly remarkable scenic recreation, geologic, fish, wildlife, historic, cultural, and other similar values shall be preserved in a free flowing condition and they and their immediate environment shall be protected for the benefit and enjoyment of future generations; and

Whereas, the Commonwealth of Pennsylvania supports the designation of the Upper Delaware as a component of the Federal Scenic Rivers System; and

Whereas, the Upper Delaware Amendments (P. L. 95-625, 16 U.S.C. § 1274) provide that the Secretary of Interior shall publish land and water use control measures to be developed and implemented by the appropriate officials of the states of New York and Pennsylvania; and

Whereas, several state departments and agencies have authority for enforcing rules and regulations affecting the Upper Delaware Scenic River Management Plan.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, and in furtherance of the purposes and policies of the Pennsylvania Constitution, Article I, Section 27, and the Pennsylvania Scenic Rivers Act (P. L. 1277, Act 283, as amended by Act 110, Section 8, P. L. 379, May 7, 1982), do hereby designate the Department of Conservation and Natural Resources as the lead agency for implementing and administering the state aspects of the Upper Delaware Federal Scenic River designation for the Commonwealth of Pennsylvania.



Governor

Fiscal Note: GOV 03-6. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter MM. UPPER DELAWARE FEDERAL SCENIC RIVER

§ 1.471. (Reserved).

§ 1.472. **Program objectives.**

(a) The objectives of the Upper Delaware Federal Scenic River designation are to:

(1) Protect and maintain the unique scenic, cultural and natural qualities of the Upper Delaware River corridor including its rare and endangered plant and animal species and rare and natural habitats.

(2) Maintain and enhance the corridor's social and economic vitality and its diversity consistent with efforts to protect the recognized values of the river corridor.

(3) Conserve the resources of the Upper Delaware primarily through the use of existing local and State land use controls and voluntary private landowner actions with local land use ordinances.

(4) Protect private property rights and allow for the use and enjoyment of the river corridor by both year-round and seasonal residents.

(5) Provide for planned growth consistent with local ordinances to ensure optimum use of existing public services while maintaining and conserving the essential character of the river valley.

(6) Maintain and improve fisheries and wildlife habitat to ensure the continued public enjoyment of hunting, fishing and trapping consistent with State laws.

(7) Foster a public recognition of the Upper Delaware River Valley as a place with its own identity, continuing history and destiny to be shaped by its residents.

(8) Provide for the continued public use and enjoyment of a full range of recreation activities as is compatible with the other goals.

(9) Encourage maximum local government official, private landowner, private group and citizen involvement in the management of the Upper Delaware.

(b) The program will involve affected State agencies to ensure that existing authorities are used to implement the policies and management techniques identified as necessary for river management purposes.

§ 1.473. Upper Delaware Council.

The Secretary of the Department of Conservation and Natural Resources is the Commonwealth's appointed representative to the Upper Delaware Council.

§ 1.474. Cooperation by State agencies.

(a) The Department of Conservation and Natural Resources is the single State agency to receive and administer Federal grants for implementing the management program of the Upper Delaware Federal Scenic River.

(b) The Department of Conservation and Natural Resources, Division of Greenways and Conservation Partnership, shall provide technical advice and assistance in the administration of this program, coordinate its activities with other agencies involved in the program, and act as a forum for conflict resolution among agencies in connection with their responsibilities under this subchapter.

(c) To the maximum extent permitted by law, all administrative departments, independent administrative boards and commissions, and other State agencies shall act consistently with the goals, policies and objectives of the Upper Delaware Scenic River Management Plan and provide for adequate consideration of the National interest involved in planning for and siting of facilities and the use of resources in the Upper Delaware Scenic River corridor when the planning, siting and uses are of more than local interest.

(d) Each administrative department, independent administrative board and commission, and other State agencies shall notify the Department of Conservation and Natural Resources, Division of Greenways and Conservation Partnership, of proposed activities having an affect upon Delaware River resources.

(e) Conflicts among fiscal, development, service or regulatory activities of State agencies which have a direct and significant impact on the Upper Delaware River resources and cannot be resolved through available administrative mechanisms will be resolved by the Governor.

§ 1.475. Force and effect.

This subchapter shall remain in effect as long as the Upper Delaware Scenic River Management Plan is in effect.

§ 1.476. Rescission.

Executive Order 1989-2 is rescinded.

[Pa.B. Doc. No. 03-1394. Filed for public inspection July 18, 2003, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 2003-7]

Governor's Advisory Commission on African-American Affairs

June 22, 2003

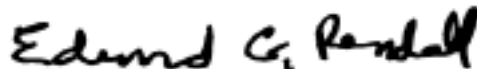
Whereas, the history of African-Americans in Pennsylvania reflects a diverse and unique blend of cultural, social, and economic influences which have had and continue to have a beneficial impact on life in the Commonwealth; and

Whereas, African-American citizens continue to gain access to avenues of economic development, including access to capital for business formation, educational opportunities necessary for effective business development and growth, and to established networking relationships, as well as to innovative techniques designed to encourage and promote minority business ownership; and

Whereas, to ensure numerous gains achieved over the years that have resulted in increased access to political, economic, and institutional systems, expanded opportunities in education and employment, and the passage and enforcement of important antidiscrimination legislation, African-Americans are still confronted with systemic conditions that disproportionately affect this segment of our population adversely and limit opportunities; and

Whereas, a forum is required within which the unique needs and issues of concern that are prevalent in the African-American community and integrity of all of the citizens of our Commonwealth can be articulated and addressed.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on African-American Affairs (hereinafter referred to as "Commission") as the Commonwealth's advocate agency for its African-American citizens as hereinafter set forth.



Governor

Fiscal Note: GOV 03-8. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter YY. GOVERNOR'S ADVISORY COMMISSION ON
AFRICAN-AMERICAN AFFAIRS**§ 5.701. Functions.**

The functions of the Governor's Advisory Commission on African-American Affairs is to:

(1) Advise the Governor on policies, procedures, legislation and regulations that affect the African-American community and that will enable the Commonwealth to be responsive to the needs of the African-American community.

(2) Develop, review and recommend to the Governor policies in the areas of health and human services, housing, education, employment, business formation and development, public accommodations, and in contracting practices and procedures.

(3) Provide appropriate assistance and advice to the Pennsylvania Minority Business Development Authority, as may be necessary, to assist the authority in its statutory duties and functions as the principal State agency for the promotion and encouragement of minority economic development within this Commonwealth.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs affecting African-Americans are effectively utilized and that benefits accrue equitably to members of the African-American community.

(5) Work with the Governor's Office and the African-American community to promote legislation that ensures the equitable treatment of all citizens of this Commonwealth.

(6) Serve as a resource for community groups on African-American issues, programs, sources of funding and compliance requirements within State government for the benefit and advancement of African-Americans.

(7) Assist local African-American community groups in developing strategies and programs that will expand and enhance the social, cultural and economic status of the African-American community.

(8) Work with the Bureau of Equal Employment Opportunity to strengthen the enforcement of the Commonwealth's antidiscriminatory hiring, retention and promotion policies.

(9) Promote the cultural arts in their various forms within the African-American community through coordinated efforts and advocacy.

§ 5.702. Composition of the Governor's Advisory Commission on African-American Affairs.

(a) The Commission consists of 15 members to be appointed by the Governor who are representatives of the Commonwealth's African-American community.

(b) The Governor will designate one Commission member to serve as chairperson and one to serve as vice-chairperson of the Commission. The chairperson and vice-chairperson serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director and a Deputy Executive Director of the Commission who will serve at the Governor's pleasure.

§ 5.703. Terms of membership.

(a) Members are appointed for a term of 2 years. The members shall serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, a successor may be appointed by the Governor to serve the duration of the unexpired term. A successor so appointed may thereafter be reappointed.

§ 5.704. Compensation.

Members of the Commission receive no compensation for their service, except that members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

§ 5.705. Relationship with other agencies.

To implement the purpose of this subchapter, the Commission may request and receive from any department, division, board, bureau, commission, or other agency of the Commonwealth or political subdivision thereof or public authority, the cooperation, assistance, information and data needed by the Commission to properly carry out its powers and duties.

§ 5.706. Reports.

The Commission shall submit reports, as it deems necessary, on issues affecting African-Americans in this Commonwealth.

§ 5.707. Procedures.

(a) The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this subchapter.

(b) The Commission may hold public hearings to evaluate the effectiveness of Commonwealth services and programs to the African-American community.

§ 5.708. Rescission.

Executive Order 1996-3 is rescinded.

[Pa.B. Doc. No. 03-1395. Filed for public inspection July 18, 2003, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER No. 2003-6]

Pennsylvania Commission for Women

June 22, 2003

Whereas, over 50 percent of the population of Pennsylvania is female; and

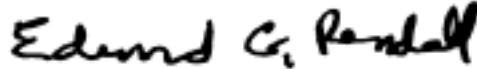
Whereas, the need for a strong advocate for the rights of women in all areas of the Commonwealth is no less today than it was upon creation of the Pennsylvania Commission for Women more than a quarter of a century ago; and

Whereas, further measures should be taken to increase State efforts to ensure that women have full and equal opportunity to serve in every capacity as citizens of the Commonwealth, free of gender discrimination; and

Whereas, women must be informed, educated and advised so that they might better protect themselves, their families and their children.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish

the Pennsylvania Commission for Women (hereinafter referred to as "Commission") to perform the powers, duties, and functions set forth herein.



Governor

Fiscal Note: GOV 03-7. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter F. PENNSYLVANIA COMMISSION FOR WOMEN

§ 5.61. Functions.

The Pennsylvania Commission for Women shall:

- (1) Monitor women's educational and employment needs and opportunities.
- (2) Promote job training, educational programs and upward mobility for women.
- (3) Encourage the development of and access to funding for small business enterprises owned or operated by women.
- (4) Promote women for appointed positions in State government, the judicial system and local government.
- (5) Maintain a current directory of programs affecting women that are administered by agencies of the Commonwealth.
- (6) Issue periodically a report on new State laws, regulations and governmental policies affecting women.
- (7) Serve as a liaison between government and nongovernmental groups and organizations whose purposes relate to the interests of women.
- (8) Assist women's groups to institute local self-help activities designed to meet educational, employment and related needs.
- (9) Using the Commission's web site, toll-free hotline, and other current technologies, serve as a data bank for collecting and disseminating information, including information regarding proposed legislation, regulations and other governmental policies that would affect women.
- (10) At times and in the manner as the Commission might deem appropriate, provide to the Governor and the General Assembly reports and recommendations for legislative or other governmental action.
- (11) Perform other functions that it deems appropriate in furtherance of its responsibilities.

§ 5.62. Composition.

(a) The Pennsylvania Commission for Women (Commission) consists of members appointed by the Governor, in the number the Governor deems appropriate. The majority and minority leaders of both chambers of the General Assembly shall each provide a list to the Governor of four candidates, and the Governor will appoint two members of the Commission from each list. The members shall, to the extent practicable, represent diverse geographic, racial and ethnic groups and shall have expertise in fields such as aging, health care, business, education, agriculture, public welfare, child care, insurance and finance, labor, law and corrections.

(b) The Governor will, in consultation with the Commission members, designate one Commission member to serve as chairperson and one Commission member to serve as vice-chairperson. The chairperson and vice-chairperson serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director of the Commission, who will serve at the pleasure of the Governor. The Executive Director shall report to the Governor and shall act at the Governor's direction in taking action to initiate and implement the purposes of this subchapter and to implement the actions of the Commission. The Chairperson of the Commission shall act as liaison between the Commission and the Executive Director.

(d) The Executive Director shall, with the approval of the Governor, employ other persons as needed for the proper administration of the Commission.

§ 5.63. Terms of membership.

(a) Members shall be appointed for terms of 2 years and thereafter until their respective successors are appointed and qualified, but for no longer than 6 months after the conclusion of the 2-year term. A member may be reappointed. Members serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, the Governor will appoint a successor as expeditiously as possible. The successor shall serve the duration of the unexpired term.

(c) A member who is absent from two consecutive meetings of the Commission without excuse shall forfeit membership on the Commission.

§ 5.64. Compensation.

Members of the Pennsylvania Commission for Women receive no compensation for their service, except that members may be reimbursed for actual travel and related expenses in accordance with Commonwealth policy.

§ 5.65. Relationship with other agencies.

To implement the purpose of this subchapter, the Commission may request and receive from any department, division, board, bureau, commission, or any other agency of the State or any political subdivision thereof or public authority, cooperation, assistance, information, and data needed by the Commission to properly carry out its powers and duties hereunder.

§ 5.66. (Reserved).

§ 5.67. Procedures.

(a) The Commission meets quarterly and a majority of the Commissioners serving at any time constitutes a quorum.

(b) The Commission is authorized to establish subcommittees and rules and procedures for the effective implementation of its functions consistent with this subchapter.

§ 5.68. Effective date.

This order is effective June 22, 2003, and shall continue in effect unless revised or modified by the Governor.

§ 5.69. Rescission.

Executive Order 1997-3 is rescinded.

[Pa.B. Doc. No. 03-1396. Filed for public inspection July 18, 2003, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE
[4 PA. CODE CH. 7]
[EXECUTIVE ORDER No. 2003-2]
Agricultural Land Preservation Policy

March 20, 2003

Whereas, Pennsylvania is the most productive agricultural state in the Northeast with more than 50,000 farms and 7.7 million acres of crop and pasture land; and

Whereas, the Commonwealth's abundant supply of agricultural land has sustained farm families, farm operations, and rural communities in Pennsylvania for generations; and

Whereas, Pennsylvania farmers are a vital component of the Commonwealth's economy, a leading economic enterprise in the Commonwealth, generating over \$4.5 billion annually in cash receipts, supporting a \$45 billion a year economic activity and employing nearly one-fifth of Pennsylvania's workforce; and

Whereas, increased land development and farm costs have caused Pennsylvania to lose more than 46 percent of its farmland since 1950; and

Whereas, Pennsylvania's future generations need to be assured a reliable source of food and fiber; and

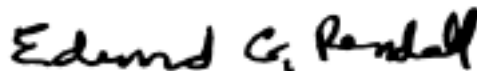
Whereas, federal, state, and local governments, along with individual landowners, are valuable partners in the effort to identify and preserve critical farmlands; and

Whereas, from 1988 through 2003, the Commonwealth of Pennsylvania and participating counties have invested over \$510 million, and preserved almost 250,000 acres of agricultural land under the Agricultural Conservation Easement Purchase Program; and

Whereas, part of the Commonwealth's continuing efforts is to conserve its farmland, assist farm operations, and preserve the quality of life in rural communities, it is in the best interest of all Pennsylvanians that the Commonwealth continue its Agricultural Land Preservation Policy; and

Whereas, all state agencies under the Governor's jurisdiction should work together to preserve agricultural lands with a common definition of prime agricultural land and a common vision.

Now, Therefore, be it resolved that I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct all agencies under my jurisdiction seek to mitigate and protect against the conversion of prime agricultural land and adopt policies herewith.



Governor

Fiscal Note: GOV 03-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter W. AGRICULTURAL LAND PRESERVATION POLICY

§ 7.301. Policy.

It is the policy of the Commonwealth to protect through the administration of all agency programs and regulations, the Commonwealth's "prime

agricultural land” from irreversible conversion to uses that result in its loss as an environmental and essential food and fiber resource.

§ 7.302. Conversion.

Commonwealth funds and Commonwealth-administered Federal funds will not be used to encourage the conversion of “prime agricultural land” to other uses when feasible alternatives are available.

§ 7.303. Protected agricultural lands.

(a) The prime agricultural land to be protected under this subchapter includes lands:

- (1) In active agricultural use (not including the growing of timber).
- (2) Devoted to active agricultural use the preceding 3 years.
- (3) Which fall into at least one of the categories of agricultural land in subsection (b).

(b) State agencies shall provide protection to prime agricultural land under this subchapter based upon the following levels of priority:

(1) *Preserved farmland (highest priority)*. Preserved farmland includes lands that fit into one of the following categories:

(i) Farmland that is restricted to agricultural use by an agricultural conservation easement that has been recorded in the appropriate county land records office. These easements include:

(A) Easements owned by the Commonwealth or county, and township under the authority of the Agricultural Area Security Law (3 P. S. §§ 901—915).

(B) Easements owned by any other “qualified conservation organization,” as that term is defined in section 170(h)(3) of the Internal Revenue Code (26 U.S.C.A. § 170(h)(3)). Qualified conservation organizations may include private nonprofit land conservation organizations, in addition to local governments and State governments.

(ii) Farmland that is restricted to agricultural use by deed restrictions that have been imposed under the authority of the act of January 19, 1968 (1967) (P. L. 992, No. 442) (32 P. S. §§ 5001—5013) and that have been recorded in the appropriate county land records office.

(2) *Farmland in agricultural security areas (second highest priority)*. Farmland approved by local government units after public review and comment according to the procedures in the Agricultural Area Security Law.

(3) *Farmland enrolled in the Pennsylvania Farmland and Forest Land Assessment Act of 1974 (Clean and Green) (Act 319) programs or the act of January 13, 1966 (1965) (P. L. 1292, No. 515) (16 P. S. §§ 11941—11947) (Act 515) programs (third highest priority)*. Farmland enrolled for preferential tax assessments as land in “agriculture use” (Act 319) or “farmland” (Act 515).

(4) *Farmland planned for agriculture use and subject to effective agricultural zoning (fourth highest priority)*. Farmland designated for agricultural use in a comprehensive plan and zoning ordinance adopted in the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101—70105) that delineates an area of agriculturally valuable soils and existing farms.

(5) *Land capability Classes I, II, III and IV farmland and unique farmland (fifth highest priority)*. Land capability Classes I, II, III and IV farmland are mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (formerly Soil Conservation Service) and published in county soil surveys. “Unique farmland” is defined by the USDA Natural Resources Conservation Service as land other than prime farmland that is used for the production of specific high value food and fiber crops. The USDA Natural Resources Conservation Service has established a mechanism under which unique farmland is identified and mapped by interested county committees.

§ 7.304. Agricultural Land Condemnation Approval Board (ALCAB) review.

The ALCAB shall consider this policy in its review of agricultural lands proposed for condemnation authorized under section 306 of The Administrative Code of 1929 (71 P. S. § 106) (Act 100) and the Agricultural Security Law (3 P. S. §§ 901—915). Act 100 requires ALCAB's approval for the condemnation of agricultural lands for highways and solid and liquid waste disposal facilities. The Agricultural Security Law (3 P. S. §§ 901—915) requires ALCAB's approval for condemnation of land in agricultural security areas and land protected by agricultural conservation easements.

§ 7.305. Guidance documents.

Agencies under the Governor's jurisdiction shall amend their individual documents titled "Guidance for Implementation of the Agricultural Land Preservation Policy" within 6 months of the date of this subchapter. The amended guidance document shall be submitted to the Governor's Policy Office and the Department of Agriculture. This guidance document shall include:

- (1) A listing of agency actions including land acquisitions, planning, construction, permit review and financial assistance that may directly or indirectly impact prime agricultural lands.
- (2) A statement of agency guidelines and procedures which have been or will be instituted to eliminate or minimize impacts detrimental to the continued use of prime agricultural lands.
- (3) A description of any changes in statutes or regulations needed to implement the intent of this subchapter.

§ 7.306. Interagency committee.

The following Commonwealth agencies will participate in an interagency committee, chaired by the Department of Agriculture, to solve mutual problems in meeting the objectives of this subchapter:

- (1) The Governor's Policy Office.
- (2) The Governor's Budget Office.
- (3) The Department of Agriculture.
- (4) The Department of Community and Economic Development.
- (5) The Department of Conservation and Natural Resources.
- (6) The Department of Corrections.
- (7) The Department of Education.
- (8) The Department of Environmental Protection.
- (9) The Department of General Services.
- (10) The Department of Transportation.
- (11) The Pennsylvania Infrastructure Investment Authority.

§ 7.307. Cooperation by State agencies.

The Department of Agriculture is the lead agency for implementing this subchapter. Agencies under the Governor's jurisdiction shall fully support this agricultural land preservation policy and cooperate with the Secretary of Agriculture by providing assistance and information, as necessary, to carry out the function and responsibilities in this subchapter.

§ 7.308. Rescission.

Executive Order 1997-6 is rescinded.

[Pa.B. Doc. No. 03-1397. Filed for public inspection July 18, 2003, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE
[4 PA. CODE CH. 7]
[EXECUTIVE ORDER NO. 2003-4]
Workplace Policy for HIV/AIDS

May 5, 2003

Whereas, the number of Pennsylvanians directly and indirectly affected by HIV infection and AIDS continues to grow, touching every segment of the population and all geographic areas of the State; and Pennsylvania is devoting significant resources and energies in the fight against HIV and AIDS; and

Whereas, the Human Immunodeficiency Virus (HIV) that causes AIDS is transmissible from person to person only in limited ways and is not transmissible through casual contact; and

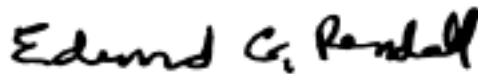
Whereas, currently there is no known cure for HIV/AIDS, available treatments have a positive effect on the course of the disease, and the scientific community has found that HIV/AIDS is a manageable, long-term, chronic fatal disease; and

Whereas, personal behavior changes and continuous public education, as well as the use of safe practices known as "universal precautions" or "standard precautions" during potential contact with blood and body fluids, are the best means currently available to prevent transmission of HIV; and

Whereas, other diseases related to HIV/AIDS, such as tuberculosis, are a significant workplace concern; and

Whereas, State employees must be prepared to work effectively with members of the public, clients, and coworkers with HIV or AIDS or who may be potentially infected or perceived to be infected with HIV or AIDS.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct the establishment of the workplace policy for HIV/AIDS.



Governor

Fiscal Note: GOV 03-5. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter FF. WORKPLACE POLICY FOR HIV/AIDS

§ 7.431. Overall HIV/AIDS and related disease workplace policy.

(a) This administration's policy is to provide a nondiscriminatory environment that positively addresses the needs of persons with HIV/AIDS, takes steps to reduce the spread of HIV and ensures a safe working environment for staff who work with persons with HIV/AIDS.

(b) Persons with HIV or AIDS are to be treated with respect and dignity and not to be denied any government service due to them. State agencies, consistent with the services they provide, are to take steps to address HIV/AIDS within the workplace or work environment, including educating employees about the disease and working with clients on behavior changes that reduce the chance of transmission of HIV and related diseases. State employees and persons served by the Commonwealth are not to be discriminated against on the basis of their actual or perceived HIV or AIDS

status. This prohibition is reaffirmed by the Americans With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963). The confidentiality of persons with HIV/AIDS will be protected by State agencies.

(c) Commonwealth agencies will take steps to minimize the chance of on-the-job exposure to HIV through procedures known as universal or standard precautions. These steps also will reduce the chance of transmission of other diseases which are spread through blood or body fluids, such as Hepatitis B and Hepatitis C.

§ 7.432. Detailed provisions of HIV/AIDS and related diseases workplace policy.

(a) Individuals or State employees with HIV infection or AIDS, or perceived to have these conditions, will not be discriminated against with regard to State services and with regard to appointment, transfer, promotion or other employment action. The Americans With Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963) prohibit this discrimination, as does section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794), The Civil Rights Restoration Act of 1987 (Pub. L. No. 100-259) (102 Stat. 28) and court decisions.

(b) No current or prospective State employee will be required to receive an HIV or AIDS antibody test, or other diagnostic test associated with HIV/AIDS, or reveal the results thereof as a condition of employment unless Federal or State law or regulations require this disclosure.

(c) State employees with HIV infection or AIDS may continue in their current jobs and work assignments as long as their health permits. If an employee with HIV/AIDS is unable to carry out essential job functions because of the illness, the employee will be afforded the same considerations as any other employee whose disability prevents the performance of essential job functions. Requests for reasonable accommodations should be honored to the extent practicable, consistent with the Americans With Disabilities Act of 1990 and the Commonwealth's Personnel Rules. State employees with HIV or AIDS who request a transfer or reassignment due to their medical condition should have these requests considered, consistent with agency needs.

(d) Managers, supervisors and employees should be given the name of a contact person within their agency who will operate as the agency HIV/AIDS coordinator providing information and assistance on HIV/AIDS-related issues and questions.

(e) Agencies will provide ongoing education and information to employees about HIV/AIDS and related diseases. Effective education should be directed at improving services to the public and reducing chances of transmission of disease in Commonwealth work settings. Of particular concern is education for those State employees who provide health care and counseling to clients at risk for HIV, those in law enforcement and criminal justice, and those who make or advise on policy decisions concerning HIV/AIDS and related diseases.

(f) Federal guidelines for protection against exposure to blood and body fluids shall be adopted by Commonwealth agencies. These guidelines are issued by the United States Public Health Service, Centers for Disease Control and Protection (CDC). Agencies shall take steps to ensure that staff who have the potential to be exposed to blood or body fluids implicated in the transmission of HIV follow specific Federal guidelines.

(g) State employees in need of more information on HIV/AIDS should contact their agency HIV/AIDS coordinator or human resource office. Additional information can be obtained from the Department of Health HIV/AIDS Factline, State and other public health centers and local HIV/AIDS support groups. State employees wanting an HIV or AIDS antibody test should be referred to the Department of Health's testing centers.

(h) If an HIV or AIDS antibody test is desired by an employee due to a documented incident in the workplace, the test can be conducted during paid work hours and if there is a charge, costs will be reimbursed by the Commonwealth.

(i) HIV and AIDS-related information concerning State employees, dependents and clients shall be handled with strict confidentiality by agencies. Employee records that include HIV/AIDS-related information may not be filed in the Official Personnel Folder. Supervisory and management staff shall assure confidentiality when handling HIV/AIDS-related information, whether regarding employees or in the course of providing agency services. Agencies shall follow the Confidentiality of HIV-Related Information Act (35 P. S. §§ 7601—7612) and applicable regulations related to protected health information.

§ 7.433. Agency HIV/AIDS policies.

State agencies that develop agency-specific workplace policies on HIV/AIDS or related diseases, either centrally or for field facilities, should ensure that their policies are consistent with Commonwealth policy. These policies are to be approved, in writing, by the Secretary of Administration and Secretary of Health before issuance.

§ 7.434. (Reserved).

§ 7.435. Responsibilities.

(a) The Secretary of Administration is responsible for updating and providing detail on the overall HIV/AIDS workplace policy for the Commonwealth and for coordinating education efforts for employees and contractors of State agencies on HIV/AIDS and related diseases.

(b) The Secretary of Health is responsible for establishing overall public health policy for the Commonwealth regarding HIV/AIDS and related diseases and for informing Commonwealth agencies of Federal and State public health requirements and guidelines for preventing transmission of HIV and related diseases in the workplace.

§ 7.436. Rescission.

Executive Order 1996-12, Workplace Policy for HIV/AIDS, is rescinded.

[Pa.B. Doc. No. 03-1398. Filed for public inspection July 18, 2003, 9:00 a.m.]

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>Effective Date</i>	<i>Subject Matter</i>
2003 GENERAL ACTS ENACTED—ACT 009 through 011					
009	Jul 6	SB0340	PN0785	immediately	Samuel E. Hayes, Jr., Livestock Evaluation Center—designation
010	Jul 6	SB0259	PN0265	60 days	Vehicle Code (75 Pa.C.S.)—protective equipment for motorcycle riders
011	Jul 6	HB0651	PN2166	immediately*	Township State Highway Law—adding Piketown Road, West Hanover Township, Dauphin County, and Colebrook Road, East Donegal Township, Lancaster County, to the State highway system

2003 APPROPRIATION ACTS ENACTED—ACT 008A

008A	Jul 6	SB0629	PN0667	immediately	State Employees' Retirement Board—administrative expenses
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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. 03-1399. Filed for public inspection July 18, 2003, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

* * * * *

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 66

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as follows. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, September 26, 2003, directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175

E-mail patricia.miles@supreme.court.state.pa.us

By the Domestic Relations Procedural Rules Committee
ROBERT C. CAPRISTO,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

The amount of support to be awarded is based in large part upon the parties' monthly net income.

(a) *Monthly Gross Income.* Monthly gross income is ordinarily based upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S. § 4302, and includes income from any source. The statute lists many types of income including, but not limited to:

* * * * *

(6) [social security] Social Security disability benefits, [social security] Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation and unemployment compensation;

* * * * *

(b) *Treatment of Public Assistance, SSI Benefits and Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement.*

(2) If a child for whom support is sought is receiving [social security retirement or disability derivative] Social Security benefits as a result of a parent's [age] retirement, death or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of the obligee, obligor and child's benefits shall then be reduced by the amount of the child's [social security or disability derivative] benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4. For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.

Example 1. If the obligor has net monthly income of \$1200 per month; the obligee has net monthly income of \$800; and the child receives [social security] Social Security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$539 per month. From that amount, subtract the amount the child is receiving in [social security] Social Security derivative benefits (\$539 minus \$300 equals \$239). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of \$239 between the obligor and the obligee in proportion to their respective incomes. Obligor's \$1200 net income per month is 60% of the total of obligor's and obligee's combined net monthly income. Thus, obligor's support obligation would be 60% of \$239, or \$143.40, per month.

Example 2. Two children live with grandmother who receives \$400 per month in Social Security death benefits for the children as a result of their father's death. Grandmother also receives \$500 per month from a trust established by father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per month. For purposes of calculating mother's support obligation, grandmother's income will be \$500, the amount she receives on behalf of the children from the trust. Therefore, obligee's and obligor's combined net monthly incomes total \$2,000. Add to that the \$400 in Social Security benefits grandmother receives for the children to find the basic child support amount in Rule 1910.16-3. The basic support amount at the \$2,400 income level for two children is \$811. Subtracting from that amount the \$400 in Social Security derivative benefits grandmother receives for the children, results in a basic support amount of \$411 to be apportioned between the parties. As mother's income is 75% of the parties' combined income of \$2000, her support obligation to grandmother is \$308 per month.

* * * * *

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

(a) *Child care expenses.* Reasonable child care expenses paid by the custodial parent, if necessary to maintain employment or appropriate education in pursuit of income, are the responsibility of both parents. These expenses shall be allocated between the parties in proportion to their net incomes and obligor's share added to his or her basic support obligation. When the custodial parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the full unsubsidized cost of the child care, not just the amount actually paid by the custodial parent. However, if allocation of the unsubsidized amount would result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 may be warranted.

(1) Except as provided in subsection (2), the total child care expenses shall be reduced [**by 25%**] to reflect the **amount of the** federal child care tax credit available to the custodial parent, whether or not the credit is actually claimed by that parent, up to [**a**] the maximum annual cost [**of \$2, 400 per year for one child and \$4,800 per year for two or more children**] allowable under the Internal Revenue Code. [**For example, where the custodial parent incurs \$7,000 per year of reasonable child care expenses for two children, the net child care expenses subject to allocation between the parties is calculated as follows. Multiply the first \$4,800 of these expenses by .75—\$3,600. Add the remaining child care expenses of \$2,200 to this amount for a total of \$5,800. Divide this amount by 12 months for a total of \$483 per month of net child care expenses that are subject to allocation between the parties in proportion to their net incomes.**]

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the custodial [**parent's gross income (before considering any support) falls below \$1,200 per month for one child, \$1,600 per month for two children, \$1,800 per month for three children, \$2,000 per month for four children, \$2,300 per month for five children and \$2,500 per month for six children**] parent is not qualified to receive the credit.

* * * * *

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, APL and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award **until such time as an order of equitable distribution is entered.** For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subse-

quent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

Explanatory Comment—2003

Subdivision (a), relating to the federal child care tax credit, has been amended to reflect recent amendments to the Internal Revenue Code. 26 U.S.C.A. § 21. By referring to the tax code in general, rather than incorporating current code provisions in the rule, any further amendments will be incorporated into the support calculation.

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, ___ A.2dT___ (Pa. Super. 2003) holds otherwise, it is overruled. At equitable distribution, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

[Pa.B. Doc. No. 03-1400. Filed for public inspection July 18, 2003, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 300]

Order Amending Rule 302 and Revising the Official Note to Rule 314 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 196 Magisterial Doc. No. 1; Book No. 2

The Minor Court Rules Committee has prepared a Final Report explaining the amendments and revisions to the Official Notes to Rules 302 and 314 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective January 1, 2004. These rule changes provide clarification regarding venue and transfer of cases to and from other courts when venue is found to be improper in the originating court. The changes also provide for several technical or "housekeeping" amendments to these rules. The Final Report follows the Court's Order.

Order

Per Curiam:

And Now, this 3rd day of July, 2003, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 32 Pa.B. 2318 (May 11, 2002), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 302 and 314 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices be and hereby are amended and the Official Notes thereto are revised in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2004.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 302. Venue.

A. An action against an individual may be brought in and only in a magisterial district where:

(1) [he] the individual may be served, or

* * * * *

H. [If the district justice in the magisterial district in which the complaint was filed finds that venue in that magisterial district is improper, he shall transfer the complaint to a magisterial district having proper venue.] The district justice or the defendant may raise improper venue at any time prior to the conclusion of the hearing. If the district justice finds that venue is improper and there is a court of proper venue within Pennsylvania, the complaint shall not be dismissed but may be transferred to the court having proper venue.

Official Note: This rule replaces the temporary venue provisions of § 14 of the Schedule to Article V, Pennsylvania Constitution, 1968. It combines, with some minor changes, the Pennsylvania Rules of Civil Procedure relating to venue. See:

(1) Individuals: Pa. R.C.P. [Nos.] No. 1006(a) [, 2078(a)(2)].

* * * * *

For a definition of "transaction or occurrence" see Craig v. W. J. Thiele & Sons, Inc., 395 Pa. 129, 149 A.2d 35 (1959).

Subdivision G is intended to take care of indistinct, "center line" or other confusing boundaries in the respects mentioned. When a complaint is transferred under subdivision H, it is treated as if originally filed in the transferee [magisterial district] court on the date first filed in a [magisterial district] court. If service of the complaint has already been made, no new service [is] may be necessary, but the [district justice in the] transferee [magisterial district] court must set a new date, time and place for the new hearing and notify the parties thereof. It is the intent of this rule that cases may be transferred to any Pennsylvania court with appropriate jurisdiction and venue, including the Philadelphia Municipal Court. Likewise, nothing in this rule prohibits a court other than a district justice court from transferring a case to a district justice court with proper jurisdiction and venue, in accordance with the procedural rules of the transferring court. The jurisdictional limits of the district justice courts and the Philadelphia Municipal Court are governed by Sections 1515 and 1123 of the Judicial Code, respectively. 42 Pa.C.S. §§ 1515 and 1123.

There [is] are no [fee] costs for transfer of the complaint and no additional filing [fee] costs when a case is transferred from one district justice court to another district justice court. There are no additional filing costs when a case is transferred from the Philadelphia Municipal Court to a district justice court.

There may be additional service costs when a case is transferred.

Amended June 1, 1971; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended July 3, 2003, effective January 1, 2004.

Rule 314. Return, Waiver and Failure of Service; Reinstatement.

* * * * *

Official Note: The provision concerning appearance not being a waiver of venue was inserted in subdivision C of this rule to prevent the concentration of business in the office of a favorable district justice. Also, the public cannot generally be expected to be aware of venue provisions. See Rule 302H regarding improper venue.

* * * * *

Amended October 17, 1975, effective in 90 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30, 1982 effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; amended February 12, 2002, effective immediately; Note revised July 3, 2003, effective January 1, 2004.

FINAL REPORT¹

Amendments to Pa. R.C.P.D.J. No. 302 and Revision to the Official Note to Pa. R.C.P.D.J. No. 314

VENUE; TRANSFER OF CASES TO AND FROM OTHER COURTS WHEN VENUE IS FOUND TO BE IMPROPER IN THE ORIGINATING COURT

On July 3, 2003, effective January 1, 2004, upon the recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania amended Rule 302 and revised the Official Note to Rule 314 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.³

I. Background

The Committee undertook a review of Pa. R.C.P.D.J. No. 302 in response to a request from the Administrative Office of Pennsylvania Courts (AOPC). The AOPC reported that it had received an inquiry from the court administrator's office of a suburban Philadelphia county about apparent conflicts between the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices (Pa. R.C.P.D.J.) and the Philadelphia Municipal Court Rules of Civil Practice (Phila.M.C.R.Civ.P.) with regard to the transfer of cases when venue is found to be improper in the originating court. Also, the Committee had received a suggestion from a district justice that raised the question of how and by whom improper venue is to be raised under Rule 302.

After consideration of the issues raised, the Committee concluded that an amendment to Rule 302 was needed, as described below, to clarify that the district justice or the defendant may raise improper venue at any time prior to the conclusion of the hearing, and to provide for the transfer of cases to and from other courts when venue is found to be improper in the originating court. Finally, the Committee identified a need to make other minor correla-

¹The Committee's Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Notes or the contents of the Committee's explanatory Final Reports.

²Recommendation No. 3 Minor Court Rules 2003.

³Supreme Court of Pennsylvania Order No. 196, Magisterial Docket No. 1, Book No. 2 (July 3, 2003).

tive, technical, or "housekeeping" amendments to Rule 302 and the Official Note to Rule 314.

II. Objection to Venue

As a result of the suggestion that it had received, the Committee discussed how and by whom improper venue is to be raised under Rule 302.

Venue in civil matters at the common pleas level is generally governed by Pa.R.C.P. No. 1006(e), which states, *inter alia*, "[i]mproper venue shall be raised by preliminary objection and if not so raised shall be waived." The Committee noted, however, that the district justice venue rule (Rule 302) differed from the common pleas rule in that Rule 302 was not clear as to who must raise an objection to venue, and did not appear to provide for a waiver of venue. Prior to the current amendment, Pa. R.C.P.D.J. No. 302H stated, "[i]f the district justice in the magisterial district in which the complaint was filed finds that venue in that magisterial district is improper, he shall transfer the complaint to a magisterial district having proper venue." (Emphasis added.) It became apparent to the Committee that some district justices were construing this rule to mean if, during the hearing, the district justice makes a sua sponte determination that venue is improper the issue cannot be waived, the hearing must cease, and the case must be transferred to another district justice court with proper venue.

In light of these findings, the Committee recommended that Rule 302 be amended to clarify that the district justice or the defendant may raise improper venue at any time prior to the conclusion of the hearing. The Committee determined that the defendant should be given until the end of the hearing to raise the objection because the face of the complaint might not give the defendant enough information about the claim to raise to the objection earlier, given the simplified notice pleadings used in district justice civil cases. The Committee believes that allowing either the district justice or the defendant to raise improper venue affords protections against possible abuses of the system in a case in which an unsophisticated pro se defendant might not know to raise an objection to venue.

In addition, the Committee recommended that Rule 302 provide that the district justice may transfer the case if he or she finds venue to be improper. The Committee believes the decision to transfer the case best be left to the district justice. The Committee contemplated situations in which the district justice might choose to transfer the case to prevent abuses of the system by a plaintiff seeking a convenient forum in which to file claims. Conversely, the Committee contemplated situations in which the district justice might choose not to transfer the case, such as where the parties are present in court and agree to proceed, and it would create a hardship to require the parties to reconvene in another court at another time.

III. Transfer of Cases When Venue is Found to be Improper

In its request, the AOPC asked that the Committee consider the following issues:

a. Whether a district justice court has the authority to accept a civil case transferred from the Philadelphia Municipal Court?

b. Whether a district justice court has the authority to transfer a civil case to the Philadelphia Municipal Court

when the district justice finds that venue properly lies with the Municipal Court?

c. If transfers between the district courts and the Municipal Court are permissible, whether either party is required to pay additional filing costs?

With regard to the first issue, the Committee noted that Phila.M.C.R.Civ.P. No. 108(c) states, "[i]f objection to venue is sustained and there is a court of proper venue within Pennsylvania, the action shall not be dismissed but shall be transferred to the appropriate District Justice Court or Court of Common Pleas." The Committee agreed that, under this rule, the Municipal Court may transfer, and a district justice may accept, a civil case where venue is found to be improper in the Municipal Court (assuming, of course, that the amount in controversy is within the jurisdictional limit of the district justice court).⁴

As to the second issue, however, the Committee noted that prior to the current amendment Pa. R.C.P.D.J. No. 302H stated, "[i]f the district justice in the magisterial district in which the complaint is filed finds that venue in that magisterial district is improper, he shall transfer the complaint to a magisterial district having proper venue." (Emphasis added.) It was the Committee's opinion that the rule restricted district justices to transferring cases only to other magisterial district courts, and did not give authority to transfer cases to courts outside the district justice system, including the Philadelphia Municipal Court. The Committee further concluded that if a district justice found that venue lay with a court outside the district justice system, such as the Philadelphia Municipal Court, the district justice's only alternative might have been to dismiss the case without prejudice and require the plaintiff to refile the case in the appropriate court. In so concluding, the Committee was mindful that the plaintiff could be barred from refile if the case was dismissed after the statute of limitations had run.

Consideration of the third issue, with regard to the payment of additional filing costs, resulted in the most discussion within the Committee. The Committee noted that when a case is transferred between district justice courts, the transferring court sends the filing costs along with the case to the receiving court. Further, prior to the current revision the Note to Pa. R.C.P.D.J. No. 302, with regard to transfers between district justice courts, stated, "[t]here is no fee for transfer of the complaint and no additional filing fee." The Committee was aware, however, that the disposition of filing costs has created confusion and problems when cases have been transferred to a district justice court from Municipal Court, especially since the statutorily set district justice court filing costs are different than Municipal Court costs. After discussion, the Committee agreed that the current procedure of transferring costs between district justice courts should remain the same. As for transfers to and from Municipal Court, the Committee concluded that no additional filing costs are to be collected when a case is transferred from Municipal Court to a district justice court. Further, any procedure regarding costs collected by the Municipal Court when a case is transferred from a district justice court to the Municipal Court is governed by the Municipal Court rules.

⁴The jurisdictional limit in civil cases in the Municipal Court (\$10,000) is different from that of the district justice courts (\$8,000). See 42 Pa.C.S. § 1123(a)(4) and 42 Pa.C.S. § 1515(a)(3). This does not create a problem with regard to the transfer of cases from the Municipal Court, as that court's Rule 108(c) provides for transfer to the "appropriate District Justice Court or Court of Common Pleas." Phila.M.C.R.Civ.P. No. 108(c) (emphasis added).

IV. Discussion of Rule Changes

A. Rule 302

1. *Objection to Venue*

As stated above, the Committee recommended that an amendment to Rule 302 was needed to clarify that the district justice or the defendant may raise improper venue at any time prior to the conclusion of the hearing. Further, the amended rule gives the district justice discretion to transfer the case or not, in the interest of justice.

2. *Transfer of Cases When Venue is Found to be Improper; Costs*

The Committee further recommended that the Note to Rule 302 be revised to make clear that it is the intent of the rule that cases may be transferred to any Pennsylvania court with appropriate jurisdiction and venue, including the Philadelphia Municipal Court. Likewise, nothing in the Rule prohibits a court outside of the district justice system from transferring a case to a district justice court with proper jurisdiction and venue, in accordance with the procedural rules of the transferring court. The Rule and Note have been amended to delete the references to "magisterial district" and replace them with more generic references to "court." Finally, the Committee recommended that the Note be revised to make clear that there are no costs for transfer of a complaint and no additional filing costs when a case is transferred from one district justice court to another district justice court. Also, there are no additional filing costs when a case is transferred from the Philadelphia Municipal Court to a district justice court.

B. *Correlative Revision to the Note to Rule 314*

In light of the amendment to Rule 302 regarding improper venue, the Committee deemed it advisable to add a cross-reference to Rule 302 in the Note to Rule 314. Rule 314C provides that "[t]he appearance of a defendant . . . shall be deemed a waiver of any defect in service *but not a waiver of a defect in venue.*" Pa. R.C.P.D.J. No. 314C (emphasis added).

C. *Technical and "Housekeeping" Amendments*

In conjunction with the amendments to Rule 302 discussed above, the Committee also recognized the need for minor changes to the rule to address gender neutrality issues, to correct or add appropriate citations and cross references, and to conform with modern drafting style.

[Pa.B. Doc. No. 03-1401. Filed for public inspection July 18, 2003, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Guidelines for Defendants Serving Weekend Sentences; No. 094 MI 03

Administrative Order 14-2003

And Now, this 3rd day of July, 2003, in order to ensure public safety and offender accountability, it is hereby

Ordered and Decreed that, effective September 1, 2003, the Carbon County Court of Common Pleas hereby

Adopts the following guidelines for defendants serving weekend sentences:

1. The Defendant shall not appear at the prison with alcohol on his/her breath.

2. The Defendant shall not appear at the prison and test positive for any non-prescribed drugs.

3. The Defendant shall not be arrested for a misdemeanor or felony offense while serving the weekend sentence.

4. The Defendant shall not be arrested for Driving Under Suspension, 75 Pa.C.S.A. 1543, while serving the weekend sentence.

5. The Defendant shall not be arrested for any alcohol related offense while serving the weekend sentence.

6. The Defendant shall not violate any prison rules or regulations.

It Is Further Ordered and Decreed that if the Defendant during the period of his/her minimum sentence violates any of the aforementioned guidelines, the Defendant shall not be released from the Correctional Facility and shall begin serving his/her sentence on continuous days. At the end of his/her minimum sentence, the Defendant shall petition the Court for parole. The Warden or designee *Shall Notify* the Court of any violation of the above guidelines. All minimum sentences of sixty (60) days or more are *Not Eligible* for weekend sentences.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 03-1402. Filed for public inspection July 18, 2003, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Roger Clark Peterman, having been Suspended from the practice of law in the State of New Jersey by Order dated September 17, 2002, the Supreme Court of Pennsylvania issued an Order on

June 30, 2003, Disbarring Roger Clark Peterman, from the Bar of this Commonwealth, retroactive to August 1, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-1403. Filed for public inspection July 18, 2003, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 65, 69, 75, 77 AND 111]

Fishing; Boating

The Fish and Boat Commission (Commission) amends Chapters 65, 69, 75, 77 and 111. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The final-form rulemaking will go into effect upon publication of this order adopting the amendments in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The amendments to §§ 69.21 and 69.24 (relating to limitations on numbers and types of licenses; and limitations on gear) are published under the statutory authority of section 2903 of the code (relating to boat and net licenses for boundary lakes). The amendment to § 75.1 (relating to endangered species) is published under the statutory authority of section 2305 of the code (relating to threatened and endangered species). The amendments to § 77.2 (relating to reptile and amphibian hunt permits) are published under the authority of section 2904 of the code (relating to permits for protection and management of particular fish). The amendments to § 77.6 (relating to season and daily possession limits) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations). The amendments to §§ 111.6, 111.21 and 111.54 (relating to Berks County; Cumberland County; and Schuylkill County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing and boating. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes. The Commission's Boating Advisory Board considered the proposed changes to Chapter 111 (relating to special regulations counties) and recommended that the Commission adopt the amendments as set forth in the notice of proposed rulemaking.

E. Summary of Changes

(1) *Sections 65.24, 77.2 and 77.6.* A recent review of the Commission's regulations has revealed that certain housekeeping changes should be made. Accordingly, the Commission has amended these sections to read as set forth in the notice of proposed rulemaking.

(2) *Sections 69.21 and 69.24.* Beginning on January 1, 1996, the use of gill nets for fishing on boundary lakes became illegal. Since that time, there have been only three commercial fishermen who annually apply for trap net licenses to legally fish in the Commonwealth waters of Lake Erie.

Section 69.21 currently provides that up to 10 individuals may be licensed to fish with up to 20 trap nets each and that each net requires a separate license. Two of the three licensees have not recorded any fishing activity or landings for several years, a requirement for renewing and maintaining a commercial trap net license under § 69.23(c)(1) and (2) (relating to responsibility of licensees). Based upon the performance of the trap net fishery since 1996 and the lack of additional interest in its expansion, there is no reasonable expectation that a vigorous trap net fishery will prosper in the near future. Accordingly, the Commission has amended §§ 69.21 and 69.24 to reduce the number of trap net licenses so that up to three individuals may be licensed to fish up to six trap nets each. The Commission intends to revisit this issue in the future and further reduce the number of trap net licenses if activity continues to be limited and interest is waning.

(3) *Section 75.1.* In 1990, the United States Department of Interior, Fish and Wildlife Service, designated *Alasmidonta heterodon* (dwarf wedgemussel) as Federally endangered in the entire range. This species of freshwater mussel is known to occur in Connecticut, Massachusetts, Maryland, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, Vermont and New Brunswick, Canada. Until recently, the dwarf wedgemussel was considered extirpated from its former range in the Delaware River drainage.

During mussel surveys of the Upper Delaware Scenic and Recreation River by William Lellis of the United States Geological Survey, from July to August 2000, the dwarf wedgemussel was discovered at six locations in the Upper Delaware River, Wayne County. Thirteen live specimens and four shells were located from north of Equinunk, PA to south of Callicoon, NY. Subsequent surveys in 2001 and 2002 by William Lellis have documented additional occurrences in the Upper Delaware River Basin.

Section 102 of the code (relating to definitions) defines endangered species as "all species and subspecies of fish which (1) have been declared by the Secretary of the United States Department of Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the *Federal Register*; or (2) have been declared by the executive director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the *Pennsylvania Bulletin*." Because this Federally endangered species recently has been rediscovered in this Commonwealth, the Commission has added it to the Pennsylvania list of endangered species as set forth in the notice of proposed rulemaking.

(4) *Section 111.6.* The Commission adopted special regulations in 1971 to allow and control the use of the Felix Dam Pool of the Schuylkill River for waterskiing and other uses inconsistent with the 100-foot rule and other special boating requirements. The dam is a very old wooden crib structure and was breached several years ago during a flood event. It does not appear that the dam will

be reconstructed and the regulations have become superfluous because the type of boating that the regulations were intended to permit can no longer take place. Accordingly, the Commission has deleted the regulation as set forth in the notice of proposed rulemaking.

(5) *Section 111.21.* The Commission adopted special regulations in 1979 to control the use of boats on the pool behind the Good Hope Mill Dam on the Conodoguinet Creek. The dam was removed in 2001 and the circumstances that required these special regulations no longer exist. The general boating regulations adequately regulate boating in this area. Accordingly, the Commission has deleted the regulation as set forth in the notice of proposed rulemaking.

(6) *Section 111.54.* A recent staff review of the Commission's regulations has revealed that they do not include Tuscarora Lake in Schuylkill County as being electric motors only. Accordingly, the Commission has added this lake to its list of electric motors only restrictions as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Involvement

Notice of proposed rulemaking was published at 33 Pa.B. 1479 (March 22, 2003). Prior to the formal public comment period, the Commission received two public comments supporting the addition of the *Alasmidonta heterodon* (dwarf wedgemussel) to the Pennsylvania list of endangered species. Copies of these comments were provided to the Commissioners. The Commission did not receive any other public comments regarding the proposals.

Findings

The Commission finds that:

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

(2) A public comment period was provided and any comments received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 65, 69, 75, 77 and 111, are amended by amending §§ 65.24, 69.21, 69.24, 75.1, 77.2, 77.6, 111.6, 111.21 and 111.54 to read as set forth at 33 Pa.B. 1479.

(b) The Executive Director will submit this order and 33 Pa.B. 1479 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 33 Pa.B. 1479 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

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

[Pa.B. Doc. No. 03-1404. Filed for public inspection July 18, 2003, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 91, 109 AND 117]
Boating

The Fish and Boat Commission (Commission) amends Chapters 91, 109 and 117 (relating to general provisions; specialty boats and waterskiing activities; and boat rental businesses). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). This final-form rulemaking relates to boating.

A. Effective Date

This final-form rulemaking will go into effect upon publication of this order adopting the amendments in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The amendments to §§ 91.4, 91.6, 91.7, 109.3 and 117.4 are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

This final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to boating. The specific purpose of this rulemaking is described in more detail under the summary of changes. The Commission's Boating Advisory Board considered the proposed changes and recommended that the Commission adopt the amendments to §§ 91.4 and 109.3 (relating to age of operator; and personal watercraft) to read as set forth in the notice of proposed rulemaking and §§ 91.6, 91.7 and 117.4 (relating to Boating Safety Education Certificates; criteria for courses of instruction in boating safety education; and motorboat liveries) to read as set forth in Annex A.

E. Summary of Changes

(1) *Section 91.4.* The act of December 9, 2002 (P. L. 1542, No. 199) (Act 199), which went into effect on February 7, 2003, requires any person born on or after January 1, 1982, to have a Boating Safety Education Certificate to operate a boat propelled by a motor greater than 25 horsepower. As a result of Act 199, certain parts of § 91.6 regarding personal watercraft use have become redundant. The Commission has amended this section to

eliminate operational requirements for persons 12 through 15 years of age that are redundant with § 109.3(h) and Act 199.

Additionally, the current regulations place restrictions on the operation of boats propelled by a motor greater than 10 horsepower. Because Act 199 regulates the use of powerboats based on a horsepower limitation of greater than 25 horsepower, the Commission will retain the current regulations regulating the age-based use of boats powered by motors of 25 horsepower or less.

Accordingly, the Commission has removed the redundant sections and has reworded the regulation for clarity. The amendments do not change the original intent of the regulations, and the current prohibitions remain in effect. The Commission has amended this section to read as set forth in the notice of proposed rulemaking.

(2) *Section 91.6.* The current definition of a "Boating Safety Education Certificate" in this section does not adequately define what information a Boating Safety Education Certificate must contain. Accordingly, the Commission proposed to amend this section to include this information.

On final-form rulemaking, the Commission determined that § 91.6(a) should be revised to better explain the Boating Safety Education Certificate requirements in terms of residents and nonresidents. Therefore, the Commission adopted an amendment that allows the Commission to accept a certificate issued by the Commission, another state, Canada or an organization designated by the Executive Director for all nonresidents. The Commission further amended § 91.6 to require nonresidents to carry proof of nonresidency during operation.

The Commission also concluded on final-form rulemaking that the proposed amendments needed to be modified to provide that when an operator is found operating a boat without a certificate onboard, the operator should be required to cease operation of the boat until the operator demonstrates to the Commission's satisfaction that he possesses a certificate. Under the current regulations, an operator found operating without a certificate onboard is permitted to mail the original certificate to the officer for verification, and the officer may give the operator a receipt or other documentation allowing continued operation of the boat during the period the original certificate is not in possession. The Commission concluded that operators should no longer be provided with a receipt or other documentation allowing continued operation of the boat.

Last, on final-form rulemaking, the Commission determined that the text of § 91.6(b) pertaining to designation of acceptable courses should be moved to § 91.7.

Accordingly, the Commission has amended § 91.6 to read as set forth in Annex A. In addition, the Commission designated § 91.6 as being for the protection of the health and safety of persons on boats, towed by boats, or on, in or along the waters of this Commonwealth and has promulgated this section in accordance with section 5123(a)(1) of the code. Any person who violates a rule or regulation promulgated under this subsection and paragraph commits a summary offense of the second degree.

(3) *Section 91.7.* Act 199 requires that the Commission adopt criteria for courses and certificates that are acceptable for the purposes of Act 199. The Commission proposed adding § 91.7 to address this requirement. Under § 91.7, the Commission will accept courses that meet the requirements of the National Association of State Boating Law Administrators (NASBLA). These standards for edu-

cation courses were developed through a United States Coast Guard grant and meet Nationally accepted education standards for course content. States that incorporate these Nationally accepted standards by adopting NASBLA approval as a minimum requirement assure a degree of uniformity among the states that helps boaters who travel between the states meet the education certification requirements of the states they travel through. On final-form rulemaking, the Commission added § 91.7 as set forth in the notice of proposed rulemaking with one change. The Commission moved text in § 91.6(b) pertaining to designation of acceptable courses to this section. Accordingly, the Commission has adopted § 91.7 to read as set forth in Annex A.

(4) *Sections 109.3 and 117.4.* Section 109.3(f) and (h)(1) refer to the rental of personal watercraft. Therefore, the Commission proposed that these subsections be moved to § 117.4.

Section 109.3(h)(2) and (3) provides for the issuance of temporary Boating Safety Education Certificates for purchasers of new personal watercraft. These provisions were initially intended to help boat buyers who could not readily attend a boating class after they had purchased a boat. Since the Commission promulgated this regulation, the Commission has instituted an Internet and a video course that is acceptable for obtaining a certificate. The regulation is no longer needed because boaters are able to obtain their permanent certificates in a reasonable amount of time. Dealers should encourage prospective buyers to review the video or go online while they are making purchase decisions or the boat is being prepared for delivery. Accordingly, the Commission proposed that the provisions for dealer issued temporary certificates for boat buyers be eliminated.

On final-form rulemaking, the Commission adopted the amendments to § 109.3 as set forth in the notice of proposed rulemaking and modified § 117.4 to include provisions relating to rental of all boats equipped with motors greater than 25 horsepower, not just personal watercraft. Accordingly, the Commission has amended § 117.4 to read as set forth in Annex A. In addition, the Commission has designated § 109.3 as being for the protection of the health and safety of persons on boats, towed by boats, or on, in or along the waters of this Commonwealth and has promulgated this section in accordance with section 5123(a)(1) of the code.

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This final-form rulemaking will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 33 Pa.B. 1482 (March 22, 2003). The Commission did not receive any public comments regarding the proposals.

Findings

The Commission finds that:

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

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

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 91, 109 and 117, are amended by amending §§ 91.4 and 109.3 to read as set forth at 33 Pa.B. 1482 and by amending §§ 91.6, 91.7 and 117.4 to read as set forth in Annex A.

(b) The Executive Director will submit this order, 33 Pa.B. 1482 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 33 Pa.B. 1482 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-140 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.6. Boating Safety Education Certificates.

(a) *Definition.*

(1) For residents of this Commonwealth, a Boating Safety Education Certificate is one issued to an individual by the Commission. Upon proper application and payment of the appropriate fee, the Commission will issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes a course offered by the Commission, another state, Canada or an organization designated by the Executive Director.

(2) For nonresidents, a Boating Safety Education Certificate is one issued to an individual who successfully completes a course offered by the Commission, another state, Canada or an organization designated by the Executive Director.

(b) *Certificate possession.* When the operator of a boat is required by law or regulation to possess a Boating Safety Education Certificate, it is unlawful to operate the boat on the waters of this Commonwealth without carrying onboard the Boating Safety Education Certificate issued to the operator. A Boating Safety Education Certificate shall be carried so that it can be presented to an officer authorized to enforce this subpart. In addition to the requirements of this subsection, nonresidents shall carry proof of nonresidency.

(c) *Temporary certificate.* The Executive Director or a designee may authorize the issuance of temporary Boating Safety Education Certificates to persons who successfully complete boating safety education courses approved by the Commission. Temporary Boating Safety Education

Certificates expire when the permanent certification is issued or 60 days after issuance, whichever occurs first.

(d) *Boating without a certificate onboard.*

(1) When an operator is found operating a boat without a Boating Safety Education Certificate onboard, the operator will cease operation of the boat and follow the instructions of the apprehending officer. The operator may not resume operation of the boat until he demonstrates to the Commission's satisfaction that he possesses a certificate.

(2) When an operator is found operating a boat without a Boating Safety Education Certificate onboard and claims that the certificate is available, the apprehending officer shall give the operator 7 days to produce the original certificate. If it is inconvenient for the operator to produce the certificate in person, the officer may permit the operator to mail the original certificate to the officer for verification. The operator shall provide a stamped self-addressed envelope for the return of the certificate. If the operator fails to send the original certificate within the 7-day period, the officer shall institute summary proceedings against the operator in the manner prescribed by law.

(e) A person may not alter, borrow, lend or transfer a Boating Safety Education Certificate or give false or misleading information to the Commission, its officers or agents when applying for a Boating Safety Education Certificate.

§ 91.7. Criteria for courses of instruction in boating safety education.

The Executive Director may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents, or both. A course of instruction in boating safety education shall meet the National Boating Safety Education Standards of the National Association of State Boating Law Administrators (NASBLA) and shall have received the approval of the NASBLA. These standards and procedures for approval may be obtained from the NASBLA at 1500 Leestown Road, Suite 330, Lexington, Kentucky 40511 or http://www.nasbla.org/education_standards.htm.

CHAPTER 117. BOAT RENTAL BUSINESSES

§ 117.4. Motorboat liveries.

(a) In addition to the requirements of § 117.3 (relating to obligations), a livery operator that rents boats equipped with motors greater than 25 horsepower and personal watercraft shall verify that operators of these boats either possess a permanent Boating Safety Education Certificate or have obtained a temporary Boating Safety Education Certificate from the livery. The Executive Director may authorize boat liveries to issue temporary Boating Safety Education Certificates, effective for the period of rental only, to operators of these boats if the boat livery and the operator comply with the requirements governing the rental of boats and the operation of boat liveries as defined in this chapter. The Executive Director will establish rules and guidelines for the issuance of temporary certificates.

(b) A personal watercraft livery shall take measures to oversee the operation of rented personal watercraft by persons who possess only a temporary Boating Safety Education Certificate. These measures shall include one of the following:

(1) The designation of a specified, marked area of operation for rented personal watercraft.

(2) The provision of qualified observers employed by the livery to directly observe the operation of rented personal watercraft. No more than seven personal watercraft may be under the observation of a single observer at any one time. Qualified observers shall be at least 16 years of age, have at least 10 hours of experience operating personal watercraft and have successfully completed the requirements for a permanent Boating Safety Education Certificate. The permanent Boating Safety Education Certificate shall be in the observer's possession when performing duties under this paragraph.

(c) A personal watercraft livery may not lease, hire or rent a personal watercraft to or for use by a person who is 15 years of age or younger.

[Pa.B. Doc. No. 03-1405. Filed for public inspection July 18, 2003, 9:00 a.m.]

Title 64—SECURITIES

SECURITIES COMMISSION

[64 PA. CODE CHS. 102, 202—204, 207, 305 AND 606]

[Correction]

Banking and Savings and Loan Institutions

An error occurred in the ordering language in the document which appeared at 33 Pa.B. 3365, 3367 (July

12, 2003). The correct version of the ordering language is as follows, with ellipses referring to the existing text:

Order

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

(a) The regulations of the Commission, 64 Pa. Code, Chapters 102, 202—204, 207, 305 and 606, are amended by amending §§ 102.202, 102.241, 202.010, 202.030, 202.051, 202.092, 203.091, 203.189, 204.010 and 606.011 and deleting §§ 202.032 and 207.120 to read as set forth at 33 Pa.B. 884; and by amending §§ 102.041, 203.041, 203.161, 305.011 and 606.041 and adding § 102.112 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

* * * * *

In addition, the form which is currently contained in § 203.161 (relating to debt securities of nonprofit organizations) will be preserved.

[Pa.B. Doc. No. 03-1350. Filed for public inspection July 11, 2003, 9:00 a.m.]

PROPOSED RULEMAKING

INDEPENDENT REGULATORY REVIEW COMMISSION

[1 PA. CODE CHS. 301, 303, 305, 307,
309 AND 311]

Implementation of the Regulatory Review Act

The Independent Regulatory Review Commission (IRRC) proposes to amend Chapters 301, 303, 305, 307, 309 and 311.

This proposed rulemaking will implement amendments to the Regulatory Review Act (act) enacted by the act of December 6, 2002 (P. L. 1227, No. 148) (Act 148). Because Act 148 made several substantive procedural changes, regulations relating to the review process must be revised.

Statutory Authority

The rulemaking is proposed under the authority in section 11(a) of the act (71 P. S. § 745.11(a)).

Background

This proposed rulemaking will implement the Act 148 amendments to the act. Act 148 made several substantive changes in the order and time for committee and IRRC review. The legislative intent of the act and the mission of IRRC remain the same. However, the process has been streamlined and made more flexible, saving both the regulators and the regulated time and money.

The three major changes brought about by the Act 148 amendments areas follows:

- Committees are no longer restricted to a 20-day period to comment on proposed regulations. They may issue comments at any time until the agency submits the regulation in final-form. This change allows the committees to review IRRC's analysis before deciding whether to issue comments on a proposed rulemaking.
- Committees no longer have a maximum of 20 days to take action on a final-form rulemaking and are no longer limited to approval or disapproval. Instead, a committee has until 24 hours before IRRC's public meeting to approve or disapprove a final-form rulemaking or notify IRRC that it intends to review the rulemaking further.

- If an agency decides to resubmit a disapproved rulemaking without changes, the rulemaking must again be submitted to IRRC for review.

In addition to the three major changes, Act 148 made several additional administrative changes.

- The 48-hour blackout immediately preceding IRRC's public meeting only applies to unsolicited public comments. Communication with the agency and members of the General Assembly may continue. In addition, IRRC may initiate contact with any party to obtain information on a final rulemaking.

- IRRC is only required to retain comments and not all documents in its public regulatory files. Miscellaneous correspondence and research materials need not be retained.

- IRRC now has a minimum of 30 days to review and take action on a final rulemaking. However, IRRC may not act on a final rulemaking for at least 20 days after receipt to give the committees a minimum time period for review.

- An additional criterion for review, and thus a basis for disapproval, is agency noncompliance with the act and IRRC's regulations.

Purpose

The purpose of this proposed rulemaking is to implement the Act 148 amendments to the act.

Summary of the Proposed Rulemaking

Chapter 301 (relating to general provisions) sets forth the general provisions relating to IRRC operation.

- Section 301.1 (relating to definitions) adds definitions for "comments," "Commission comments," "committee action" and "deemed approved by a committee." In addition, it revises definitions for "deemed approved by the Commission," "embargoed material" and "regulatory review criteria."

- Sections 301.2—301.6, 301.8 and 301.9 were revised to provide greater clarity.

Chapter 303 (relating to meetings of the Commission) describes how IRRC meetings will be conducted.

- Section 303.2 (relating to blackout period) implements the newly relaxed blackout rules.

- Section 303.4 (relating to proxy voting) allows a Commissioner participating in a public meeting by phone to verbally give proxy to the Chairperson if the Commissioner is unable to remain for the duration of the meeting.

Chapter 305 (relating to procedures for delivery and review of proposed regulations) outlines the procedures for delivery and review of proposed regulations.

- Section 305.1 (relating to delivery of a proposed regulation) provides formatting conventions for the text of proposed rulemakings.

- Section 305.2 (relating to delivery of comments and information by an agency) outlines the agency's responsibilities with respect to the delivery of comments to IRRC and committees.

- Section 305.3 (relating to Commission review period) incorporates the new 30-day timeline for IRRC review of a proposed rulemaking.

- Section 305.4 (relating to Commission comments on a proposed regulation) has been revised to add greater clarity.

Chapter 307 (relating to procedures for delivery and review of final regulations) outlines the procedures for delivery of final-form and final-omitted rulemakings.

- Section 307.1 (relating to two-year period for promulgation) clarifies when the 2-year period for promulgation ends in instances when the agency has extended or has reopened the public comment period.

- Sections 307.2 and 307.3 (relating to delivery of final-form regulation; and delivery of final-omitted regulation) provide formatting conventions for the texts of final-form and final-omitted rulemakings.

• Section 307.4 (relating to tolling the review period) has been revised to provide greater clarity.

• Section 307.5 (relating to procedure for tolling) outlines the new timelines for IRRC and committee review when the agency tolls the review period.

• Section 307.6 (relating to Commission review of a final regulation) outlines the new time period for IRRC review of a final rulemaking.

Chapter 309 (relating to action on regulations) outlines the actions IRRC and the committees may take on rulemakings and the results of specific actions.

• Section 309.1 (relating to Commission and committee action on a final regulation) outlines the time and options for committee action. Other clarifying revisions have also been made.

• Section 309.2 (relating to Commission approval/committee disapproval of a final regulation) outlines what happens if IRRC approves a rulemaking that a committee has disapproved or intends to review.

Chapter 311 (relating to procedures for review of disapproved final regulations) outlines the procedures for subsequent review of disapproved final-form and final-omitted rulemakings.

• Section 311.2 (relating to response by an agency to Commission disapproval) implements the newly revised procedures for agency response to IRRC disapproval.

• Sections 311.3 and 311.4 (relating to subsequent review of regulation without revisions or modifications; and delivery of a regulation with revisions) outline the agency's responsibility, respectively, for delivery of a report for a rulemaking submitted without revisions and a rulemaking submitted with revisions.

• Section 311.5 (relating to subsequent review of disapproved regulation) is new. It implements the Act 148 amendments to the order and procedure for subsequent committee and IRRC review of disapproved rulemakings. Committees act after, and not prior to, IRRC review of a report submitted with a rulemaking with revisions or a report submitted with a rulemaking without revisions. Even when the committees have approved the rulemaking in the first instance, and IRRC has approved the report, the committees are given another opportunity for review. They have 14 days to report out a concurrent resolution.

Contact Person

This proposed rulemaking is published on IRRC's website at www.irrc.state.pa.us. Written comments, suggestions or objections will be accepted for 45 days after publication of this proposed rulemaking. IRRC invites comments from the General Assembly, executive and independent agencies and interested parties. Comments and questions should be referred to Mary S. Wyatt, Esq., Chief Counsel, Independent Regulatory Review Commission, 333 Market Street, 14th Floor, Harrisburg, PA 17101, (717) 783-5417, fax: (717) 783-2664, irrc@irrc.state.pa.us.

Alternative means of providing public comments and alternative formats of the proposed rulemaking, such as large print or cassette tape, may be made available to persons with disabilities upon request by calling Kristine M. Shomper, (717) 783-5417.

Regulatory Review

Under sections 5(a) and 11(a) of the act (71 P.S. § 745.5(a) and 11(a)), on July 7, 2003, IRRC submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Joint Committee on Documents and to the Chairpersons of the House State Government Committee and the Senate Rules and Executive Nominations Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the act, the Joint Committee on Documents may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The act specifies detailed procedures for review, prior to final publication of the rulemaking, by IRRC, the General Assembly and the Governor of comments, recommendations or objections raised.

JOHN R. MCGINLEY, Jr.,
Chairperson

Fiscal Note: 70-7. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 1. GENERAL PROVISIONS

PART III. INDEPENDENT REGULATORY REVIEW COMMISSION

CHAPTER 301. GENERAL PROVISIONS

§ 301.1. Definitions.

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

* * * * *

Comments—

(i) **Written statements delivered to the Commission, supporting, opposing or recommending changes to a final, proposed or existing regulation which is subject to review by the Commission.**

(ii) **The term does not include previously published or copyrighted material.**

* * * * *

Commission comments—Objections, recommendations, statements or questions relating to a proposed regulation issued by the Commission in accordance with section 5(g) of the act (71 P.S. § 745.5(g)).

* * * * *

Committee action—One of the following:

(i) **Approval or disapproval of a regulation, or notice that the committee intends to review the regulation under section 5.1(j.2) of the act (71 P.S. § 745.5.a(j.2)).**

(ii) **Reporting of a concurrent resolution under section 7(d) of the act (71 P.S. § 745.7(d)), within the time allotted by the act.**

* * * * *

Deemed approved by the Commission—

(i) **The approval of a regulation by the Commission [or a committee] by operation of law when [the committee or] the Commission has not approved or disapproved the regulation [by majority vote], in accordance with section 5.1(e) of the act (71 P.S. § 745.5a(e)).**

(ii) **The approval of an agency report by operation of law when the Commission has not approved**

or disapproved the agency report, in accordance with section 7(c.1) of the act (71 P. S. § 745.7(c.1)).

Deemed approved by a committee—The approval of a regulation by a committee by operation of law when the committee has not taken action on a regulation under section 5.1(j.2) or 7(d) of the act.

* * * * *

Embargoed material—

(i) **[Documents] Comments** pertaining to a regulation on the agenda for the Commission’s public meeting delivered during the blackout period by anyone, except **[documents] comments from [the committee or a member of the committee] the agency or members of the General Assembly and their staffs.**

(ii) **The term does not include comments submitted by any person at the request of the Commission.**

* * * * *

Regulatory review criteria—The criteria delineated in section **[5.1(h) and (i)] 5.2(a) and (b)** of the act (71 P. S. § **[745.5a(h) and (i)] 745.5b(a) and (b)**).

* * * * *

§ 301.2. Regulation files.

* * * * *

(b) The files shall include the following materials:

* * * * *

(2) **[Documents received, including comments, correspondence from the agency, transcripts and manuals.] Comments received from the time a proposed, final or existing regulation is delivered until the Commission takes action on the regulation under section 5.1(e), (g)(3) or 7(c.1) of the act (71 P. S. § 745.5a(e), (g)(3) and 7(c.1)) of the act, or until the regulation is withdrawn or deemed withdrawn.**

(3) **[Subpoenas.**

(4) **Correspondence from the Commission.**

(5) **] Commission comments.**

[(6)] (4) Commission orders.

(c) After the Commission takes final action on a regulation under section **[6(a) or 7(c)] 5.1(e), (g)(3) or 7(c.1)** of the act **[(71 P. S. § 745.6(a) and 745.7(c)]** or the regulation is withdrawn or deemed withdrawn, the Commission’s regulation file will be closed. **[Only correspondence and documents addressed to the Commission or directed to the Commission’s attention will be added to a closed regulation file.]**

(d) Upon request, a person may examine or **[copy] obtain copies** of the materials contained in the regulation files during the Commission’s normal business hours.

* * * * *

§ 301.3. Determination of date and time of delivery of comments and documents.

(a) The Commission will determine the date and time of delivery of **comments and** documents as follows:

* * * * *

(b) If the commentator requests confirmation of delivery of **[a] hand-carried [document] comments or documents**, the commentator shall include an additional copy of the first page. The Commission will stamp the copy with the date and time of delivery and return it to the commentator. If the commentator requests confirmation of a document delivered through the postal or another delivery service, the commentator shall include an additional copy of the first page and a stamped, self-addressed envelope. The Commission will stamp the additional copy with the date and time of delivery and mail it to the commentator.

(c) If the commentator requests confirmation of delivery of **[an] e-mailed or faxed [document] comments or documents**, the Commission will fax or e-mail confirmation of delivery to the commentator.

(d) The commentator shall have the responsibility to obtain confirmation that **[a document was] comments or documents were** delivered prior to the blackout period.

[(e) The Commission will stamp the date and time of delivery of a regulation on the transmittal sheet and on the regulatory analysis form.]

§ 301.4. Expiration of time period for delivery of regulations or reports.

(a) The time period for an agency to deliver a regulation or report to the Commission or a committee will expire on the first business day after the expiration day established in the act or this part if that day is one of the following:

* * * * *

(3) A day on which Commonwealth, **Commission or committee** offices located in Harrisburg are closed due to emergency circumstances.

(4) A day on which the staff offices of the **Commission** or Senate or House of Representatives are officially closed.

* * * * *

(c) **The Commission will stamp the date and time of delivery of a regulation on the transmittal sheet and on the regulatory analysis form.**

§ 301.5. Expiration of [committee and] Commission review [periods] period.

(a) **[A committee review period will expire the first business day after the expiration day established under the act or this part if that day is one of the following:**

(1) **A legal holiday.**

(2) **Declared a holiday by the Office of Administration.**

(3) **A day on which Commonwealth offices located in Harrisburg are closed due to emergency circumstances.**

(4) **A day on which the staff offices of the Senate or House of Representatives are officially closed.**

(5) **A Saturday or Sunday.**

(b) **] The Commission review period will expire on the first business day after the expiration day established under the act or this part if that day is one of the following:**

* * * * *

(3) A day on which Commonwealth, **Commission or committee** offices located in Harrisburg are closed due to emergency circumstances.

* * * * *

[(c) (b) * * *]

§ 301.6. Delivery of a regulation to the wrong committee.

(a) Immediately upon discovery that the agency has delivered a regulation to a committee other than [a] **the designated** committee as defined in § 301.1 (relating to definitions), the agency shall deliver the regulation to the [correct] **designated** committee.

(b) With the delivery of a proposed regulation to the [correct] **designated** committee, the agency shall include all comments received since the beginning of the public comment period.

(c) **The regulation will not be considered delivered for the purposes of the act and this chapter until it is delivered to the designated committee.**

(d) The review period of the [correct committee] **Commission** will begin as follows:

(1) For proposed regulations, the day after the close of the public comment period or the day after delivery to the **designated committee**, whichever is later.

(2) For final regulations, the day after delivery to the **designated committee**.

§ 301.8. Agency contact person.

An agency [shall] may notify the Commission, in writing, of the name, title, address, e-mail address, telephone number and facsimile number of [the] a **single** agency representative or office designated to receive comments, orders, embargoed material and other documents **relating to a regulation**, which the Commission delivers by facsimile or e-mail to the agency. **If the agency does not designate a representative, the Commission will deliver documents to the agency head.** Delivery is deemed made if sent by facsimile or e-mail to the **agency head**, designated agency representative or office, and delivery is confirmed.

§ 301.9. Procedure for public hearings.

* * * * *

(d) When participating at a public hearing, commentators shall bring 10 written copies of their comments and supporting documents to the [Commission] **hearing.**

CHAPTER 303. MEETINGS OF THE COMMISSION

§ 303.2. Blackout period.

(a) During the blackout period, Commissioners and Commission staff [will not communicate] may initiate contact with [anyone, except a committee, committee member or committee staff person,] or request information from any person regarding the substance of a regulation on the Commission's public meeting agenda.

(b) Comments [and documents] may be delivered by [anyone, except a committee, committee member or committee staff person,] agency staff, a member of the General Assembly, or legislative staff during the blackout period [will be embargoed mate-

rial]. **Comments delivered by any other person during the blackout period will be embargoed, unless the comments are delivered at the request of the Commission.**

(c) [Within 24 hours of] Upon receipt, the Commission will deliver embargoed material and [committee] comments received during the blackout period to the agency **and the committees.**

(d) Upon the call to order of the public meeting, embargoed material will be distributed to the Commissioners [and Commission staff assigned to review the regulation].

§ 303.4. Proxy voting.

(a) A Commissioner may vote by proxy on any issue before the Commission, including the approval or disapproval of a regulation, if the following conditions are met:

(1) [The] **Except as set forth in subsection (b),** the proxy shall be in writing, signed by the Commissioner and addressed to the Chairperson at the Commission's office address.

(2) The Commissioner will deliver the proxy to the Commission [, either by first-class mail or facsimile,] prior to the vote.

* * * * *

(b) **A Commissioner who is participating in a public meeting by telephone may verbally give his proxy to the Chairperson if he is unable to remain for the duration of the meeting.**

(c) The Chairperson, another Commissioner or the Executive Director will present the proxy at the public meeting at the time of the Commission vote.

[(c) (d)] The proxy shall be recorded as the Commissioner's vote.

CHAPTER 305. PROCEDURES FOR DELIVERY AND REVIEW OF PROPOSED REGULATIONS

§ 305.1. Delivery of a proposed regulation.

* * * * *

(b) The agency shall include the following material with the regulation:

* * * * *

(4) The preamble [and the text of the regulation set forth in an Annex A].

(5) **The text of the regulation.**

(c) **Proposed changes in an existing regulation shall be indicated using the following format:**

(1) **Brackets to indicate language proposed to be deleted from the existing regulation.**

(2) **Underscoring to indicate new language proposed to be added to the existing regulation.**

(d) **If the proposed regulation is new, and is not amending an existing regulation, no formatting is needed.**

§ 305.2. Delivery of comments and information by an agency; notification to commentators.

(a) From the date of delivery of the proposed regulation until the [expiration of the Commission's review period as in § 305.3 (relating to Commission review period)] date the Commission takes final action on

the regulation, the agency shall deliver to the Commission and committees copies of the following material relating to the regulation:

(1) [The comments] Comments received. If a comment indicates that a copy has been sent to the Commission and the agency verifies that the comment was delivered to the Commission, the agency is not required to deliver an additional copy of that comment.

(2) Reports from advisory groups which the Commission has requested.

(3) Public notices or announcements regarding solicitation of public comments and information regarding meetings the agency has held or will hold which the Commission has requested.

(4) Transcripts of public hearings which the Commission has requested.

(b) The agency shall deliver copies of comments to the Commission and the committees within 5 business days of [its] receipt [of the comments].

* * * * *

(d) The agency shall inform each commentator of the following:

(1) The name, address and phone number of the person in the agency from whom the commentator may request further information on the final-form regulation.

(2) Upon request, the agency will notify the commentator when the final-form regulation is delivered to the Commission.

(3) Upon request, the agency will provide the commentator with either a copy of the final-form regulation or a summary of the changes to the proposed regulation which are incorporated in the final-form regulation.

§ 305.3. Commission review period.

The Commission [has 10] may have 30 days after the expiration of the [committee review] public comment period to review the regulation and deliver its comments to the agency and the committees. The Commission will calculate its review period as beginning the day after the expiration of the [committee review] public comment period.

§ 305.4. Commission comments on a proposed regulation.

* * * * *

(b) To verify receipt of the comments by hand delivery, the agency staff person shall sign the Commission's receipt card. To verify receipt of the comments by facsimile, the agency staff person shall sign the cover sheet and [send it back] transmit it to the Commission by facsimile. To verify receipt of the comments by e-mail, the agency staff person shall send an e-mail message to the Commission indicating receipt of the comments.

(c) [The comments shall contain objections to the regulation, specifying] Commission comments will specify the regulatory review criteria that [the regulation has not met] are the basis for the Commission's objections, recommendations, statements or

questions. [The comments may also contain recommendations for amendment of the regulation in final-form.

(d) If the Commission or a committee does not object to a provision in the proposed regulation by the expiration of its review period, and if the agency has not changed that provision in the final-form regulation, the Commission will be deemed to have approved that provision.

(e) The Commission may disapprove the final-form regulation only on the basis of one or more of the following:

(1) Objections which the Commission raised in its comments on the proposed regulation.

(2) Changes, such as revisions, deletions or additions, which the agency made to provisions in the final-form regulation.

(3) Recommendations, comments or objections of a committee relating to the regulation.]

CHAPTER 307. PROCEDURES FOR DELIVERY AND REVIEW OF FINAL REGULATIONS

§ 307.1. Two-year period for promulgation.

(a) If an agency does not deliver, or withdraws and does not resubmit, a final-form regulation within 2 years of the close of the public comment period for the proposed regulation, the agency is deemed to have withdrawn the regulation.

(b) An agency may extend the public comment period by publishing a notice in the Pennsylvania Bulletin prior to the date when the public comment period was originally scheduled to close.

(c) An agency may reopen a public comment period which has closed by publishing a notice in the Pennsylvania Bulletin prior to the expiration of the Commission review period under section 5(g) of the act (71 P. S. § 745.5(g)).

(d) If the public comment period is extended or reopened, the 2-year period for promulgation will begin on the day after the extended or reopened public comment period ends.

§ 307.2. Delivery of a final-form regulation.

* * * * *

(c) The agency shall include the following documents with the regulation:

* * * * *

(6) The names and addresses of commentators who requested additional information on the final-form regulation.

(7) The text of the final-form regulation [the agency intends to adopt indicating any changes made from the proposed regulation using the following format:]

(d) Changes to a new proposed regulation shall be indicated using the following format:

[(i)] (1) Brackets to indicate language [proposed to be] that is being deleted from the [existing] proposed regulation.

[(ii)] (2) Underscoring to indicate [the] new language [proposed to be] that is being added to the [existing] proposed regulation.

(e) Changes to a proposed amendment to an existing regulation shall be indicated using the following format:

[(iii)] (1) Strikeout type to indicate [the new] language in the existing or proposed regulation which is deleted in the final-form.

[(iv)] (2) Capital letters to indicate [the] new language in the final-form regulation which was not included in the existing or proposed regulation.

[(7) The names and addresses of commentators who requested additional information on the final-form regulation.]

§ 307.3. Delivery of a final-omitted regulation.

* * * * *

(b) The agency shall include the following documents with the regulation:

* * * * *

(5) The text of the final-omitted regulation [indicating amendments].

(c) Amendments to [the] an existing regulation shall be indicated using the following format:

[(i)] (1) Brackets to indicate language deleted from the existing regulation.

[(ii)] (2) Underscoring to indicate new language added to the existing regulation.

§ 307.4. Tolling the review period.

* * * * *

(b) An agency may [only] toll the review period only one time.

(c) The agency may toll the review period only to consider revisions recommended by the Commission or a committee.

(d) The agency shall toll the review period prior to [whichever of the following events occurs first]:

(1) [The] the day on which either committee takes action on the regulation[.].

(2) [The] or the expiration of the [committee] Commission's review period under section 5.1(e) of the act (71 P. S. § 745.5a(e)) if neither committee takes action.

[(3) The beginning of the blackout period.]

(e) The agency may [only] toll the review period for up to 30 days.

(f) The agency may not toll the review period if the Commission objects. The Commission may object if the agency indicates in its notice of intent to toll that it is considering revisions that are broader than or inconsistent with those recommended by the Commission or a committee.

§ 307.5. Procedure for tolling.

(a) [The] The Commission or a committee may deliver a recommendation for revising a final regulation to the agency.

(b) If the agency decides to toll the review period upon receipt of the recommendation, the agency

shall deliver written notice of its intention to toll to the Commission and the committees on the same date.

[(b)] (c) The written notice shall include the following:

* * * * *

[(c)] (d) The agency shall deliver the written notice of its intention to toll prior to the [expiration of the committees' 20-day review period or the] day on which either committee takes action on the regulation[, whichever occurs first] or the expiration of the Commission's review period under section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)) if neither committee takes action.

[(d)] (e) If the Commission objects to the [tolling] agency's decision to toll the review period, it will notify the agency and the committees of its objections within 2 business days after its receipt of the agency's notice.

[(e)] (f) If the Commission objects, the review period will not be tolled and the regulation will be reviewed within the [original] time period established under section 5.1[(d)-(f)] (e)-(j.3) of the act (71 P. S. § 745.5a[(d)-(f)](e)-(j.3)).

[(f)] (g) The Commission will notify the agency, the committees, the Attorney General and the General Counsel of the first and 30th day of the [tolling] tolled review period.

[(g)] (h) Before the expiration of the [tolling] tolled review period, the agency shall deliver a revised regulation, or a written notice that the regulation will not be revised, to the committees, the Commission and the Attorney General (for a final-omitted regulation) on the same date.

[(h)] (i) The agency shall include a transmittal sheet signed by the committees with [delivery of] the regulation, or written notice that the regulation will not be revised.

[(i)] (j) If the agency does not deliver a revised regulation, or written notice that the regulation will not be revised, before the expiration of the [tolling] tolled review period, the agency is deemed to have withdrawn the regulation. The Commission will notify the agency, the committees, the Attorney General and the Office of General Counsel that the regulation is deemed withdrawn.

[(j)] (k) Upon receipt of the revised regulation, or written notice that the regulation will not be revised, the Commission will notify the agency, the committees, the Attorney General and the Office of General Counsel of the beginning and ending dates of the [committee] Commission's review period.

[(k) The committees have the remainder of their 20-day review period or 10 days from the date of receipt of the revised regulation or written notice that the regulation will not be revised, whichever is longer, to approve or disapprove the regulation. The committee review period begins the day after the revised regulation or written notice is received.

(l) The Commission has 10 days after the expiration of the committee review period, or until its

next regularly scheduled meeting, whichever is later, to approve or disapprove the original or revised regulation.]

(l) If the review period is tolled, the Commission's and the committees' review under section 5.1(e) and (j.1) of the act (71 P. S. § 745.5a(e) and (j.1)) is suspended until the agency delivers the revised regulation or notice that the regulation will not be revised.

(m) When the agency delivers the revised regulation or the notice that the regulation will not be revised, the Commission and the committees will resume their review. The Commission will have the remainder of the time provided by section 5.1(e) of the act or the time provided by section 5.1(g)(3) of the act, whichever is greater, to take action on the regulation. The committees will have the time provided by section 5.1(j.1) of the act to take action on the regulation.

§ 307.6. Commission and committee review of a final regulation; time period for review.

(a) [The Commission has 10 days after the expiration of the committee review period, or until its next regularly scheduled meeting, whichever is later, to approve or disapprove a final regulation. The Commission will calculate its review period as beginning the day after the expiration of the committees' review period.] The Commission may not act on a final regulation for at least 20 days after delivery of the final regulation.

(b) The Commission may have until its next scheduled meeting which occurs no less than 30 days after delivery of the final regulation to take action on the regulation. The Commission will calculate its review period as beginning the day after the delivery of the regulation to the Commission and the committees.

(c) If the Commission is unable to approve or disapprove a final regulation because of the lack of a quorum, its review period will be extended for 30 days or until the next meeting at which a quorum is present, whichever occurs first.

[(c)] (d) * * *

CHAPTER 309. ACTION ON REGULATIONS

§ 309.1. Commission and committee action on a final regulation.

(a) The Commission [and each committee] may approve or disapprove a final regulation by majority vote of members participating.

(b) If a committee does not [approve or disapprove the regulation within 20 days of receipt] take action on a regulation under section 5.1(j.2) or (j.3) of the act (71 P. S. § 745.5a(j.2) and (j.3)), the committee is deemed to have approved the regulation.

(c) The Commission is deemed to have approved a final-form regulation if one of the following conditions apply:

(1) All of the following events occur:

(i) The Commission has not [objected to] issued comments relating to any portion of the regulation as proposed within the time provided for its review.

* * * * *

(iv) The agency has complied with the act and this part.

* * * * *

(3) The Commission's vote results in a tie and the time for the Commission's review expires.

* * * * *

§ 309.2. [Commission approval/committee disapproval] Committee disapproval or notification of intent to review/Commission approval of a final regulation.

(a) [When the Commission approves or deems approved a final regulation which one or both of the committees has disapproved, the Commission will deliver its approval order or notice indicating the regulation has been deemed approved to the disapproving committee and the agency within 2 business days after the approval or deemed approval.] A committee may notify the Commission and the agency that it has disapproved a regulation or that it intends to review the regulation, in accordance with section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)).

(b) [The] If a committee disapproves a regulation, or notifies the Commission and the agency that it intends to review the regulation, the agency may not promulgate the regulation [for 14 days pending the report of a concurrent resolution from the disapproving committee, under section] until the time for reporting and adopting a concurrent resolution expires in accordance with section 5.1(j.2) and section 7(d) of the act (71 P. S. §745.7(d)).

[(c) If the Commission is prevented from delivering the order or notice because of the end of the Legislative session, the Commission will deliver its order or notice under section 6(c) of the act (71 P. S. § 745.6(c)).]

CHAPTER 311. PROCEDURES FOR REVIEW OF DISAPPROVED FINAL REGULATIONS

§ 311.1. Commission disapproval of a final regulation.

* * * * *

(c) The Commission's disapproval order shall continue the bar on the promulgation of the regulation until the review provided under section 7(d) of the act (71 P. S. § 745.7(d)) and this chapter is completed.

§ 311.2. Response by an agency to Commission disapproval.

(a) [Within 7 calendar days of] Upon receipt of the Commission's disapproval order, the agency [shall provide written notification to the Governor, the committees and the Commission of its selection of] may select one of the following three options:

* * * * *

(b) If the agency does not [select an option within 7-calendar days] deliver a report to the Commission and the committees within 40 days after receipt of the Commission's disapproval order, in accordance with section 7(b) or (c) of the act (71 P. S. § 745.7(b) or (c)), the agency is deemed to have withdrawn the regulation.

[(c) If the agency is prevented from notifying the committees of the option selected because of the end of the Legislative session, the agency shall proceed in accordance with section 7(a.1) of the act (71 P. S. § 745.7(a.1).]

§ 311.3. [Subsequent review of] Report for a disapproved regulation submitted without revisions or modifications.

[(a)] If the agency chooses to proceed with promulgation of the regulation without revision under § 311.2(a)(1) (relating to response by an agency to Commission disapproval), the [agency shall deliver a report to the Commission and the committees within 40-calendar days of receipt of the Commission's disapproval order.

(b) The] report shall contain the following:

* * * * *

(4) A signed transmittal sheet indicating the report was delivered to the committees on the same date that it was delivered to the Commission.

[(c) If the agency does not deliver the report within 40-calendar days of receipt of the Commission's disapproval order, the agency is deemed to have withdrawn the regulation.

(d) Upon receipt of the report, the committees may proceed in accordance with section 7(d) of the act (71 P. S. § 745.7(d)).

(e) If the agency is prevented from delivering its report to the committees because of the end of the Legislative session, the agency shall proceed in accordance with section 7(b) of the act.]

§ 311.4. [Delivery of] Report for a disapproved regulation submitted with revisions.

[(a)] If the agency chooses to revise or modify the final regulation under § 311.2(a)(2) (relating to response by an agency to Commission disapproval), the [agency shall deliver a report to the committees and the Commission within 40-calendar days of receipt of the Commission's disapproval order.

(b) The] report shall contain the following:

* * * * *

(4) A [signed] transmittal sheet signed by the committees.

[(c) If the agency does not deliver the report within 40-calendar days of receipt of the Commission's disapproval order, the agency is deemed to have withdrawn the regulation.

(d) The committees have 10-calendar days from receipt of the report to approve or disapprove the report. If a committee does not disapprove the report within the 10-day period, that committee is deemed to have approved the report.

(e) The Commission has 7 days after the expiration of the committee review period, or until its next regularly scheduled meeting, whichever is later, to approve or disapprove the report. The Commission will calculate its review period as beginning the day after the expiration of the committee review period.

(f) If the Commission does not disapprove the report, the Commission is deemed to have approved the report.

(g) If the committees and the Commission approve or are deemed to have approved the report, the agency may proceed with promulgation of the revised final regulation.

(h) If the Commission or a committee disapproves the report, the bar on the promulgation of the final regulation shall continue until the review provided under section 7(c) and (d) of the act (71 P. S. § 745.7(c) and (d)) is completed.

(i) If the agency is prevented from delivering its report to the committees because of the end of the Legislative session, the agency shall proceed in accordance with section 7(c) of the act.

(j) If the Commission is prevented from delivering its approval or disapproval order to the committees because of the end of the Legislative session, the Commission will deliver its order in accordance with section 7(c) of the act.]

§ 311.5. Subsequent review of disapproved regulation.

(a) The Commission may have until its next scheduled meeting which occurs no less than 15 days from receipt of the report to approve or disapprove the report. The Commission will calculate its review period as beginning the day after receipt of the report.

(b) If the Commission does not disapprove the report, the Commission is deemed to have approved the report.

(c) Upon receipt of the Commission's order approving or disapproving the report, or at the expiration of the Commission's review period if the Commission does not act on the report or deliver its order within the time prescribed by section 7(c.1) of the act (71 P. S. § 745.7(c.1)), the committees will have 14 days to review the report in accordance with section 7(d) of the act.

(d) If, by the expiration of the 14-day period, neither committee reports a concurrent resolution, the committees will be deemed to have approved the report.

(e) If the committees and the Commission approve or are deemed to have approved the report, the agency may proceed with promulgation of the revised final regulation.

(f) If a concurrent resolution is reported, the bar on the promulgation of the final regulation shall continue until the review provided under section 7(d) of the act is completed.

(g) If a concurrent resolution is adopted by the House and the Senate and the Governor approves or is deemed to have approved the resolution, or if the Governor's veto of the resolution is overridden, in accordance with section 7(d) of the act the agency shall be permanently barred from promulgating the regulation.

(h) If the agency is prevented from delivering its report to the committees because of the end of the legislative session, the agency shall proceed in accordance with section 7(c) of the act.

(i) If the Commission is prevented from delivering its approval or disapproval order to the committees because of the end of the legislative session,

the Commission will deliver its order in accordance with section 7(c) of the act.

[Pa.B. Doc. No. 03-1406. Filed for public inspection July 18, 2003, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Board of Probation and Parole

The Executive Board approved a reorganization of the Board of Probation and Parole effective July 2, 2003.

The organization chart at 33 Pa.B. 3511 (July 19, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 03-1407. Filed for public inspection July 18, 2003, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

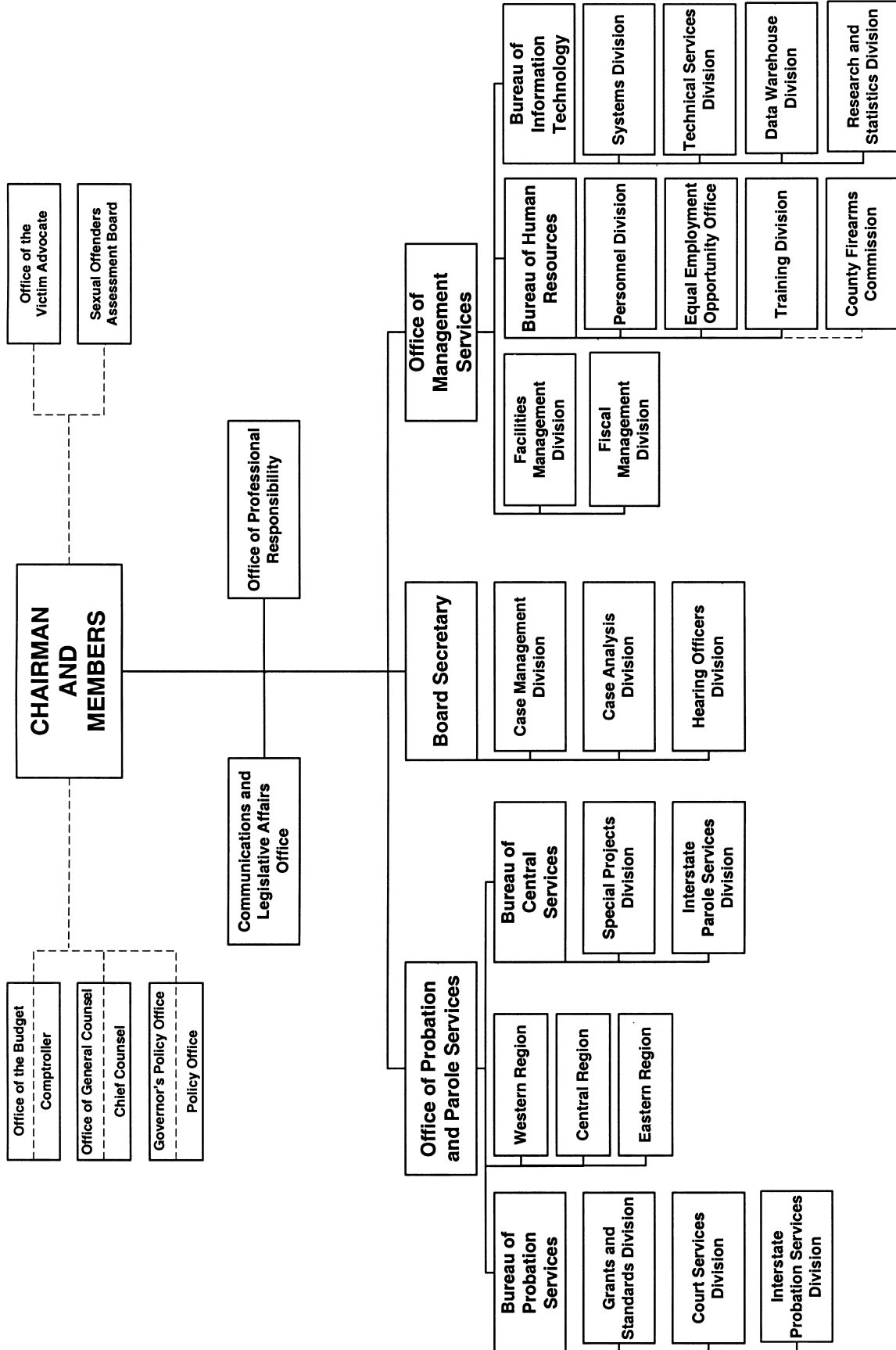
The Executive Board approved a reorganization of the Department of Labor and Industry effective July 3, 2003.

The organization chart at 33 Pa.B. 3512 (July 19, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

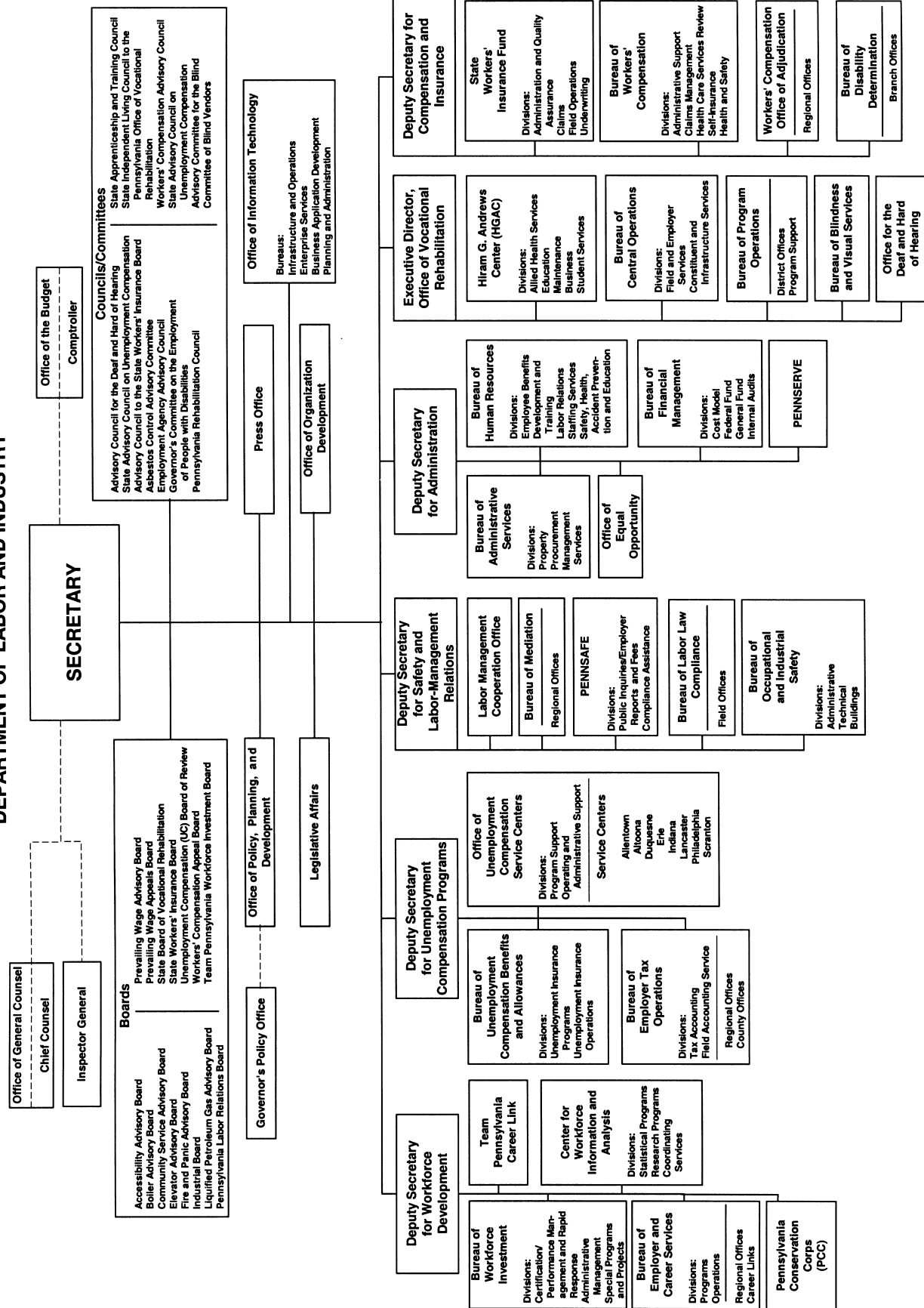
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 03-1408. Filed for public inspection July 18, 2003, 9:00 a.m.]

BOARD OF PROBATION AND PAROLE



DEPARTMENT OF LABOR AND INDUSTRY



Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Listing of Wild Trout Streams

The Fish and Boat Commission (Commission) adopts a statement of policy in Chapter 57 (relating to statements of policy). The statement of policy relates to the classification of wild trout streams. The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The statement of policy will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission administer and enforce the code and other laws of the Commonwealth relating to the protection, propagation and distribution of fish.

D. Purpose and Background

Section 105.1 of 25 Pa. Code (relating to definitions) defines the term "wild trout stream" as "a stream classified as supporting naturally reproducing trout populations by the Fish Commission." The definition goes on to provide that the list of wild trout streams is available from the Commission's Fisheries Management Division.

In litigation before the Environmental Hearing Board and the Commonwealth Court, the meaning and effect of this regulatory definition was clarified. Under these precedents, it is clear that the Department of Environmental Protection (DEP) is to make an independent determination of how to use the Commission's classification of a water as a wild trout stream, as well the factual and expert information on which the classification is based, in making regulatory and permitting decisions. The precedents also indicate that the so-called "wild trout criteria" and the "wild trout list" have regulatory significance and should be published under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202). Although the identification of streams as wild trout streams essentially involves the exercise of professional judgment by fisheries managers and fisheries biologists, it is recognized that the public input may be a useful element in this process.

The Commission has adopted a statement of policy that sets forth the basis for classification of streams supporting natural reproduction of trout. This wild trout list is not the same as the listing of Class A wild trout waters or wilderness trout streams. The wild trout stream list currently identifies about 1,500 stream sections that support naturally reproducing trout populations. Upon final consideration of the statement of policy, the Commission deleted the word "all" in § 57.11(b)(4) (relating to listing of wild trout streams) and adopted it to read as set forth in Annex A.

E. Paperwork

The statement of policy will not increase paperwork and will create no new paperwork requirements.

F. Fiscal Impact

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

G. Public Involvement

A notice of a proposed statement of policy was published at 33 Pa.B. 1487 (March 22, 2003). The Commission received two public comments concerning the proposed statement of policy. One comment, which was received prior to the formal public comment period, supported publication of the list. The other comment, which was submitted by DEP, suggested that instead of publishing the list from time-to-time, a firmer timeline be considered. DEP requested the Commission to update and publish the list at least once a year, publishing the revised version every June. DEP also suggested that the Commission maintain an updated, active list and post current updates on its website. DEP further recommended that the Commission not use the phrase "all tributaries" in § 57.11(b)(4) of the proposed statement of policy because there may be instances when conditions in the watershed preclude the inclusion of all tributaries.

Based upon the comments received from DEP, the Commission, upon final consideration of the statement of policy, deleted the word "all" in § 57.11(b)(4). The Commission also agreed to make regular postings of the list on its website.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the statement of policy adopted by this order has been given under 45 P. S. §§ 1201 and 1202 and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments received were considered.

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

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 57, are amended by adding § 57.11 to read as set forth in Annex A.

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

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

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-141 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.11. Listing of wild trout streams.

(a) *Maintenance of list.* It is the policy of the Commission to accurately identify and classify streams supporting naturally reproducing populations of trout as wild trout streams. The Fisheries Management Division will maintain the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin* and on the World Wide Web. Persons with comments, objections or suggestions about the classification of streams listed may submit them to the Commission for review.

(b) *Criteria for classifying wild trout streams.* The classification of a stream as a wild trout stream means that the trout found there have resulted from natural reproduction and that the habitat supports wild trout. Identification of streams for the presence of wild trout typically involves:

(1) *Location and habitat.* Classifications of wild trout streams will involve examination of one or more sites, which may vary in size, within the stream. The exercise of judgment by the investigator is essential in describing the extent of the stream continuum to which the examination applies. The investigator should find that the habitat is such as would support natural reproduction of trout.

(2) *Exclusion of stocked trout.* In classifying a wild trout stream, the investigator should find trout resulting from natural reproduction in the stream section or up-stream and downstream areas and their tributaries. In making this finding, the investigator will specifically exclude trout stocked as fingerlings or adults and trout that escape from a hatchery. The exercise of judgment is required in examining the trout for physical appearance such as coloration, fin condition and body configuration as indicators of the source of the trout. Direct evidence of natural reproduction of trout is a factor in making this classification, but it is not required if the other elements are present.

(3) *Biological criteria.* In identifying a wild trout stream, the investigator should find one or more of the following:

(i) Young of the year trout less than 150 mm occur at some time in the stream section.

(ii) Two or more ages of wild trout occur at some time within the stream section.

(4) *Tributary linkages.* Tributaries to wild trout streams are classified as wild trout streams for their function as habitat for segments of wild trout populations, including nurseries and refuges, and in sustaining water quality necessary for wild trout.

(c) *Existing list.* The streams identified as wild trout streams on or before January 1, 2002, and listed as such by the Fisheries Management Division will continue to be considered as wild streams by the Commission.

(d) *Requests for evaluation or reevaluation of streams.* The Commission staff will evaluate or reevaluate the classification of streams as wild trout streams at the request of the Department of Environmental Protection (DEP) in connection with permitting decisions. Requests for evaluation or reevaluation from persons or parties other than DEP will be considered for review consistent with available staff and resources and prioritized based on the status of DEP permitting decisions related to the sites. Requests that the Commission staff evaluate or reevaluate stream sections for inclusion on or removal from the list of streams supporting naturally reproducing populations of trout may be addressed to the Bureau of Fisheries, Pennsylvania Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823-9616. In evaluating requests to remove streams from the list of wild trout streams, the Commission will take into account circumstances where human intervention or manmade changes have diminished the capacity of a stream to meet the criteria set forth in this section. Streams will not be removed from the list of wild trout streams in circumstances where the investigator finds evidence that their characteristics and trout populations have been changed solely or principally as a result human intervention.

(e) *Appeals.* A person aggrieved by the classification of a stream section as a wild trout stream section may appeal the agency action by filing a notice of appeal with the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 15 days after publication of the notice that the stream section had been so classified in the *Pennsylvania Bulletin*. Nothing in this subsection will be construed to enlarge or diminish the appeal rights of persons or parties in connection with permitting decisions and other actions of DEP.

[Pa.B. Doc. No. 03-1409. Filed for public inspection July 18, 2003, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 8, 2003.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
<i>Note:</i>	Effective 7-1-03, Huntingdon Valley Bank, Huntingdon Valley, converted from a Federally-chartered mutual savings association to a State-chartered mutual savings bank. The following branch offices were acquired from this conversion:		
	2188 York Road Jamison Bucks County	1990 County Line Road Huntingdon Valley Montgomery County	
	Easton Road (Route 611) and Street Road Warrington Bucks County		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-3-03	The Legacy Bank Harrisburg Dauphin County	Harrisburg	Approved
	Purchase of assets/assumption of liabilities of four branch offices of Leesport Bank, Wyomissing, located at:		
	101 North Main Street Shenandoah Schuylkill County	140 Can-Do Expressway Hazleton Luzerne County	
	Route 309 Drums Luzerne County	1 West Broad Street Hazleton Luzerne County (Drive-Up Facility)	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-30-03	Leesport Bank Wyomissing Berks County	4361 Perkiomen Ave. Reading Berks County	Opened
7-1-03	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	12360 Academy Road Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Relocations

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
7-1-03	Incol Credit Union Old Forge Lackawanna County	To: 320 S. Pennsylvania Blvd., Ste. 364 Wilkes-Barre Luzerne County	Opened

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
		<p><i>From:</i> New Bridge Center 480 Pierce Street Suites 120-121 Kingston Luzerne County</p>	

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-1410. Filed for public inspection July 18, 2003, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2003

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of August 2003 is 6 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.83 to which was added 2.50 percentage points for a total of 6.33 that by law is rounded off to the nearest quarter at 6 1/2%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 03-1411. Filed for public inspection July 18, 2003, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of an Engineering Firm

Project Reference No. FDC-500-208

The Department of Conservation and Natural Resources (Department) will retain an engineering firm for an open-end contract for various engineering, inspection and related environmental and geological services on various bridge projects on State park and State forest lands in this Commonwealth. The contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis.

Letters of interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering wishes to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of structural design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements (single and multispan), bridge rehabilitation, bridge approach work, minor location studies and CADD services.

Areas of related environmental study associated with bridge design projects may include, but are not limited to, wetlands, soil, geology, DER Chapter 105 and Corps of Engineers 404 permits. The environmental studies will be conducted in accordance with accepted analysis techniques and methodologies.

The selected firm may be required to perform any or all of the following to ensure that a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, access impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports and wetland and floodplain findings.

The engineering firm may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion control plans; prepare type, size and location reports; prepare construction drawings, specifications and estimates; procure core borings; provide soil and foundation engineering reports; investigate utility involvement; evaluate alternatives using benefit/cost analysis; develop other details and narratives; perform NBIS bridge inspections; inspect major and unusual structures; develop rehabilitation strategies; conduct quality assurance and quality control reviews of other NBIS bridge inspections; provide independent design reviews of trail bridges and other structures when required; and review shop drawings, catalog cuts and occasional attendance at job conferences may be required.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

The services shall include, but not be limited to, a preliminary meeting in the Bureau of Facility Design and Construction, 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. The design work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction and, when acceptable, approved by the same staff.

Information Concerning Socially and Economically Restricted Businesses (SERBs)

SERBs are small businesses whose economic growth and development have been restricted based on social and economic bias. These small businesses are Bureau of Contract Administration and Business Development (BCABD) certified minority and women-owned businesses, other disadvantaged businesses and businesses whose development has been impeded because their primary or headquarters facilities are physically located in areas designated by the Commonwealth as being designated enterprise zones. A small business will not be considered socially/economically restricted if it has gross annual revenues of \$8 million (\$18 million for those businesses in the information technology sales or services business) or more, is dominant in its field of operation or employs more than 100 persons.

A company and its affiliates have achieved success and are graduated from this State-sponsored program when its gross annual revenues are \$8 million (\$18 million for those businesses in the information technology sales or service business) or more. Other small business in which an owner of the graduated firm has a financial interest or control over, either directly or through family members, will not qualify for SERB status. Control is defined as the power, whether or not exercised, to direct or cause the direction of the management and policies of a firm, whether through the ownership of voting shares, by contract or otherwise, or through the making of day-to-day as well as major decisions in matters of policy, management and operations. A determination of control shall include, but not be limited to, the following factors: capital investment and all other financial, property, acquisition, contract negotiation and legal matters; officer-director-employee selection and comprehensive hiring, operating responsibility, cost-control matters and income and dividend matters; financial transactions; and rights of other shareholders or joint partners.

Contractors and others seeking to identify businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Contract Administration and Business Development, Room 613, North Office Building, Harrisburg, PA 17125, (717) 787-6708, fax: (717) 772-0021, gs-cabdinternet@state.pa.us, www.dgs.state.pa.us (DGS Keyword: BCABD).

SERB Information

To receive credit for being a SERB, entering into a joint venture agreement with a SERB or subcontracting to a SERB (including purchasing supplies and/or services through a purchase agreement), a company must include proof of SERB qualification in the SERB portion of the proposal:

1. SERBs qualifying as a result of MBE/WBE certification from the BCABD must provide their BCABD certification number or a photocopy of their BCABD certificate.
2. SERBs qualifying as a result of having their headquarters in a designated enterprise zone must provide

proof of status, including proof of the location of their headquarters (such as a lease or deed) and confirmation of the enterprise zone in which they are located (obtained from their local enterprise zone office). More information on the locations of enterprise zones can be obtained by calling the Department of Community and Economic Development (DCED), (717) 720-7409, fax: (717) 787-4088, akartorie@state.pa.us.

3. SERBs qualifying as disadvantaged businesses certified by the Small Business Administration must submit proof of Small Business Administration certification.

4. Companies claiming SERB status, whether as a result of BCABD certification, Small Business Administration certification as a disadvantaged business or the location of their headquarters in an enterprise zone, must submit proof that their gross annual revenues are less than \$8 million (\$18 million for those businesses in the information technology sales or services business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, the SERB portion of the proposal should include the following information:

1. The name and telephone number of the project (contact) person for the SERB.
2. The company name, address and telephone number of the prime contact person for each specific SERB business included in the proposal. The SERB business to which commitments are made must be specified. Credit will not be received by stating that a SERB will be found after the contract is awarded or by listing several companies and stating one will be selected later.
3. The specific work, goods or services the SERB will perform or provide.
4. The location where the SERB will perform these services.
5. The timeframe for the SERB to provide or deliver the goods or services.
6. The amount of capital, if any, the SERB will be expected to provide.
7. The form and amount of compensation the SERB will receive. In the SERB information portion of the proposal, provide the estimated dollar value of the contract to the SERB.
8. The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the SERB.
9. In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the SERB portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the SERB portion of the proposal.

The SERB portion of the proposal must be identified as SERB information and bound and sealed separately from the remainder of the proposal. Only one copy of the SERB section is needed.

The dollar value ratio designated for SERB commitment should be placed in a separate sealed envelope and stapled to the SERB section of the proposal or included in the bound and sealed envelope.

The selected contractor's SERB commitment amount, name of SERB and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

SERB Participation

The following options will be considered as part of the final criteria for selection:

Priority Rank 1—proposals submitted by SERBs.

Priority Rank 2—proposals submitted from a joint venture with a Commonwealth-approved SERB as a joint venture partner.

Priority Rank 3—proposals submitted with subcontracting commitments to SERBs.

Each proposal will be rated for its approach to enhancing the utilization of SERBs. Each approach will be evaluated, with option number one receiving the greatest value and the succeeding options receiving values in accordance with the previously listed priority ranking.

SERB Contract Requirements

Contracts containing SERB participation must also include a provision requiring the contractor to meet and maintain those commitments made to SERBs at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the contracting Commonwealth agency upon recommendation by the BCABD. Contracts containing SERB participation must include a provision requiring SERB contractors and SERBs in a joint venture to incur at least 50% of the cost of the subcontract or SERB portion of the joint venture, not including materials.

Commitments to SERBs made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Proposed changes must be submitted to the BCABD, which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the SERB participation of the original contract.

The contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and the BCABD within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed, stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to SERB subcontractors, suppliers and joint ventures. Also, it is a record of fulfillment of the commitment the firm made and for which it received SERB points.

Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SERB status or entitle a proposer to receive credit for SERB utilization.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit letters of interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Jim Eppley at (717) 783-3333 for general information concerning the design work.

Each letter of interest must include the firm's Federal identification number and the project reference number.

The letter of interest shall also include a description of the firm's three most recently completed projects similar to the project being proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project.

A standard current revised 1996 DGS Form 150-S must accompany the letter of interest and shall indicate the individual in charge. A standard current revised 1996 DGS Form 150 must also accompany the letter of interest. Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

General Requirements

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates. Miscellaneous expenses such as copies, prints, sepia's, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's letter of interest:

Criteria evaluated by the technical review will include:

1. Professional's understanding of the problem as demonstrated in the letter of interest and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in letter of interest and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. SERB participation (evaluated by the Department of General Services).
7. Equitable distribution of the contracts.

Each proposer shall relate the proposal to the previous criteria.

One copy of the SERB section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the letter of interest and the required forms must be received by 4 p.m. on August 29, 2003. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all letters of interest submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 03-1412. Filed for public inspection July 18, 2003, 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 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 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 listed 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 at 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 and 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

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

<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>
PA0084778	Granville Township Sewer and Water 100 Helen Street Lewistown, PA 17044	Mifflin County Oliver Township	Strodes Run 12A	Y

<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>
PA0028975	Womelsdorf Sewer Authority 101 West High Street Womelsdorf, PA 19567	Berks County Heidelberg Township	Tulpehocken Creek 3C	Y
PA0080331	Ephrata Area Joint Authority 124 S. State Street Ephrata, PA 17522-2411	Lancaster County Ephrata Borough	UNT Cocalico Creek 7J	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>
PA0222348	Thomas L. Holden 40 Spicer Road Sheffield, PA 16347	Sheffield Township Warren County	Unnamed tributary to South Branch Tionesta Creek	Y
PA0040967	Kinzua Ltd.—Wolf Run Marina Route 59 P. O. Box 825 Warren, PA 16365	Mead Township Warren County	Allegheny River Reservoir	Y
PA0033073	Department of Transportation Rest Area No. 26 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Washington Township Jefferson County	Fivemile Run	Y
PA0103331	Jackson Center Borough P. O. Box 38 Jackson Center, PA 16133	Jackson Center Mercer County	Yellow Creek	Y

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

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

PA0247189, CAFO, **Hostetter Management Company, LLC (Willow Hill Breeding Farm)**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522. Hostetter Management has submitted an application for an Individual NPDES permit for an expanding CAFO known as Willow Hill Breeding Farm in Metal Township, **Franklin County**.

The CAFO is situated near West Branch Conococheague Creek in Watershed 13-C (WWF). The CAFO is designed to maintain an animal population of approximately 1,448.5 AEU's consisting of 2,464 gestating sows, 336 sows with litter, 3,878 nursery pigs, 920 gilt growers, 160 replacement gilts and 4 boars. The animals will be housed in standard swine barns. Manure will be stored under the barn and in two HDPE-lined lagoons. The total capacity of the manure storage facilities will be 1.9 million gallons. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate Pennsylvania Technical Guide Standards. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

PA0026743, Sewage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608. This facility is in Lancaster City, **Lancaster County**.

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

The receiving stream, Conestoga River, is in Watershed 7-J and classified for WWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is on the Susquehanna River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The amendment is to include required stormwater language to comply with Phase II of the NPDES Stormwater Program for Industrial Activity.

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

The EPA waiver is not in effect.

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

PA0032247, Sewage, **Department of Conservation and Natural Resources—Bureau of State Parks**, 1454 Laurel Hill Park Road, Somerset, PA 15501-5629. This application is for renewal of an NPDES permit to discharge treated sewage from Laurel Hill State Park STP in Middle Creek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Laurel Hill Creek, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle State Park MWA on the Youghiogheny River.

Outfall 001: existing discharge, design flow of .190 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	15			30
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0215848, Sewage, **J. G. Foodmart, James Gnagey**, R. D. 1, Box 620-G, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from J. G. Foodmart Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale to unnamed tributary of Redstone Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Municipal Authority on the Monongahela River, approximately 21 miles downstream of the discharge.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			
	3.3			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217883, Sewage, **Encotech Incorporated**, P. O. Box 305, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from Encotech STP in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as drainage swale tributary to Little Chartiers Creek, which are classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.0003 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252484, Sewage, **Controlled Environment Horticulture, Inc.**, 2639 Big Sewickley Creek Road, Sewickley, PA 15143. This application is for issuance of an NPDES permit to discharge treated sewage from Controlled Environment Horticulture STP in Franklin Park Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Big Sewickley Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the ARCO Chemical Company, BV Plant on the Ohio River.

Outfall 001: new discharge, design flow of 0.0012 mgd.

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

The EPA waiver is in effect.

* This parameter shall only be effective if chlorine is used for disinfection.

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

PA0020605, Sewage, **Union City Borough Municipal Authority**, 12 South Main Street, Union City, PA 16438. This proposed facility is in Union Township, **Erie County**.

Description of Proposed Activity: 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 (stream and public water supplier) considered during the evaluation is the Cambridge Springs Borough intake on French Creek at Cambridge Springs, approximately 24 miles below point of discharge.

The receiving stream, South Branch of French Creek, is in watershed 16-A and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 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	292	467	25	40	50

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids	350	525	30	45	60
NH ₃ -N					
(5-1 to 10-31)	52.5		4.5		9.0
(11-1 to 4-30)	158		13.5		27.0
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			5,300/100 ml as a geometric average		
Total Residual Chlorine			minimum of 5 mg/l at all times		
Dissolved Oxygen			0.4		1.3
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA waiver is not in effect.

PA0239275, Sewage, **Michael Robel**, 11599 Sunset Drive, Conneaut Lake, PA 16316. This proposed facility is in Hayfield Township, **Crawford County**.

Description of Proposed Activity: New 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 (stream and public water supplier) considered during the evaluation is the Emlenton Water Company on the Allegheny River at River Mile 90, approximately 70 miles below point of discharge.

The receiving stream, unnamed tributary to Conneaut Outlet, is in watershed 16-D and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine			XX
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

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

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

PA0061476, Industrial Waste, SIC 4941, **Edgewood Mobile Home Park**, 223 R. Maile Road, Greenfield Township, PA 18407. This proposed action is for the renewal of an NPDES permit to discharge 0.020 mgd of treated sewage into an unnamed tributary to Ackerly Creek in Glenburn Township, **Lackawanna County**.

The receiving stream is in the State Water Plan watershed 04F and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Borough Water Authority is on the Susquehanna River, approximately 80 miles below the point of discharge.

Outfall 001—The proposed effluent limits based on a design flow of 0.020 MGD are:

Parameter	Monthly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	4	8
(11-1 to 4-30)	12	24
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	7.5	15
Total Residual Chlorine	0.3	0.6
Dissolved Oxygen	a minimum of 6.0 mg/l at all times	
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

PA0063754, Industrial Waste, SIC 4941, **Pennsylvania American Water Company**, 100 North Pennsylvania Avenue, Wilkes-Barre, PA 18701. This proposed action is for the renewal of an NPDES permit to discharge treated process wastewater into Huntsville Reservoir in Dallas Township, **Luzerne County**.

The receiving stream is in the State Water Plan Watershed 05B and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for the Pennsylvania American Water Supply on the Huntsville Reservoir at the point of discharge.

Outfall 001—The proposed effluent limits based on a design flow of 0.686 MGD are:

<i>Parameter</i>	<i>Monthly Average(mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Aluminum	4.0	8.0
Manganese	1.0	2.0
Total Iron	2.0	4.0
Total Suspended Solids	30.0	60.0
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	0.5	1.2

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).

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

WQM Permit No. 3603402, Sewerage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608. This proposed facility is in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Construction of sewer extension to serve Lancaster General Hospital expansion and Orthopedic Center.

WQM Permit No. 5003402, Sewerage, **Penn Township Municipal Authority**, 102 Municipal Building Road, Duncannon, PA 17020. This proposed facility is in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Construction of the Shermanata Heights sewage treatment plant.

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

WQM Permit No. 0203406, Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This proposed facility is in Ohio Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewerage pumping station to serve the Roosevelt Road area.

WQM Permit No. 0403402, Sewerage, **Fourway Properties Limited Partnership**, 1198 Mulberry Street, Bridgewater, PA 15009. This proposed facility is in Chippewa Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewerage and forcemain system to serve James Street.

WQM Permit No. 3203404, Sewerage, **Jack Lentz, Clarksburg Mobile Home Park**, 12554 Route 286, Highway West, Clarksburg, PA 15725. This proposed facility is in Young Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewerage treatment plant to serve the Clarksburg Mobile Home Park.

WQM Permit No. 5603403, Sewerage, **Robert L. and Terry L. Leib**, 770 Old Lincoln Highway, Stoystown, PA 15563. This proposed facility is in Quemahoning Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewerage treatment plant to serve the Leib residence.

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

WQM Permit No. 1003412, Sewerage, **James Simmons**, 4521 William Flynn Highway, Harrisville, PA 16038. This proposed facility is in Mercer Township, **Butler County**.

Description of Proposed Action/Activity: Sewage for a single residence.

WQM Permit No. 2003419, Sewerage, **Robert L. Henry**, P. O. Box 295, Linesville, PA 16424. This proposed facility is in North Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 2503420, Sewerage, **David Quick**, 8832 Wattsburg Road, Erie, PA 16509. This proposed facility is in Greene Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. 3303402, Sewerage, **Mark E. Gilmore**, 7245 W. Market St., Mercer, PA 16137. This proposed facility is in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803018	Richard Markovci 218 Kromer Road Wind Gap, PA 18091	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF

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>
PAI010903002	Archdiocese of Philadelphia Cardinal Anthony J. Bevilacqua Church of St. Isidore 222 North 17th Street Philadelphia, PA 19103-1299	Bucks	Milford Township	Unami Creek HQ
PAS10G267-R	The Hankin Group Richard Guarini Eagleview 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Upper Uwchlan Township	Tributary to Marsh Creek HQ-TSF-MF
PAS10G456-A1	Liberty Property Limited Partnership Robert Sekola Quarry Ridge—Parcel C 65 Valley Stream Parkway Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011503065	Lincoln University John Thompson 1570 Old Baltimore Pike MSC-197, P. O. Box 1798 Lincoln University, PA 19352-0999	Chester	Lower Oxford Township	Unnamed tributary to Big Elk Creek HQ-TSF-MF
PAI011503066	Toll PA VI, LP Scott Nodland The Datner Tract P. O. Box 514 Uwchlan, PA 19380	Chester	West Bradford Township	Unnamed tributary to West Branch Brandywine Creek EV

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

Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601-9217, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503004	DeCesare Corporation of Lots 4241 Wm. Penn Hwy. Suite 300 Murrysville, PA 15668	Westmoreland	Murrysville	Steels Run (tributary to Turtle Creek Watershed) HQ

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

PAG-12	CAFOs
PAG-13	MS4

PUBLIC WATER SUPPLY (PWS) PERMITS

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 this 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comment responses 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 available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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

Permit No. 6703512, Public Water Supply.

Applicant	Pennsylvania American Water
Municipality	Fairview Township
County	York

Responsible Official	Michael Salvo, Operations Manager 852 Wesley Drive Mechanicsburg, PA 17055 4475
Type of Facility	PWS
Consulting Engineer	Gene C. Koontz, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Application Received Date	June 13, 2003
Description of Action	Construction permit application for a new West Shore regional water treatment plant, raw water pumping station and necessary transmission mains.

Permit No. 0603506, Public Water Supply.

Applicant	Valley Run Water System
Municipality	Washington Township
County	Berks
Responsible Official	Randy S. Eddinger, Operator 813 S. Reading Avenue Boyertown, PA 19512
Type of Facility	PWS
Consulting Engineer	Kevin D. Bomboy, P. E. 55 Shelbourne Road Reading, PA 19606
Application Received Date	June 20, 2003
Description of Action	New community water system to serve the Ponds at Valley Run. Facilities include Well No. 1 at 60 gpm, treatment using sodium hypochlorite, 115,000-gallon storage tank and distribution system.

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

Permit No. Minor Amendment—Construction. Public Water Supply.

Applicant	Shinglehouse Borough c/o Barry Church, Council President P. O. Box 156 Shinglehouse, PA 16748
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Township Sharon Township
 County **Potter County**
 Type of Facility PWS—Construction of a 300,000 gallon concrete finished water storage tank.
 Consulting Engineer Richard L. Connors, P. E.
 Northwest Engineering, Inc.
 R. D. 1, P. O. Box Q
 Tidioute, PA 16351
 Permit to Construct Issued June 25, 2003
Permit No. 1402505—Operation. Public Water Supply.
 Applicant **Mount Eagle Water Association**
c/o Joseph Taylor, President
 288 Mount Eagle Road
 Howard, PA 16841
 Township Howard Township
 County **Centre**
 Type of Facility PWS—Authorizes operation of Well No. 1, sodium hypochlorite and polyphosphate treatment facilities, a 53,000 gallon finished water storage tank, approximately 1,200 feet of 6-inch transmission and distribution mains and associated controls and piping.
 Consulting Engineer Kerry Uhler, P. E.
 Kerry A. Uhler & Associates
 140 W. High St.
 Bellefonte, PA 16823
 Permit to Operate Issued July 1, 2003
Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.
Permit No. 3203501, Public Water Supply.
 Applicant **Homer City OL1—OL8 LLC**
 1750 Power Plant Road
 Homer City, PA 15748
 Township or Borough Center Township
 Responsible Official Sharon Dodson, Environmental Health and Safety Manager
 Homer City OL1—OL8 LLC
 1750 Power Plant Road
 Homer City, PA 15748
 Type of Facility Water treatment plant
 Consulting Engineer Dakota Engineering Associates, Inc.
 35 Wilson Street, Suite 200
 Pittsburgh, PA 15223
 Application Received Date June 16, 2003
 Description of Action Installation of two new multimedia filters, a new potable water clear well, a new ultrafiltration system, modification of existing potable water booster pumps and installation of a new activated carbon filter.

Permit No. 1103502, Public Water Supply.
 Applicant **Municipal Authority of the Borough of Ebensburg**
 300 West High Street
 Ebensburg, PA 15931
 Township or Borough Cambria and Jackson Townships
 Responsible Official William Pugh, Chairperson
 Municipal Authority of the Borough of Ebensburg
 300 West High Street
 Ebensburg, PA 15931
 Type of Facility Water treatment plant
 Consulting Engineer Hegemann and Wray Consulting Engineers
 429 Park Avenue
 Cresson, PA 16630
 Application Received Date June 16, 2003
 Description of Action Construction of approximately 70,000 LF of 12-inch and 18-inch diameter water main, a 761,000 gallon capacity water storage tank, two water pump stations and related appurtenances to interconnect to the Greater Johnstown Water Authority.

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

Permit No. 6103502, Public Water Supply.
 Applicant **Kennerdell Community North Water System**
 P. O. Box 88
 Kennerdell, PA 16374.
 Township or Borough Rockland Township, **Venango County**
 Responsible Official Chuck Vernam, Chairperson
 Type of Facility PWS
 Consulting Engineer Northwest Engineering Inc.
 R. D. 1, P. O. Box Q
 Tidioute, PA 16351.
 Application Received Date June 30, 2003
 Description of Action Construct water well source, storage tank, tank transmission line and iron and manganese treatment system.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act.

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

Application No. Minor Amendment.
 Applicant **Pennsylvania Suburban Water Company**
 Township or Borough Canaan Township

Responsible Official Mark J. Kropilak, Vice President
Corporate Development and
Corporate Counsel
Pennsylvania Suburban Water
Company
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility PWS

Application Received Date June 16, 2003

Description of Action This application is for transfer of
the PWS permit from the State
Correctional Institute of Waymart
to the Pennsylvania Suburban
Water Company.

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

Application No. 6846-T1-A2. Minor Amendment.

Applicant **Indian Creek Valley Water
Authority**
P. O. Box 486
2068 Indian Head Road
Indian Head, PA 15446

Township or Borough Saltlick Township

Responsible Official R. Kerry Witt, Manager
Indian Creek Valley Water
Authority
P. O. Box 486
2068 Indian Head Road
Indian Head, PA 15446

Type of Facility Spring

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

Application Received Date June 23, 2003

Description of Action Construction of a new spring
collection system at the Pritts
Spring.

Application No. 1184502-A3-C2. Minor Amendment.

Applicant **Greater Johnstown Water
Authority**
111 Roosevelt Boulevard
Johnstown, PA 15907

Responsible Official Greater Johnstown Water
Authority
111 Roosevelt Boulevard
Johnstown, PA 15907

Type of Facility WTP

Consulting Engineer Laurel Management Company
111 Roosevelt Boulevard
P. O. Box 1287
Johnstown, PA 15907

Application Received Date June 30, 2003

Description of Action Change in water quality
parameters.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth.

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

WA2-1006, Water Allocations, **Western Allegheny
County Municipal Authority**, 403 Virginia Drive,
Oakdale, PA 15071, **Allegheny County**. The applicant is
requesting the right to increase their subsidiary allocation,
from 75,000 gpd to 1.6 million gpd.

WA11-292B, Water Allocations, **Municipal Authority
of the Borough of Ebensburg**, 300 W. High Street,
Ebensburg, PA 15931, **Cambria County**. The applicant
is requesting an expansion of their service area to include
an area of Jackson and Cambria Townships along U. S.
Route 22 and south to the Saltlick Reservoir.

WA11-292C, Water Allocations, **Municipal Authority
of the Borough of Ebensburg**, 300 W. High Street,
Ebensburg, PA 15931, **Cambria County**. The applicant
is requesting the right to purchase 350,000, average day,
from the Greater Johnstown Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Envi- ronmental 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Our Lady of Mount Carmel Church, Doylestown Borough, **Bucks County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Archdiocese of Philadelphia, Jim Bollenbach, Our Lady of Mount Carmel, 235 E. State St., Doylestown, PA 18901, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Doylestown Intelligencer* on June 20, 2003.

Sunroc Corporation Facility, Middletown Township, **Delaware County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Sunroc Corp., Mark Whitaker, 60 Starlifter Ave., Dover, DE 19903, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics, lead and other organics and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on June 20, 2003.

Willner Realty & Development Co., Upper Darby Township, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Norristown, PA 19401, on behalf of Benjamin P. Willner, V. P., Willner Realty & Development Co., 140 S. 69th St., Upper Darby, PA 19082, has submitted a Notice of Intent to Remediate soil contaminated with fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on June 5, 2003.

Vacant Parcel—Germantown Avenue, City of Philadelphia, **Philadelphia County**. Jeffrey T. Bauer,

Whitestone Associates, Inc., 1120 Welsh Rd., Suite 100, North Wales, PA 19454, on behalf of Michael Young, 229 W. Upsal St., Philadelphia, PA 19119, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and PAH. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on June 9, 2003.

Former Goldman Paper/Wilde Dyehouse Site, City of Philadelphia, **Philadelphia County**. Jeffrey E. Goudsward, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Steve Wolfson, 2201 E. Allegheny Avenue LP, 1250 Germantown Pike, Plymouth Meeting, PA 19462, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, fuel oil no. 2, fuel oil no. 4, fuel oil no. 6, leaded gasoline and unleaded gasoline. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on June 16, 2003.

Former AAA Mid-Atlantic Office Building, City of Philadelphia, **Philadelphia County**. Richard S. Werner, P. G., Environmental Consulting, Inc., 500 E. Washington Street, Suite 375, Norristown, PA, on behalf of AAA Mid-Atlantic, Ray Surette, Managing Director, 2040 Market St., Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate groundwater contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on June 16, 2003.

1925-1943 Allegheny Avenue Property, City of Philadelphia, **Philadelphia County**. Spencer Finch, Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106, on behalf of City of Philadelphia, Department of Public Property, Attn: Jon Edelstein, Municipal Services Bldg., 1401 JFK Blvd., Philadelphia, PA 19102, has submitted a Notice of Intent to Remediate soil contaminated with PAH. The applicant proposes to remediate the site to meet Special Industrial Area Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on March 6, 2003.

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

Former Claysburg Air Force Station, Pavia Township, **Bedford County**. U. S. Army Corps of Engineers, 10 South Howard Street, 11th Floor, PP-E, Baltimore, MD 21201, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil no. 2, chlorinated solvents and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bedford Gazette* on June 29, 2003.

New Holland North America Garage Area near Building 36, New Holland Borough, **Lancaster County**. CNH Global N. V., 700 State Street, Racine, WI 53404, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel, unleaded gasoline, leaded gasoline and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal-New Era* on June 6, 2003.

Harrisburg School District Administration Building, Harrisburg City, **Dauphin County**. Consolidated Engineering Services, Inc., 320 23rd Street South, Suite 100, Arlington, VA 22202 on behalf of Harrisburg School District, 1201 North Sixth Street, Harrisburg, PA 17102-1406, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PHCs. 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 *Patriot-News* on July 10, 2002.

Camp Curtin Childhood Center, Harrisburg City, **Dauphin County**. Consolidated Engineering Services, Inc., 320 23rd Street South, Suite 100, Arlington, VA 22202 on behalf of Harrisburg School District, 1201 North Sixth Street, Harrisburg, PA 17102-1406, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PHCs. 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 *Patriot-News* on July 10, 2002.

Foose Early Childhood Center, Harrisburg City, **Dauphin County**. Consolidated Engineering Services, Inc., 320 23rd Street South, Suite 100, Arlington, VA 22202 on behalf of Harrisburg School District, 1201 North Sixth Street, Harrisburg, PA 17102-1406, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PHCs. 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 *Patriot-News* on July 10, 2002.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of June 28, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

Renewal Applications Received

American Waste Industries, Inc., 508 E. Indian River Road, Norfolk, VA 23523. Received on June 25, 2003.

York Hospital, 1001 S. George Street, York, PA 17405. Received on June 25, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application No. 101611. Berks Transfer, Inc., 59 Willow Creek Road, Reading, PA 19601, Ontelaunee Township, **Berks County**. The application is for the acceptance of Putrescible Waste and Radiation

Monitoring Plan for the Berks Transfer Ontelaunee Facility. The application was determined to be administratively complete by the Southcentral Regional Office on July 1, 2003.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

01-03002B: Vulcan Construction Materials, LP (5601 Ironbridge Parkway, Chester, VA 23831) for modifications to their existing limestone crushing plant in Oxford and Conewago Townships, **Adams County**. New installations include several screens and crushers; the plant will continue to be controlled by wet suppression. No appreciable change in emissions is expected from these modifications. The crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval and operating permit will contain emission limits along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality standards.

29-03007A: Mellott Wood Preserving Co., Inc. (1398 Sawmill Road, Needmore, PA 17283) for installation of a 350 HP wood-fired boiler controlled by a multiclone in Belfast Township, **Fulton County**. The boiler is subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. PM emissions are estimated at less than 20 tons annually; NOx emissions are estimated at less than 12 tons annually. The plan approval and operating permit will include provisions for monitoring, recordkeeping and work practice standards to ensure the facility complies with the applicable air quality standards.

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

49-00020A: Truck Accessories Group, Inc. d/b/a Leer East (200 Housels Run Road, Milton, PA 17847) for modification of a fiberglass reinforced plastics truck cap manufacturing operation by increasing the allowable VOC emission rate from 55.0 tons in any 12 consecutive month period to 76.0 tons in any 12 consecutive month period in Milton Borough, **Northumberland County**. The majority of the VOC emissions could also be an HAP, styrene.

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

32-00371A: Blairsville Wilbert Vault Co., Inc. (P. O. Box 7, Blairsville, PA 15717) for installation of a cremator at their facility in Blairsville Borough, **Indiana County**.

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

62-035B: IA Construction—Warren CMI Plant (240 River Road, Warren, PA 16365) for modification of a plan approval to change a stack testing condition for an asphalt plant burning alternative fuels at in Conewago Township, **Warren County**.

42-192C: IA Construction—Lafayette Plant (Route 59, Lewis Run, PA 16738) for modification of a plan approval to change a stack testing condition for an

asphalt plant burning alternative fuels in Lafayette Township, **McKean County**.

37-027B: IA Construction—West Pittsburgh Plant (River Road, West Pittsburgh, PA 16160) for modification of a plan approval to change a stack testing condition for an asphalt plant burning alternative fuels in Taylor Township, **Lawrence County**.

10-230B: IA Construction—Zelienople Plant (158 Lindsay Road, Zelienople, PA 16063) for modification of a plan approval to change a stack testing condition for an asphalt plant burning alternative fuels in Jackson Township, **Butler County**.

24-079A: Osram Sylvania, Inc. (835 Washington Road, St. Marys, PA 15857) for construction of the cement mixing operation and control devices in the City of St. Marys, **Elk County**. This is a State-only facility.

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.

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

46-0112B: Palmer International, Inc. (2036 Lucon Road, Skippack, PA 19474) for installation of a turbo mixer, to replace three existing Sigma blenders, at their facility in Skippack Township, **Montgomery County**. This facility is a non-Title V facility. Along with all other processes in Building A, the new turbo blender will be subject to an emission limit of 21.0 tons per year for VOCs, 8.83 tons per year for HAPs (formaldehyde), 13.56 tons per for NOx and 43.8 tons per year for CO. Emissions of PM from all processes in Building A are expected to be less than 9 tons per year and emissions of SOx are expected to be less than 37 tons per year from all processes in Building A. The existing thermal oxidizer will control emissions of VOCs and HAPs. Emissions of PM will continue to be controlled by dust collectors and the existing thermal oxidizer. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

54-399-029A: Silberline Manufacturing Co., Inc. (Lincoln Drive, P. O. Box B, Tamaqua, PA 18252-0420) for modification of an aluminum pigment manufacturing process at their Tidewood facility at 36 Progress Avenue, Rush Township, **Schuylkill County**. This facility is a non-Title V facility. The modification will incorporate changes to the solvent used in the process and replacement/removal of some of the process equipment. Potential VOC emissions from the process will be 15.9 tons per year. The modification results in a decrease of 7.1 tons per year of VOCs from the original process. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

58-303-001A: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for

modification and operation of a batch mix asphalt plant in Clifford Township, **Susquehanna County**. This facility is a non-Title V facility. The plant will be modified to use waste derived liquid fuel (WDLF) and no. 2 fuel oil as fuel. WDLF will be heated in a preheater prior to being used. Particulate emissions from the plant will be controlled by a baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.

48-301-046: Heintzelman Funeral Home, Inc.—Lehigh Valley Crematory Services, Inc. (326 Main Street, Hellertown, PA 18055) for construction of a human crematory and associated air cleaning device (afterburner) at their facility at Magnolia Road and Front Street, Hellertown Borough, **Northampton County**. A temperature of 1,800°F shall be maintained with a minimum residence time of 1 second when the unit is in operation. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O₂. The plan approval will include additional recordkeeping and operating restrictions designed to keep the source operating within all applicable air quality requirements.

48-00006A: Reliant Energy Mid Atlantic Power Holdings LLC—Portland Power Plant (1001 Broad Street, Johnstown, PA 15907) to amend the Title V Permit at their facility in Upper Mount Bethel Township, **Northampton County**. The amendment is for the application of a binder (Covol 298-1) to raw coal (silt material) to produce "synfuel." The production of "synfuel" will result in an emission increase of VOCs of 0.87 tons per year and is below the allowable de minimis level increase permitted by the Title V Permit of 1 ton per year. The production of "synfuel" will also result in a decrease in particulate emissions (0.05 ton per year).

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

41-00010D: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) for modification of a thermal foundry sand reclamation system by increasing its allowable NOx emission rate from 2.07 pounds per hour to 3.1 pounds per hour at their facility in Muncy Borough and Muncy Creek Township, **Lycoming County**. Andritz, Inc. is a major facility for which a Title V operating permit (No. 41-00010) has been issued.

The Department's review of the information contained in the application indicates that the modified thermal sand reclamation system will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue plan approval for the proposed modification.

The Department also intends to amend a minimum required thermal sand reclamation system fluidized bed reclamation unit freeboard temperature requirement specified in Plan Approval 41-00010B under the right reserved by the Department to do so in condition 9 of the respective Plan Approval. The respective amendment is an increase in the minimum required freeboard temperature from 1,300°F to 1,440°F, which is the minimum

temperature at which the fluidized bed reclamation unit was operated during the stack testing performed to demonstrate compliance with the VOC emission limitation established for the thermal sand reclamation system in Plan Approval 4-00010B.

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

1. The NOx emissions from the thermal foundry sand reclamation system shall not at any time exceed 3.1 pounds per hour or 13.59 tons in any 12 consecutive month period.

2. Under the right reserved by the Department in condition 9 of Plan Approval 41-00010B, the minimum required freeboard temperature in the thermal foundry sand reclamation system's fluidized bed reclamation system shall be 1,440°F rather than 1,300°F.

3. All conditions contained in Plan Approval 41-00010B remain unchanged and in effect unless amended or superseded by a condition contained herein.

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

24-025A: Alpha Sintered Metals Inc. (95 Mason Run Road, Ridgway, PA 15853) for installation of a sly baghouse to control their powdered metal mixing operation in Ridgway Township, **Elk County**. The source shall comply with the following conditions from the plan approval:

1. The source shall comply with 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive matter, PM, odor and visible emissions.

2. The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device and a visual inspection of the system for leaks, and the like.

3. The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.

4. The permittee shall operate the control device at all times that the source is operation.

5. The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

6. The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

42-196A: Catalyst Energy, Inc.—Swamp Angel Compressor Station (1/4 mile from Big Shany Road and FR 307, Lewis Run, PA 16738) for installation of a natural gas processing plant and associated gas compressor engine in Lafayette Township, **McKean County**. The source shall comply with the following conditions from the plan approval:

1. The source shall comply with 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive matter, PM, odor and visible emissions.

2. The facility shall comply with all applicable requirements of New Source Performance Standards—40 CFR Part 60, Subpart KKK.

24-012C: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898), for installation of graphite machining operations in Building 607 and two dust collectors in St. Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate best available technology for the source:

1. The source shall comply with 25 Pa. Code §§ 123.1, 123.13, 123.31 and 123.41 for fugitive matter, PM, odor and visible emissions.

2. The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device and a visual inspection of the system for leaks, and the like. In the event that the pressure drop is out of specification, the baghouse will be inspected by the use of a black light and all defective filters replaced.

3. The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.

4. The permittee shall operate the control device at all times that the source is operation.

5. The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

6. The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

42-174D: McKean County Solid Waste Authority (19 Kness Lane, Kane, PA 16735), for installation of an active landfill gas collection system and installation of a temporary air pollution control device in **McKean County**. The facility currently has a Title V Operating Permit No. 42-00174. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The permit will be subject to the following conditions:

1. The source shall comply with 25 Pa. Code §§ 123.1, 123.21, 123.31 and 123.41 for fugitive matter, sulfur compound, odor and visible emissions.

2. Petroleum contaminated soils shall not be used as daily landfill cover.

3. The facility shall comply with all applicable requirements of New Source Performance Standards—40 CFR Part 60, Subpart WWW. This includes but not limited to:

a) In accordance with 40 CFR 60.752(b)(2)(i), the collection and control system design plan shall be prepared by a professional engineer and submitted to the Administrator.

i) The collection and control system as described in the plan shall meet the design requirements of 40 CFR 60.752(b)(2)(ii).

ii) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753—60.758 proposed by the owner or operator.

iii) The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR 60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR 60.759.

iv) The Administrator shall review the information submitted under 40 CFR 60.752(b)(2)(i)(A)—(C) and either approve it, disapprove it or request that additional information be submitted.

b) In accordance with 40 CFR 60.753(b) and 60.756(a), each well head pressure shall be measured monthly. Reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request. The collection system shall be operated with negative pressure at each wellhead except under the following conditions:

i) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR 60.757(f)(1).

ii) Use of geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan.

iii) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows.

iv) All design changes shall be approved by the Administrator.

c) In accordance with 40 CFR 60.753(c) and 60.756(a), each interior wellhead in the collection system shall be operated with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20% or an oxygen level less than 5%. The previous parameters shall be monitored monthly. Monitoring reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

d) In accordance with 40 CFR 60.753(d), 60.755(c) and 60.756(f), the collection system shall be operated so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. The owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a serpentine pattern spaced 30 meters apart (or a site-specific established spacing) for each collection area on a quarterly basis. Methane concentration shall be less than 500 parts per million above background at the surface of the landfill using an organic vapor analyzer, flame ionization detector or other portable monitor meeting Section 3, 40 CFR Part 60, Appendix A, Method 21. Reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

e) The provisions of 40 CFR Part 60, Subpart WWW apply at all times, except during periods of start-up, shutdown or malfunction, provided that the duration of

start-up, shutdown or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment of control devices.

f) 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to the Director, Air, Toxics and Radiation Division, US EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

4. Under the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the company shall comply with the following:

a) The landfill gas shall be collected in accordance with 25 Pa. Code § 273.292 so as to prevent offsite migration.

b) The gas collection system shall be designed:

i) To collect gas from the maximum possible area of the landfill.

ii) To accommodate the maximum gas generation rate of the landfill.

c) There shall be no landfill gas leaks which result in concentrations of 500 ppmv or more measured as propane (or 1,375 ppmv or more measured as methane) at a distance of 0.5 inch from any equipment. The landfill equipment subject to this requirement shall include the gas wells, piping or any other connections or fittings along the landfill gas transfer paths of a landfill gas collection system and disposal system. Monitoring shall be conducted on a quarterly basis. Monitoring reports shall be kept on file for a period of 5 years and made readily available to Department personnel upon request.

d) A flare shall be in operation at all times the gas collection system is operating.

e) The facility shall either:

i) Install, calibrate and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes.

ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

f) 25 Pa. Code § 273.217 requires landfill operators to implement fugitive dust control measures. This criteria specifies the reasonable actions that are necessary for the prevention of fugitive dust emissions from the operation of landfills in accordance with these requirements. The fugitive emission control criteria are as follows:

i) Parking lots/areas and the landfill access roadways from the public highway to the landfill and other haul roads inside the landfill shall be paved, maintained and cleaned by vacuum sweeping or any other approved means. All parking lots/areas shall be cleaned at least weekly and the access roadways cleaned at least daily.

ii) The access roadways if unpaved at the unloading areas (active cells) shall have a crown so that water runs off and does not pool. Water or other dust suppressants shall be applied to the unpaved road surface to reduce fugitive dusts. Water, if used, shall be applied at least twice a day, weather permitting. Dust suppressants, if used, shall be applied as needed, but at least once a month.

iii) Water or other dust suppressants shall be applied on the shoulder of access roadways and the shoulder of

the public highway for a distance of 500 feet in both directions. Water, if used shall be applied at least twice a day, weather permitting. Dust suppressants, if used, shall be applied at least once a month. Application of dust suppressants on the public highway shall be done in accordance with the appropriate Department of Transportation (DOT) Bulletins.

iv) No waste oil shall be used as dust suppressant for the unpaved surface.

v) Earth or other material deposited by trucking or other means on the paved roadways, including public highway, shall be promptly removed from the paved roadways.

vi) Upon leaving the landfill, the undercarriage, wheels and chassis of the vehicles which were used to transport wastes and earth shall be washed, as necessary, to prevent earthen carryout onto roadways.

vii) All trucks entering the landfill shall be covered.

viii) A speed limit of 15 miles per hour shall be observed on all paved access roadways and 10 miles per hour on all unpaved areas. Speed limit signs shall be posted consistent with the requirements of DOT (overall dimension 30 inches by 24 inches, "SPEED LIMIT" in 4-inch letters and 10-inch numerals).

g) A detailed record describing the time, location, type and amount of roadway surface treatment shall be maintained at the landfill site for at least 5 years. As a minimum, the record shall include the following:

i) For paved roads and parking lot areas:

(1) Daily log of engine run time and odometer reading for the vacuum sweeper.

(2) Daily log of time and location of any maintenance.

(3) Identification, time and location of any maintenance, repairs, patching or repaving of roads.

(4) A log explaining the reasons any required vacuum sweeping was not performed.

ii) For unpaved roads and shoulders of paved roads:

(1) Log of time and location of treated areas.

(2) Daily log of meter reading of spray-bar and/or pump and odometer reading of trucks used to apply dust suppressants and the identification of the dust suppressants.

(3) Daily log of the dilution ratios of the dust suppressants and diluent used if chemical suppressants are used.

(4) Purchase records of the chemical suppressants, if used.

iii) Quarterly reports of the records shall be submitted to the Department. The reports shall be submitted within 30 days after the end of each calendar quarter.

5. The following requirements are hereby established for the temporary vent flare:

a) The flare shall be designed and operated in accordance with 40 CFR 60.18.

b) The flare shall be designed to achieve and maintain a destruction/removal efficiency of at least 98% (by weight) for nonmethane organic compounds.

c) The flare shall be operated with a flame present at all times. The flare shall be equipped with a continuous ignition system designed to prevent the emissions of unburned landfill gas to the atmosphere. At no time shall unburned landfill gas be emitted to the atmosphere.

d) The flare shall be designed for and operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. The opacity of the emissions shall not be equal to or greater than 60% at any time.

e) The owner or operator shall keep on file records of all periods of operation in which the flame or flare pilot flame is absent. The records shall be made readily available upon Department request.

The previous conditions will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate the best available technology for the source.

For additional information, contact Lori McNabb or Devendra Verma at (814) 332-6940 or by writing the Department at the previous address.

10-001H: AK Steel Corporation (Rt. 8 South, P. O. Box 832, Butler, PA 16003) for replacement of the existing fume scrubber with a new sieve tray scrubber on the no. 7 pickle line in **Butler County**. The facility currently has a Title V Operating Permit No. 10-00001. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

OPERATING PERMITS

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

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

43-00272: Tennessee Gas Pipeline Co. (1211 Greenville-Mercer Road, Mercer, PA 16137) for reissuance of a Title V Permit to operate a natural gas compressor station in Jefferson Township, **Mercer County**. The facility's major emission sources include natural gas-fueled compressors, miscellaneous natural gas usage and one parts washing machine. The facility is a major facility due to its potential to emit of VOCs, NOx and CO.

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

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

46-00160: Cognis Corp. (300 Brookside Avenue, Ambler, PA 19002) for a non-Title V Facility, State-only, Natural Minor Operating Permit in Lower Gwynedd Township, **Montgomery County**. The permit is for the operation of 4 boilers, 1 fire pump and 29 space heaters, from which the main pollutants emitted are PM and NOx. PM and NOx emissions from the facility each figure to be less than 2 tons per year. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

46-00021: Tyco Healthcare Retail Group, Inc. (601 Allendale Road, King of Prussia, PA 19406) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. Tyco Healthcare Retail Group, Inc. manufactures sanitary paper products (diapers and sanitary napkins) for retail sale and consumer use. The facility's major emission points

include 3 boilers, 2 emergency generators, 1 fire pump and 27 production lines with associated dust collectors. The main pollutants emitted from the facility are NOx, VOCs and PM. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

46-00230: East Norriton-Whitpain-Plymouth Joint Sewer Authority (200 Ross Street, Norristown, PA 19401) for operation of their sewage processing plant in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include a sewage sludge incinerator and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-05003: Agere Systems, Inc. (2525 North 12th Street, Reading, PA 19605) for operation of an office and manufacturing facility in Muhlenberg Township, **Berks County**. The sources include four boilers and three emergency generators. The facility is a non-Title V (State-only) facility. The facility is subject to 25 Pa. Code § 129.91 (RACT). The facility will have limits on the emissions of NOx and VOCs from the sources as well as facility limits of less than 100 tons for particulate, NOx, SOx and CO, less than 50 tons of VOCs and 25/10 tons for HAPs, during any consecutive 12-month period. Limits will be placed on the sulfur content in fuel oil fired, the amounts of fuels fired in the boilers and hours of operation of the emergency generators. The State-only operating permit will include monitoring, recordkeeping, work practices and reporting to keep the facility operating within all applicable air quality requirements.

28-03016: Contech Construction Products, Inc. (600 North Washington Street, Greencastle, PA 17225) for operation of their steel pipe manufacturing facility in Antrim Township, **Franklin County**. The facility has the following annual potential emissions: 11 tons PM10, 1 ton VOC and 1 ton NOx. The State-only Operating Permit will include emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

28-03030: Voge America, Inc. (1445 Sheffler Drive, Chambersburg, PA 17201) for operation of their asphalt paving machine manufacturing facility in Chambersburg Borough, **Franklin County**. The facility has the potential to emit 10 tons per year VOC. The State-only Operating Permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

28-05018: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307) for operation of their Chambersburg fruit processing facility in Chambersburg Borough, **Franklin County**. The facility emissions shall be less than 100 tons per year of SOx and less than 100 tons per year of NOx. The facility has a potential to emit 16 tons per year of PM and 14 tons per year of CO. 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.

36-03001: Nichia America Corp. (3775 Hempland Road, Mountville, PA 17554) for operation of their luminescent materials manufacturing facility in West Hempfield Township, **Lancaster County**. Minor quantities of particulates, acids (that is, hydrochloric, acetic and nitric acids), sulfur dioxide and water vapor are emitted as a result of the operation. The State-only Operating Permit will contain additional recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03099: Bonsal American, Inc. (47 McIlvaine Road, Paradise, PA 17562) for operation of their limestone pelletizing operation in Paradise Township, **Lancaster County**. The plant's overall processing capacity is less than 25 tons per hour; subsequently, no special permitting requirements will apply. The State-only Operating Permit will contain additional recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03038: Masfab, Inc. (P. O. Box 285, Red Lion, PA 17356) for operation of their steel fabrication facility in Windsor Township, **York County**. The facility has the following annual potential emissions: 25 tons of VOCs and 1 ton of PM10. The State-only Operating Permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

33-00025: Punxsutawney Area Hospital (81 Hillcrest Drive, Punxsutawney, PA 15767). Natural Minor Operating Permit for emissions from two boilers in Young Township, **Jefferson County**.

24-00119: Advanced Heat Treating, Inc. (1057 Trout Run Road, St. Marys, PA 15857). Natural Minor Operating Permit for emissions from metal tempering furnaces in Benzinger Township, **Elk County**.

33-00139: Owens-Brockway Glass Container, Inc.—Plant No. 76 (R. R. 2, Box 216G, Brockport, PA 15823). Natural Minor Operating Permit for emissions from the central machine shop in Snyder Township, **Jefferson County**.

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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

03961301. NPDES Permit PA0214787, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County**, to add 1,364 acres to the underground mining area, Surface Acres Proposed N/A, Underground Acres Proposed 1364, SCP Acres Proposed 1364, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 14, 2003.

30831303. NPDES Permit 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, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received June 3, 2003.

03861601. NPDES Permit PA0215449, McVile Mining Company (301 Market Street, Kittanning, PA 16201), to renew the permit for the McVile Coal Preparation Plant in South Buffalo Township, **Armstrong County** and related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received June 10, 2003.

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

33030107 and NPDES Permit No. PA0242403. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Commencement, operation and restoration of a bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 16.1 acres. Receiving streams: unnamed tributaries to Soldier Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received June 27, 2003.

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

11860107 and NPDES Permit No. PA0597830. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for continued operation of a bituminous surface mine in Dean Township, **Cambria County**, affecting 201.0 acres. Receiving streams: Clearfield Creek and two unnamed tributaries to Clearfield Creek and Brubaker Run and one unnamed tributary to Brubaker Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 20, 2003.

11850107 and NPDES Permit No. PA0597341. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for continued operation of a bituminous surface mine in Portage Township, **Cambria County**, affecting 85.7 acres. Receiving streams: unnamed tributary to/and Spring Run (CWF) and unnamed tributary to/and Trout Run (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh Surface Water Withdrawal. Application received June 20, 2003.

07920101 and NPDES Permit No. PA0599581. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for continued operation of a bituminous surface mine in Allegheny Township, **Blair County**, affecting 474.0 acres. Receiving streams: two unnamed tributaries to/and Sugar Run. There are no potable water supply intakes within 10 miles downstream. Application received June 20, 2003.

32970902 and NPDES Permit No. PA0234427. Mears Enterprises, Inc., P. O. Box 157, Clymer, PA 15728, permit renewal for reclamation only and continued restoration of a bituminous surface mine in Rayne Township, **Indiana County**, affecting 8.3 acres. Receiving streams: Rayne Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 30, 2003.

32813001 and NPDES Permit No. PA0125504. Twin Brook Coal Company, 410 Franklin Street, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Montgomery and Green Townships, **Indiana County**, affecting 244.0 acres. Receiving streams: Painters Run and unnamed tributaries of Cush Cushion Creek (HQ-CWF). The first downstream potable water supply intake from the point of discharge is Cherry Tree Borough Municipal Authority Cush Cushion Creek Surface Withdrawal. Application received June 30, 2003.

56980103 and NPDES Permit No. PA0234699. Godin Brothers, Inc., 5433 Front Street, Stoystown, PA 15563, permit renewal for continued operation of a bituminous surface mine in Lincoln and Jenner Townships, **Somerset County**, affecting 133.5 acres. Receiving streams: unnamed tributaries to Quemahoning Creek (CWF). The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning Surface Water Withdrawal. Application received June 30, 2003.

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

02030102 and NPDES PA0250449. PDG Land Development, Inc. (3468 Brodhead Rd., Monaca, PA 15061-2500). Application for commencement, operation and reclamation of a bituminous surface mine in the City of Pittsburgh and Baldwin Borough, affecting 613.5 acres. Receiving streams: unnamed tributaries to Glass Run, Becks Run and Monongahela River (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is Pennsylvania American Water Company. Application received June 25, 2003.

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

17030901 and NPDES Permit No. PA0243523. RAMM Coal Company, R. R. 1, Box 16, Rockton, PA 15856. Commencement, operation and restoration of an incidental coal extraction permit in Brady Township,

Clearfield County affecting 3.1 acres. Receiving streams: Laborde Branch and unnamed tributary to Luthersburg Branch (CWF). The first downstream potable water supply intake from the point of discharge is more than 10 miles downstream. Application received June 16, 2003.

Noncoal Applications Returned

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

11020801. Kenneth D. Morchesky, P. O. Box 629, Cricket Lane, Carrolltown, PA 15722. Permit transfer from Laurel Sand & Stone, Inc., P. O. Box 629, 163 Cricket Lane, Carrolltown, PA 15722, commencement, operation and restoration of a small noncoal (shale) mine in Jackson Township, **Cambria County**, affecting 13.9 acres. Receiving streams: unnamed tributary to Laurel Run to Conemaugh River (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 29, 2003. Permit returned: July 1, 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 or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-944. Borough of Norristown, 235 East Airy Street, Norristown, PA 19401-5048, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a storm sewer project in the 100-year floodplain of the Schuylkill River to relieve recurring flooding on East Main Street and accommodate the Borough's revitalization project. The project consists of inlets, connectors and laterals along East Main Street and a 72-inch reinforced concrete pipe discharge line which extends 1,020 feet of which 230 feet is in the flood plain. The line terminates at a concrete headwall and rock-lined outfall channel along the left riverbank. The site is approximately 200 feet west of the Norristown Borough/Plymouth Township municipal boundary and extends to the Schuylkill River. Upon approval, this authorization will replace Permit No. E46-630, previously issued in 1995 (Norristown, PA Quadrangle N: 19.25 inches; W: 10.75 inches).

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

E58-255. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501 in New Milford Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Gillespies Pond (HQ-CWF), consisting of a 32-foot long 10-foot by 4.5-foot precast concrete box culvert with its invert depressed 1.0 foot below stream bed elevation. During construction, flow will be diverted around approximately 80 linear feet of the channel using a temporary culvert and coffer dams. The project also includes a de minimis wetland impact of 0.01 acre. The project is along SR 2061, Segment 0110, Offset 1300, approximately 1.2 miles southwest of the intersection of SR 2061 and SR 0848 (Harford, PA Quadrangle N: 16.3 inches; W: 15.0 inches).

E66-130. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501 in Lemon Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 9.0-foot by 5.0-foot concrete box culvert having a 1.0-foot depression in a tributary to Lake Carey (CWF). The project also includes a de minimis area of wetland impact equal to 0.01 acre and is along SR 1007, Segment 0010, approximately 350 feet east of its intersection with SR 0029 (Tunkhannock, PA Quadrangle N: 17.1 inches; W: 8.3 inches).

E64-242. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501 in Dreher Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Wallenpaupack Creek (HQ-CWF), consisting of a 98-foot long by 8-foot by 8-foot precast concrete box culvert with its invert depressed 1.0 foot below streambed elevation. Flow will be diverted around approximately 160 LF of the channel during construction, using a temporary culvert and cofferdams. The project is along SR 0196, Segment 0040, offset 0050, approximately 1.0 mile south of the intersection of

SR 0507 and SR 0196 (Newfoundland, PA Quadrangle N: 2.7 inches; W: 16.1 inches).

E58-256. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501 in New Milford Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Gillespies Pond (HQ-CWF), consisting of a 36-foot long by 10-foot by 4.5-foot precast concrete box culvert with its invert depressed 1.0 foot below streambed elevation. During construction, flow will be diverted around approximately 110 linear feet of channel using a temporary culvert and cofferdams. The project is along SR 2061, Segment 0110, offset 2065, approximately 1.1 miles southwest of the intersection of SR 2061 and SR 0848 (Harford, PA Quadrangle N: 16.5 inches; W: 14.7 inches).

E54-307. Tremont Borough, 19 North Pine Street, P. O. Box 55, Tremont, PA 17981-1706 in Tremont Borough, **Schuylkill County**, U. S. Army Corps of Engineers, Baltimore District.

To remove approximately 500 CY of a vegetative gravel bar in Good Spring Creek (CWF), for the purpose of restoring the original geometry of the stream channel. The project is at the East Line Street Bridge and continues downstream approximately 100 feet (Tremont, PA Quadrangle N: 0.4 inch; W: 1.7 inches).

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

E29-086. A. L. L. Corporation, 623 Great Cove Road, Warfordsburg, PA 17267 in Bethel Township, **Fulton County**, ACOE Baltimore District.

To fill permanently 0.05 acre of palustrine emergent wetlands for the purpose of expanding an existing parking lot at a point (Needmore, PA Quadrangle N: 1.3 inches; W: 8.9 inches) approximately 400 feet east of the intersection of SR 522 and I-70 in Bethel Township, Fulton County. The amount of wetland impacts is considered de minimis impact of 0.05 acre and wetland mitigation is not required.

E05-317: Southern Cove Joint Municipal Authority, P. O. Box 235, Woodbury, PA 16695 in Woodbury Borough, Woodbury Township, **Bedford County**, ACOE Baltimore District

To construct and maintain approximately 51,000 feet of 10-inch, 8-inch and 6-inch PVC wastewater collection sewer and approximately 4,000 feet of wastewater force main in Woodbury Township and Borough, Bedford County involving: (1) four bored stream crossings of Hickory Bottom Creek (HQ-CWF, perennial): (a) 30-foot by 14-inch (Hopewell, PA Quadrangle N: 12.2 inches; W: 17.3 inches), (b) 40-foot by 14-inch (Hopewell, PA Quadrangle N: 12.4 inches; W: 17.2 inches), (c) 20-foot by 12-inch (Hopewell, PA Quadrangle N: 12.8 inches; W: 17.0 inches), (d) 20-foot by 12-inch (Hopewell, PA Quadrangle N: 13.0 inches; W: 16.9 inches); (2) six bored stream crossings of Yellow Creek (HQ-CWF, perennial): (a) 60-foot by 16-inch (New Enterprise, PA Quadrangle N: 12.8 inches; W: 0.4 inch), (b) 35-foot by 12-inch (New Enterprise, PA Quadrangle N: 13.6 inches; W: 0.4 inch), (c) 65-foot by 14-inch (New Enterprise, PA Quadrangle N: 14.1 inches; W: 0.4 inch), (d) 50-foot by 14-inch (New Enterprise, PA Quadrangle N: 14.4 inches; W: 0.3 inch), (e) 45-foot by 14-inch (Hopewell, PA Quadrangle N: 16.8 inches; W: 17.4 inches), (f) 20-foot by 14-inch

(Hopewell, PA Quadrangle N: 18.0 inches; W: 16.9 inches); (3) two bored stream crossings of an unnamed tributary to Yellow Creek (HQ-CWF, perennial) (a) 30-foot by 14-inch (Hopewell, PA Quadrangle N: 19.3 inches; W: 16.7 inches), (b) 25-foot by 14-inch (Hopewell, PA Quadrangle N: 20.4 inches; W: 16.0 inches), (4) three 10-foot by 10-foot stream crossings (New Enterprise, PA Quadrangle N: 12.5 inches; W: 0.3 inch) (Hopewell, PA Quadrangle N: 16.6 inches; W: 17.3 inches and N: 19.9 inches; W: 16.3 inches) and one 3-foot by 10-foot stream crossing (Hopewell, PA Quadrangle N: 20.9 inches; W: 16.1 inches) of unnamed tributaries to Yellow Creek; (5) one 4-foot by 10-foot stream crossing (Hopewell, PA Quadrangle N: 12.8 inches; W: 16.2 inches) of an unnamed tributary to Hickory Bottom Creek (HQ-CWF); (6) eight crossings of EV PEM wetlands: (a) 2,760-foot by 10-foot (New Enterprise, PA Quadrangle N: 13.6 inches; W: 0.4 inch), (b) 210-foot by 10-foot (Hopewell, PA Quadrangle N: 18.6 inches; W: 16.4 inches), (c) 100-foot by 10-foot (Hopewell, PA Quadrangle N: 18.8 inches; W: 16.3 inches), (d) 95-foot by 10-foot (Hopewell, PA Quadrangle N: 18.9 inches; W: 16.3 inches), (e) 150-foot by 10-foot (Hopewell, PA Quadrangle N: 18.7 inches; W: 16.6 inches), (f) 50-foot by 10-foot (Hopewell, PA Quadrangle N: 19.1 inches; W: 16.9 inches), (g) 100-foot by 10-foot (Hopewell, PA Quadrangle N: 19.6 inches; W: 17.2 inches), (h) 40-foot by 10-foot (Hopewell, PA Quadrangle N: 19.7 inches; W: 15.9 inches); and (7) permanently filling 0.03 acre of EV PEM wetlands (Hopewell, PA Quadrangle N: 18.6 inches; W: 16.4 inches) for the construction of a pump station. A total of 110 linear feet of temporary watercourse impacts associated with stream crossings and coffer dams has been waived under 105.12(a)(1) and (2). The project proposes to permanently impact 0.03 acre of EV PEM wetlands, temporarily impact 0.76 acre of EV PEM wetlands and temporarily impact 587 linear feet of stream channel.

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

E02-1426. ENTP Development LLC, 535 Smithfield Street, Pittsburgh, PA 15222. Thompson Meadow Residential Development in Ohio Township, **Allegheny County**, Pittsburgh ACOE District (Latitude: 40°, 32', 56" and Longitude: 80°, 5', 40") (Emsworth, PA Quadrangle N: 9.2 inches; W: 14.0 inches). The applicant proposes to place and maintain fill in 0.4 acre of wetlands associated with an unnamed tributary to Bear Run for the purpose of constructing the Thompson Meadow Residential development. The project is on the south side of Mt. Nebo Road, just northeast from the intersection of Mt. Nebo Road and Roosevelt Road. The applicant proposes to impact 0.4 acre of wetlands and 45.0 feet of stream channel. The stream channel will be impacted by a culvert that is waived under Chapter 105.

E04-297. North Sewickley Township Sewer Authority, 893 Mercer Road, Beaver Falls, PA 15010. North Sewickley Township Sewer in North Sewickley Township, **Beaver County**, Pittsburgh ACOE District (project begins Beaver Falls, PA Quadrangle N: 18.8 inches; W: 8.3 inches, ends N: 3.2 inches; W: 3.6 inches) (Latitude: 40°, 48', 60" and Longitude: 80°, 17', 23"). The applicant proposes to construct and maintain 86 sanitary utility line stream crossings, 4 across an unnamed tributary to Thompson Run (WWF), 8 across an unnamed tributary to Brush Creek (WWF), 1 across an unnamed tributary to Connoquenessing Creek (WWF), 9 across an unnamed tributary to the Beaver River (WWF), 27 across Bennett Run (WWF) and 37 across an unnamed tributary to

Bennett Run (WWF), to construct and maintain various temporary stream crossing across the same streams, to place and maintain fill in 0.026 acre of wetlands (PEM/PSS) and to temporarily impact 0.69 acre of wetlands (PEM/PSS). The impacts are part of a proposed sanitary sewer collection system which will consist of approximately 160 915 feet of gravity lines, 55 654 feet of low pressure sewer lines, 18 740 feet of force main lines and 7 pump stations. The project starts near the Lawrence and Beaver County border and end near the North Sewickley and Daugherty Township border. The total proposed project impacts are approximately 1,835 of stream impacts, 0.026 acre of permanent wetland impacts and 0.67 acre of temporarily impacted wetlands.

DAM SAFETY

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

D30-055. Consol Pennsylvania Coal Company, 1800 Washington Road, Pittsburgh, PA 15241. To construct, operate and maintain Bailey Mine Area No. 3 Slurry Dam and four associated saddle dams across a tributary to Enlow Fork (WWF), impacting 1.36 acres of wetlands (PEM) and 13,198 feet of perennial and intermittent stream channel and providing 4.20 acres of wetland mitigation, for the purpose of impounding mine waste slurry (Wind Ridge, PA Quadrangle N: 15.2 inches; W: 1.0 inch) in Richhill Township, **Greene County.**

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217778 Industrial Wastewater	Dawson Facility	Fayette County Dunbar Township	Youghiogheny River	Y

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

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

NPDES Permit No. PA0046396, Sewage, **Butler Township Authority**, 761 St. Johns Road, P. O. Box 150, St. Johns, PA 18247. This proposed facility is in Butler Township, **Luzerne County** and discharges to Little Nescopeck Creek.

Description of Proposed Action/Activity: Issuance of an NPDES Permit.

NPDES Permit No. PA0034631, Sewage, **Kung Mern Tao Chang Tao Center, Inc.**, 3400 Birchwood Drive, East Stroudsburg, PA 18301-9583. This proposed facility is in Pocono Township, **Monroe County** and discharges to Cranberry Bog.

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

NPDES Permit No. PAS232209, Stormwater, **Jeld-Wen, Inc.**, P. O. Box 1329, Klamath Falls, OR 97601. This proposed facility is in Ringtown Borough, **Schuylkill County**.

Description of Proposed Action: Issue an NPDES permit to discharge stormwater.

NPDES Permit No. PAS212203, Stormwater, **Rock Hill Materials Company**, 339 School Street, Catasauqua, PA 18032-1832. This proposed facility is in Hamilton Township, **Monroe County**.

Description of Proposed Action: Issue an NPDES permit to discharge stormwater.

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

NPDES Permit No. PA0085278, Sewage, **Deerwood Homeowners Association, Deerwood Mountain Estates**, 11375 Lafayette Road, Mercersburg, PA 17236. This proposed facility is in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Licking Creek in Watershed 13-C.

NPDES Permit No. PA0085375, Industrial Waste, **James Williamson, Newport Borough Water Authority**, 231 Market Street, Newport, PA 17074. This proposed facility is in Oliver Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge to Little Buffalo Creek in Watershed 12-B.

NPDES Permit No. PA0087891, Transfer No. 1, Industrial Waste Stormwater, **Growmark FS, Inc.—East Berlin Facility**, 308 NE Front Street, Milford, DE 19963-9930. This proposed facility is in Latimore Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to a drainage swale tributary to Mud Run in Watershed 7-F.

NPDES Permit No. PA0007765, Amendment No. 2, Industrial Waste Stormwater, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402. This proposed facility is in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of the Codorus and Mill Creeks in Watershed 7-H.

NPDES Permit No. PA0247111, CAFO, **Star Rock Farms LLC**, 37 Chestnut Grove Road, Conestoga, PA 17516. This proposed facility is in Conoy Township, **Lancaster County**.

Description of Proposed Operation/Activity: Authorization to operate a concentrated animal feeding operation in Watershed 7-J.

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

NPDES Permit No. PA0219452, Industrial Wastewater, **CB Energy, Inc.**, 1271 Grandview Road, Oil City, PA 16301 issued on July 2, 2003. This proposed facility, Crabtree Treatment Facility, is in Salem Township, **Westmoreland County**.

Description of Proposed Action/Activity: Discharge treated coalbed methane fluids to receiving waters named Crabtree Creek.

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

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

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

Description of Proposed Action/Activity: Issuance of Part II Water Management Permit to replace existing disinfection system.

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

WQM Permit No. 3603201, CAFO Operation, **Robert Barley**, 37 Chestnut Grove Road, Conestoga, PA 17516. This proposed facility is in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of manure storage facilities.

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

WQM Permit No. 2503409, Sewerage, **Francis P. Foti**, 6250 Heidler Road, Fairview, PA 16415. This proposed facility is in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 6203410, Sewerage, **Michael Condon**, 12861 Girdled Road, Painesville, OH 44077. This proposed facility is in Pittsfield Township, **Warren County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2503405, Sewerage, **Ludwig Corsi**, 3925 Douglass Road, Erie, PA 16510. This proposed facility is in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2503408, Sewerage, **Roger L. and Jacqueline R. Fox**, 12656 Swailes Road, Waterford, PA 16441. This proposed facility is in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 485732, Sewerage, **Greg Mears**, 17769 Mullen Road, Meadville, PA 16335. This proposed facility is in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

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

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 4203403, Sewerage, **Dr. Kent K. Smith**, 10 Manning Lane, Cherry Hill, NJ 08003. This proposed facility is in Keating Township, **McKean County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2003413, Sewerage, **Todd Clayton**, 7223 Dutch Hill Road, Meadville, PA 16335. This proposed facility is in Union Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

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>
PAI023903004	Eastern Industries, Inc. 4401 Camp Meeting Rd. Center Valley, PA 18034	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI024003008	B. Land Co., LLC 2005 City Line Rd. Suite 2000 Bethlehem, PA	Monroe	Ross Township	Buckwha Creek HQ-CWF
PAI024803010	Milford Land Co. 325 W. Paxinosa Rd. Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI025203004	Wallenpaupack Area School District HC 6, Box 6075 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek HQ-WWF

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<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026403001	Messrs. Joseph and Dominick Profaci One Sylvan Rd. Newburgh, NY 12550	Wayne	Paupack Township	Lake Wallenpaupack HQ-CWF

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

Berks County Conservation District, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2000603023	Penn State University P. O. Box 7009 Reading, PA 19610-6009	Berks	Spring Township	Tulpehocken Creek WWF
PAG2000603031-1	Muhlenberg Township 555 Raymond St. Reading, PA 19605	Berks	Muhlenberg Township	Laurel Run

Cumberland County Conservation District, 43 Brookwood Ave, Suite 4, Carlisle, PA 17013, (717) 240-7812.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2002103020	Associated Products Services, Inc. 2 East Road Mechanicsburg, PA 17055	Cumberland	Silver Spring Township	Trindle Spring Run CWF

Dauphin County Conservation District, 1451 Peters Mountain Road, Dauphin, PA 17018, (717) 921-8100.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG200203019	Kenneth H. Myher 4332 Crestview Dr. Harrisburg, PA 17112	Dauphin	Susquehanna Township	Paxton Creek WWF

Franklin County Conservation District, Admin. Annex, 218 N. 2nd Street, Chambersburg, PA 17201.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2002803020	Richard Rockwell Laurich Gems South 3745 Lincoln Way West Chambersburg, PA 17201	Franklin	Hamilton Township	Back Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2003603042	Pfizer Global Mfg. 400 W. Lincoln Ave. Lititz, PA 17543	Lancaster	Lititz Borough	Lititz Run WWF
PAG2003603046	Nelson Stoner 194 W. Lexington Rd. Lititz, PA 17543	Lancaster	Warwick Township	Lititz Run WWF
PAG2003603065	John M. Stoltzfus 29 Stoltzfus Lane Leola, PA 17540	Lancaster	West Earl Township	UNT Groff Creek WWF
PAG2003603067	James Snavely 412 Ridge View Rd. South Elizabethtown, PA 17022	Lancaster	Mount Joy Township	UNT Conoy Creek CWF
PAG2003603078	Robert E. Fisher 254 E. Hemlock Dr. Ephrata, PA 17522	Lancaster	Ephrata Township	Conestoga River WWF
PAG2003603081	Ben Stoltzfus 673 S. Custer Ave. New Holland, PA 17557	Lancaster	Earl Township	Groff Run CWF

York County Conservation District, 118 Pleasant Acres Road, Suite E, York, PA 17402, (717) 840-7430.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2006703047	York County Board of Commissioners 1 W. Marketway York, PA 17401	York	East Manchester Township	Codorus Creek WWF
PAG2006703076	Cornerstone Development Co. 300 Bailey Drive, Suite 106 Stewartstown, PA 17363	York	Shrewsbury Borough	Trout Run WWF
PAG2006703032	Jackson Township Sewer Auth. 439 Roths Church Road Spring Grove, PA 17362	York	Jackson Township	UNT to West Branch Codorus Creek WWF
PAG2006703067	Cornerstone Development Co. 300 Bailey Drive, Suite 106 Stewartstown, PA 17363	York	Manchester Township	Codorus Creek WWF
PAG2006703024	Rainee Ruhlman 88 Musselman Road Hanover, PA 17331	York	Manheim Township	Long Run Creek WWF
PAG2006703029	Eric Bortner Penn Township 20 Wayne Ave. Hanover, PA 17331	York	Penn Township	Plum Creek WWF
PAG2006703039	Jerry Lenhoff Gerald Builders P. O. Box 301 New Province, PA 17560	York	Lower Windsor Township East Prospect Borough	UNT to Canadochly Creek WWF
PAG2006703031	Doug Squared Realty 107 Homewood Road York, PA 17403	York	City of York	Codorus Creek WWF
PAG2006703040	Eugene Shank Westlyn Inc. 700 Weldon Drive York, PA 17404	York	Jackson Township	UNT to Honey Run TSF
PAG2006703078	Michael Martin 584 Grandview Drive Lewisberry, PA 17339	York	Fairview Township	Yellow Breeches CWF
PAG2006703051	Richard Pace 30 Dusty's Lane Glen Rock, PA 17327	York	Shrewsbury Township	UNT to South Branch Codorus Creek WWF

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI091403001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Centre	Burnside Township	Unnamed tributary to Boake Run

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	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (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>
Upper Chichester Township Delaware County	PAG2002303022	PX Properties, LLC 12 Creek Parkway Boothwyn, PA 19001	Bezor's Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Delaware County	PAG2002303043	Michael Murphy 1625 Valley Road Newtown Square, PA 19073	Unnamed tributary East Branch Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Brookhaven Borough Delaware County	PAG2002303041	KFC of America, Inc. Kevin Jones 900 Northbrook Drive Suite 310 Trevose, PA 19805	Ridley Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Aston Township Delaware County	PAG2002303017	Village Center Partnership Richard Rycharski 555 East Baltimore Pike Media, PA 19063	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Vincent Township Chester County	PAG2001503059	Spring City Fellowship Mennonite Church Bruce Tedor 540 Glass Avenue Spring City, PA 19475	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hilltown Township Bucks County	PAG2000903072	Calvary Church of Souderton Calvary Church/Anders' Carpets P. O. Box 84 Souderton, PA 18964	Mill Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Falls Township Bucks County	PAG2000903068	Pre Finished Metals Issi Land Development 28 West Bridge Street New Hope, PA 18939-1303	Delaware River 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>
Perkasie Borough Bucks County	PAG2000903047	Michael Scott Revivals Land Development 845 Galen Lane Schwenksville, PA 19473-1900	Unnamed tributary East Branch Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Springfield Township Bucks County	PAG2000903034	Russell Kissel Russell Kissel Development 169 Deep Run Road Perkasie, PA 18944	Unnamed tributary Tumble Brook CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hilltown Township Bucks County	PAG000903037	Heritage Building Group, Inc. The Weidner Tract Subdivision Suite A-100 3326 Old York Road Furlong, PA 18925	East Branch Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Nockamixon Township Bucks County	PAG2000903075	Robert Harrington Reifsnider Tract P. O. Box 57 Kintnersville, PA 18930	Gallows Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAG2000903049	Donna Hollingsworth Hollingsworth Tract 108 State Road Lansdale, PA 19446	Mill Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Southampton Township Bucks County	PAG2000903067	Thomas and Scott Montague Peter and Mary Bazakas Dev. 720 North Second Street Pike Southampton, PA 18966	Southampton and Pennypack Creeks WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAG2000903040	Texas Eastern Transmission, LP 2003 DOT Pipe Replacement 5400 Westheimer Ct. Houston, TX 77056	Geedes Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Quakertown Borough Bucks County	PAG2000903059	Quakertown Community School District Expansion of parking lots for school	Beaver Creek tributary to Tohickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAG2000903091	RGV Builder, LLC Modesto Estates 67 West Court Street Doylestown, PA 18901	Mill Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Telford Borough Bucks County	PAG2000903018	Mark Fournier Public Works Garage Telford Borough Authority 122 Penn Avenue Telford, PA 18969	Unnamed tributary Mill Creek Tributary Perkiomen Creek CWF	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>
Quakertown Borough Bucks County	PAG2000903084	Frank Kelly Mill Street Storage 203 Bucks Road Holland, PA 18966	Tributary Tohickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Makefield Township Bucks County	PAG2000903024	Bucks Central Church 87 Holyoke Road Richboro, PA 18954	Core Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Falls Township Bucks County	PAG2000903092	SWEC, LLC Fairless Works Energy Center 5000 Dominion Boulevard Glen Allen, VA 23060	Delaware River WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hilltown Township Bucks County	PAG2000903020	Helen Grim Helen F. Grim Minor Sbdv. 813 Callowhill Road P. O. Box 212 Perkaise, PA 18944	Unnamed tributary Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Warrington Township Bucks County	PAR10D690	Bluestone Creek, LP 2421 Bristol Road Warrington, PA 18976	Little Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Garden Township Chester County	PAG2001503058	Wilkinson Builders Braestone at Landenberg 1020 Broad Run Road Landenberg, PA 19350	Egypt Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Schuylkill Township Chester County	PAG2001503014	Fish and Boat Commission Phoenixville Access Area 450 Robinson Lane Bellefonte, PA 16823	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Caln Township Chester County	PAG2001503060	William MacCauley John Rock, Inc. 409 Boot Road P. O. Box 251 Downingtown, PA 19335	Rock Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Westtown Township Chester County	PAG2001503044	Joseph and Delores McCawley Jefferson Center Lots 2A, 2B and 3B P. O. Box 418 Newtown Square, PA 19073	Goose Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Schuylkill Township Chester County	PAG2001503015	Robert T. Mortimer and Jeffery A. Sparhawk Mortimer/Sparhawk Subdivision 56 Collins Lane Schwenksville, PA 19473	Unnamed tributary to Schuylkill River 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>
West Pottsgrove Township Montgomery County	PAG2004603014	Thomas McCalsin, IV Stowe Crossings 56 Blacksmith Road Oley, PA 19547	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAG2004603025	Lower Providence Township Red Tail Park 100 Parklane Drive Eagleville, PA 19403	Unnamed tributary Mine Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAG2004602002	Schenk Enterprises, LLC Gehman Road Industrial Commons 280 Rockledge Avenue Huntington Valley, PA 19008	Unnamed tributary Skippack Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAG2004603057	Gregg Catagnus Catagnus Funeral Home 711 North Franklin Street Pottstown, PA 19464	Mingo Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Gwynedd Township Montgomery County	PAG2004603050	Gwynedd Estates 375 Morris Road P. O. Box 90 West Point, PA 19486	Unnamed tributary Park Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Gwynedd Township Montgomery County	PAG2004603111	Gwynedd Mercy Academy Gwynedd Mercy Academy Dev. 816 Norristown Road P. O. Box 241 Spring House, PA 19477	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAG2004603096	Ralph's Corner CVC, Inc. CVS Pharmacy No. 0338-2	Towamencin Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAG2004603118	Goodman Properties Today's Man 636 Old York Road, 2nd Floor Jenkintown, PA 19406	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAG2004603116	Goodman Properties Walgreen's Pharmacy 636 Old York Road Jenkintown, PA 19406	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Dublin Township Montgomery County	PAR10T899-1	Temple University Office of Facilities, Temple University Ambler Campus 1711 North 10th Street Philadelphia, PA 19122	Unnamed tributary Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County Upper Milford Township	PAG2003903010	8613 Associates, Inc. 8613 South Ridge Dr. Macungie, PA 18062	Indian Creek CWF	Lehigh County Conservation District (610) 391-9583

NOTICES

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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>
Lehigh County Washington Township	PAG2003903011	William Jones 7761 Center St. Emerald, PA 18080	Trout Creek CWF	Lehigh County Conservation District (610) 391-9583
Luzerne County Fairview and Wright Townships	PAG2004003025	Mark Luchi 122 Klingers Road Drums, PA 18222	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Pike County Shohola Township	PAG2005203002	Department of Transportation Shohola-Barryville Bridge Replacement P. O. Box 111 Scranton, PA 18501	Delaware River WWF, MF	Pike County Conservation District (570) 226-8220
Wyoming County Tunkhannock Township	PAG2006603002	Dunmore Oil Co. 1031 Reeves St. Dunmore, PA 18512	Tunkhannock Creek TSF	Wyoming County Conservation District (570) 836-2589
Tioga County Mansfield Borough	PAG2005903011	Mansfield University Mansfield, PA 16933	Tioga River WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Tioga County Wellsboro Borough	PAG2005903012	Orion Development 4125 Freedom Way Weirton, WV 26062	Charleston Creek WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Allegheny County Castle Shannon Borough	PAG2000203005	Joseph Inverso 3407 Library Road Pittsburgh, PA 15260	Saw Mill Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000203025	Port Authority of Allegheny County 345 Sixth Avenue, 3rd Floor Pittsburgh, PA 15222-2527	Pinkerton Run WWF Robinson Run WWF Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Scott Township	PAG2000203048	Sahrsta Development 104 Kenyan Road Pittsburgh, PA 15205	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County East Deer and Frazer Townships	PAG2000203059	T. W. Phillips Gas & Oil Company 205 North Main St. Butler, PA 16001	Crawford Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000203061	M Squared Development 3 Lee Street McDonald, PA 15057	Chartiers Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000203062	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Cambria County Richland Township	PAG2001103013	American Red Cross 307 Vine Street Johnstown, PA 15907	UNT to Sandy Run CWF	Cambria County Conservation District (814) 472-2120
Washington County Canonsburg Borough	PAR10W120R	Metz Contracting, Inc. 797 Carlton Drive Bentleyville, PA 15314	Tributary to Brush Run with flow to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County City of Greensburg	PAG2056503026	Maronda Homes, Inc. 202 Park West Dr. Pittsburgh, PA 15275-1002 Pete Kasich Seton Hill Drive Greensburg, PA 15601	Coal Tar Run to Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271

<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>
Westmoreland County Hempfield Township	PAG2056503035	THF Greengate Development LP 2127 Innerbelt Business Center Suite 200 St. Louis, MO 63114	Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Taylor Borough Lackawanna County	PAG2351103003	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, 5th Floor Wilkes-Barre, PA 18711-0790	St. Johns Creek	(570) 826-2371
<i>General Permit Type—PAG-3</i>				
<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>
Bowmanstown Borough Carbon County	PAR232227	The Prince Manufacturing Co. One Prince Plaza P. O. Box 1009 Quincy, IL 62306	Fireline Creek Lehigh River	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lancaster County Columbia Borough	PAR903516	Columbia Municipal Authority 308 Locust Street Columbia, PA 17512	Susquehanna River WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Hopwood Fayette County	PAR226116	Coastal Lumber Co. P. O. Box 829 Weldon, NC 27890	Bennington Spring Run (001 and 003) and ditch leading off property (004)	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Chartiers Township Washington County	PAR806123	Overnite Transportation P. O. Box 1216 Richmond, VA 23218	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Bradford Township McKean County	PAR148303	Georgia-Pacific Corporation One Owens Way Bradford, PA 16701	East Branch Tunungwant Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR808362	Overnite Transportation Company P. O. Box 1216 Richmond, VA 23224	Unnamed tributary to Cascade Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Evans City Borough Butler County	PAR208363	Paul's Chrome Plating, Inc. 980 Route 228 Mars, PA 16044	Breakneck Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Berks County Muhlenberg Township	PAG043706	Frank Stramaglia 2125 Georgia Road Temple, PA 19560	UNT Laurel Run WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Franklin County Montgomery Township	PAG043705	Richard H. Miller, Sr. 133 N. Carlisle Street Greencastle, PA 17225	UNT Licking Creek TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Smithfield Township	PAG043599	Allen D. Betts, Jr. R. R. 1 Box 409A Huntingdon, PA 16652	UNT of Juniata River WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Berks County Amity Township	PAG043614	Barry C. Templin 577 Monocacy Hill Road Birdsboro, PA 19508	UNT of Monocacy Creek WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Fairview Township Erie County	PAG048896	Francis P. Foti 6250 Heidler Road Fairview, PA 16415	Unnamed tributary to Walnut Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pittsfield Township Warren County	PAG048902	Michael Condon 12861 Girdled Road Painesville, OH 44077	Unnamed tributary of Little Brokenstraw Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048890	Ludwig Corsi 3925 Douglass Road Erie, PA 16510	Tributary to Fourmile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048893	Roger L. and Jacqueline R. Fox 12656 Swailes Road Waterford, PA 16441	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048904	Greg Mears 17769 Mullen Road Meadville, PA 16335	Unnamed tributary to Brookhouser Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jefferson Township Mercer County	PAG048480	Randall L. Carroll 622 Charleston Road Sharpsville, PA 16150	Tributary to Shenango Reservoir	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Freehold Township Warren County	PAG048546	Roger E. Chelton R. R. 1, Box 17 Bear Lake, PA 16402-9609	Unnamed tributary to Little Brokenstraw	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<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>
Greenfield Township Erie County	PAG048515	Joseph W. Martin 8730 Dougan Road North East, PA 16428	Unnamed tributary of Seven Mile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hamlin Township McKean County	PAG048894	Jeffrey R. Himes R. R. 1, Box 282A Smethport, PA 16749	Tributary to Marvin Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Keating Township McKean County	PAG048910	Dr. Kent K. Smith 10 Manning Lane Cherry Hill, NJ 08003	Unnamed tributary to Potato Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Crawford County	PAG048906	Todd Clayton 7223 Dutch Hill Road Meadville, PA 16335	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

Permit Type—PAG-5

<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>
Bedford County Bedford Township	PAG053572	Bedford Valley Petroleum Five Gables Amoco and RG's Convenience Store 10228 Lincoln Highway Everett, PA 15537-6908	UNT Dunning Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Jackson Township Luzerne County	PAG082213	Department of Corrections State Correctional Institution at Dallas	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Bedford Township Bedford County	PAG083582	Bedford Wastewater Treatment Plant 244 West Penn Street Bedford, PA 15522	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 2303501, Public Water Supply.

Applicant **Chester Water Authority**
415 Welsh Street
Chester, PA 19016

Township Little Britain

County **Lancaster**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106

Permit to Construct Issued June 16, 2003

Permit No. 1503503, Minor Amendment. Public Water Supply.

Applicant **Pennsylvania Suburban Water Company**
763 W. Lancaster Avenue
Bryn Mawr, PA 19010

Township Franklin

County **Chester**

Type of Facility PWS

Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA 17112

Permit to Operate Issued June 11, 2003

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

Operations Permit issued to **Hemlock Farms Community Association**, 1007 Hemlock Farms, Hawley, PA 18428, PWS ID 2520033, Blooming Grove Township, **Pike County** on June 26, 2003, for the operation of facilities approved under Construction Permit No. 5202502.

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

Permit No. 6703504, Public Water Supply.

Applicant **Red Lion Municipal Authority**

Municipality Windsor Township

County **York**

Type of Facility Construction Permit for proposed addition of a new Cabin Creek Reservoir raw water pump station and transmission main, new aeration and potassium permanganate feed facilities to oxidize iron and manganese.

Consulting Engineer Jeffrey S. Shue, P. E.
C S Davidson Inc.
38 North Duke Street
York, PA 17401

Permit to Construct Issued June 18, 2003

Operations Permit issued to **Lower Dauphin School District**, 7220373, Londonderry Township, **Dauphin County** on June 13, 2003, for the operation of facilities approved under Construction Permit No. 2202507.

Operations Permit issued to **United Christian Church Home**, 7380001, North Annville Township, **Lebanon County** on June 10, 2003, for the operation of facilities approved under Construction Permit No. 3803502 MA.

Operations Permit issued to **Reading Area Water Authority**, 3060059, City of Reading, **Berks County** on July 7, 2003, for the operation of facilities approved under Construction Permit No. 0603501.

Operations Permit issued to **Mt. Gretna Heights Assoc. Inc.**, 7380039, West Cornwall Township, **Lebanon County** on July 7, 2003, for the operation of facilities approved under Construction Permit No. 3802503.

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

Permit No. Minor Amendment—Construction. Public Water Supply.

Applicant **Shinglehouse Borough**
c/o Barry Church, Council President
P. O. Box 156
Shinglehouse, PA 16748

Township Sharon Township

County **Potter County**

Type of Facility PWS—Construction of a 300,000 gallon concrete finished water storage tank.

Consulting Engineer Richard L. Connors, P. E.
Northwest Engineering, Inc.
R. D. 1, P. O. Box Q
Tidioute, PA 16351

Permit to Construct Issued June 25, 2003

Permit No. 1402505—Operation. Public Water Supply.

Applicant **Mount Eagle Water Association**
c/o Joseph Taylor, President
288 Mount Eagle Road
Howard, PA 16841

Township Howard Township

County **Centre**

Type of Facility PWS—Authorizes operation of Well No. 1, sodium hypochlorite and polyphosphate treatment facilities, a 53,000 gallon finished water storage tank, approximately 1,200 feet of 6-inch transmission and distribution mains and associated controls and piping.

Consulting Engineer Kerry Uhler, P. E.
Kerry A. Uhler & Associates
140 W. High St.
Bellefonte, PA 16823

Permit to Operate July 1, 2003
Issued

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

Permit No. 2603501, Public Water Supply.

Applicant **National Pike Water Authority**
4888 National Pike
Markleysburg, PA 15459

Borough or Township Wharton, Stewart and Henry Clay
Townships

County **Fayette**

Type of Facility Water supply system

Consulting Engineer McMillen Engineering Company
P. O. Box 363
Hopwood, PA 15445

Permit to Construct June 19, 2003
Issued

Permit No. 0302502, Public Water Supply.

Applicant **Rural Valley Borough**
Box 415
Rural Valley, PA 16249

Borough or Township Rural Valley Borough

County **Armstrong**

Type of Facility Water supply system

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

Permit to Construct June 25, 2003
Issued

Operations Permit issued to **Municipal Authority of Westmoreland County**, SW Corner of U. S. Route 30 West and South Greengate Road, Greensburg, PA 15601, PWS ID 5650032, Bell Township, **Westmoreland County** on June 23, 2003, for designation of water quality parameters at the George Sweeney Water Treatment Plant.

Operations Permit issued to **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108, PWS ID 5020011, Moon Township, **Allegheny County** on June 20, 2003, for the operation of facilities approved under Construction Permit No. 0202502.

Permit No. 1103501, Minor Amendment. Public Water Supply.

Applicant **Ebensburg Municipal Water Authority**
300 West High Street
Ebensburg, PA 15931

Borough or Township Ebensburg Borough

County **Cambria**

Type of Facility Hillcrest Drive Water Storage
Tank
Consulting Engineer
US Engineering, LLC
4 Sunrise Court
Highland, IL 62249

Permit to Construct June 23, 2003
Issued

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

Permit No. 1003503, Public Water Supply.

Applicant **Bonniebrook Personal Care Home**
111 Bonniebrook Road
Cabot, PA 16032

Borough or Township Jefferson Township

County **Butler**

Type of Facility Install 2,000 gallon finished water
storage tank with booster pump.

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

Permit to Construct July 3, 2003
Issued

Permit No. 2088503-MA1, Minor Amendment.
Public Water Supply.

Applicant **Vernon Township Water Authority**
16678 McMath Road
Meadville, PA 16335

Borough or Township Vernon Township

County **Crawford**

Type of Facility Replace gas chlorination system
with liquid chlorination for
disinfection.

Consulting Engineer Porter Consulting Engineers, P. C.
814 North Main Street
Meadville, PA 16335.

Permit to Construct June 26, 2003
Issued

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>
Robeson Township	2689 Main Street Birdsboro, PA 119508	Berks

Plan Description: The approved plan provides for an extension of the Robeson Township Municipal Authority sewerage along SR 0568 to serve the Green Hills Lake area and the tracts proposed for development as Green Hills Estates and Villages of Green Hills. The Plan also provides for the expansion of the RTMA wastewater treatment facility and a pump station as required to provide capacity for the service area indicated in the plan. The Department's review of the sewage facilities

update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act North Front Associates/Container Recyclers Site, Philadelphia County

The Department, under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (42 U. S. C. A. §§ 9601—9675), has entered into a proposed settlement with Lightman Drum Co., Inc. concerning the cleanup of the North Front Associates (former Container Recyclers Ltd.) site in Philadelphia County. Under the terms of the proposed Consent Decree, Lightman Drum Co. Inc. will pay into the Pennsylvania Hazardous Sites Cleanup Fund the sum of \$7,650 in three installments. In the mid 1990s, the Department implemented an Interim Response and a Prompt Interim Response to mitigate the threat to human health and the environment posed by the hazardous substances released there.

The specific terms of this settlement are set forth in the proposed Consent Decree between the Department and Lightman Drum Co., Inc. The Department will receive and consider comments relating to the proposed Consent Decree for 60 days from the date of this notice. The Department has the right to withdraw its consent to the proposed Consent Decree if the comments concerning the proposed Consent Decree disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with Lightman Drum Co., Inc. shall be effective on the date on which, if the Department has notified the United States District Court for the Eastern District of Pennsylvania in writing that no significant comments were received or that a response to significant written comments has been filed, the Court issues an Order entering the Consent Decree.

Copies of the proposed Consent Decree are available for inspection at the Department's Southeast Regional Office in Conshohocken, Montgomery County. Comments may be submitted in writing to Thomas Sheehan, Project Manager, Hazardous Sites Cleanup Program, Department of Environmental Protection, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

Further information may be obtained by contacting Thomas Sheehan at (610) 832-6000 during business hours. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

McHugh Brothers Equipment Corp. Properties, Middletown Township, **Bucks County.** Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Dr., Doylestown, PA 18901, on behalf of McHugh Brothers Equipment Corp., P. O. Box 7196, Pennel, PA 19047, has submitted a Final Report concerning remediation of site soil contaminated with lead. 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 site groundwater contaminated with lead and benzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Montgomery Mall—J. C. Penney, Montgomery Township, **Montgomery County.** Robert S. Terefenko, P. G., Center Point Tank Services, Inc., 536 Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of Stephen Sussman, Montgomeryville Associates, 234 Mall Blvd., King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil no. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Mort's Auto Repair, City of Philadelphia, **Philadelphia County.** Joseph Diamadi, Marshall Geoscience, Inc., 219 W. Main St., Trappe, PA 19426, on behalf of Mort Lowenthal, 122 Benjamin Court, Bldg. F, Philadelphia, PA 19114, has submitted a Final Report concerning remediation of site groundwater contaminated with MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

Former Whitman's Chocolate (Pillsbury) Warehouse, City of Philadelphia, **Philadelphia County**. Blake N. Moyer, Jr., URS Corp., 2325 Maryland Rd., 2nd Fl., Willow Grove, PA 19090, on behalf of Gershal Brothers, Larry Gershal, 720 N. Fifth St., Philadelphia, PA 19123, has submitted a Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with fuel oil no. 4. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

Former Claysburg Air Force Station, Pavia Township, **Bedford County**. U. S. Army Corps of Engineers, 10 South Howard Street, 11th Floor, PP-E, Baltimore, MD 21201, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2, chlorinated solvents and other organics. The report is intended to document remediation of the site to the Statewide Health Standard.

Agere Systems (formerly Lucent Technologies), Muhlenberg Township, **Berks County**. ARCADIS G & M, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19407, on behalf of Agere Systems, 2525 North 12th Street, Reading, PA 19604, submitted a Final Report concerning remediation of groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to the Statewide Health Standard.

New Holland North America Garage Area near Building 36, New Holland Borough, **Lancaster County**. CNH Global N. V., 700 State Street, Racine, WI 53404, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel, unleaded gasoline, leaded gasoline and used motor oil. 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 and the 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 as-

essment 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Glenside Foreign Motors Facility, Cheltenham Township, **Montgomery County**. Charles Q. McGuth, Environmental Maintenance Co., Inc., 1420 Mermaid Lane, Glenside, PA 19038, on behalf of Estate of Remo DiLello/Susan Butler, 540 Andrew Dr., Southampton, PA 18966, has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline and unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 23, 2003.

1925-43 West Allegheny Avenue Site, City of Philadelphia, **Philadelphia County**. Cristine McCollum, Assistant, Brownfield Redevelopment, City of Philadelphia, 1515 Arch St., 12th Fl., Philadelphia, PA 19102, has submitted a Baseline Remedial Investigation Work Plan concerning the remediation of site soil contaminated with PAH. The site is in a special industrial area. The work plan was approved by the Department on June 25, 2003.

Progress Plaza, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Progress Investment Associates, Inc., Attn: Wendell Whitlock, 1501 N. Broad St., Philadelphia, PA 19122, has submitted a Remedial Investigation, Risk Analysis, Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents and leaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 27, 2003.

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

Chemetron True Temper Facility, Lake City Borough, **Erie County**. Christopher D. Tower, P. E., P. G., CD Tower & Assoc. Inc., P. O. Box 307, Export, PA 15632 (on behalf of Progress Rail Services, Corp., 1185 Industrial Blvd., Boaz, AL 35957) has submitted a Final Report concerning the remediation of soil and groundwater contaminated with diesel fuel. The Final Report is approved. Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on June 19, 2003.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

Hazardous Waste Transporter License Renewed

K & D Industrial Services, Inc., 20105 Beverly Road, Romulus, MI 48174. License No. PA-AH 0320. Effective June 19, 2003.

T. F. Boyle Transportation, Inc., 15 Riverhurst Road, Billerica, MA 01821. License No. PA-AH 0572. Effective July 1, 2003.

Waste Recovery Solutions, Inc., 343 King Street, Myerstown, PA 17067. License No. PA-AH 0683. Effective July 1, 2003.

Hazardous Waste Transporter License Expired

Laidlaw Carriers, Inc., 1179 Rideway Road, Woodstock, Ontario, Canada N4S 8P6, License No. PA-AH 0624. Effective June 30, 2003.

Reifsneider Transportation, P. O. Box 756, 223 Fellowship Road, Eagle, PA 19480. License No. PA-AH 0486. Effective June 30, 2003.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

Infectious and Chemotherapeutic Waste Transporter License Renewed

American Waste Industries, Inc., 508 E. Indian River Road, Norfolk, VA 23523. License No. PA-HC 0210. Effective June 30, 2003.

York Hospital, 1001 S. George Street, York, PA 17405. License No. PA-HC 0017. Effective June 30, 2003.

Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated

Bridgeview, Inc. c/o Stericycle, Inc., 111 Domorah Drive, Montgomeryville, PA 18936. License No. PA-HC 0084. Effective July 1, 2003.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

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

General Permit No. WMGR082D001. SQP Industries, P. O. Box 15, Brownsville, PA 15417-0015. The general permit authorizes processing of steel slag, iron slag and refractory bricks that were codisposed with slag for removal of metallic residuals and mechanical sizing prior to beneficial use as construction material. The Department issued the determination of applicability on July 7, 2003.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 603148. Ted O. McWilliams, Springettsburg Township Wastewater Treatment Facility, 1501 Mount Zion Road, York, PA 17402, Hellam Township, **York County**, John Staubach Farm. The permit was revoked by the Southcentral Regional Office on July 1, 2003.

Persons interested in reviewing the general permit may contact Cynthia Wolfe, File Review Coordinator, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4732. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Permit modification under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 300983. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, Lititz Borough, **Lancaster County**. The permit modification is for the approved changes to the Form R Waste Analysis and Classification

Plan for GemChem Residual Waste Processing Facility. The permit was approved by the Southcentral Regional Office on June 23, 2003.

Permit No. 100945. Community Refuse Service Inc., 142 Vaughn Road, Shippensburg, PA 17257, Hopewell and North Newton Townships, **Cumberland County**. The permit modification is for Leachate Recirculation for the Cumberland County Landfill. The permit was approved by the Southcentral Regional Office on July 7, 2003.

Permit No. 100945. Community Refuse Service Inc., 142 Vaughn Road, Shippensburg, PA 17257, Hopewell and North Newton Townships, **Cumberland County**. The permit modification is for Leachate Recirculation for the Cumberland County Landfill. The permit was approved by the Southcentral Regional Office on July 7, 2003.

Persons interested in reviewing a general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4704. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 101546. Potter County Solid Waste Authority, R. R. 1 Box 234A, Ulysses, PA 16948-0234 in Ulysses Township, **Potter County**. The permit modification for the implementation of a Radiation Protection and Action was issued by the Williamsport Regional Office on July 3, 2003.

Persons interested in reviewing the permit may contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Permits Reissued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 101125. Lycoming County, Lycoming County Courthouse, 48 West Third St., Williamsport, PA 17701-6536 in the City of Williamsport, **Lycoming County**. The permit was reissued to the County of Lycoming by the Williamsport Regional Office on June 26, 2003.

Permit No. 100963. Lycoming County, Lycoming County Courthouse, 48 W. Third Street, Williamsport, PA 17701-6536 in Brady Township, **Lycoming County**. The permit was reissued to the County of Lycoming by the Williamsport Regional Office on June 26, 2003.

Persons interested in reviewing a permit may contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Permits terminated under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to

operate solid waste processing or disposal area or site.

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

Permit ID No. 101467. Waste Management of PA, Inc., Kittanning Transfer Station, Pony Farm Road, Kittanning, PA 16201. Operations of a municipal waste transfer station in North Buffalo Township, **Armstrong County**. Permit terminated at the request of the operator on June 30, 2003.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Premier Office Solutions, 374 South Warminster Road, Hatboro, PA 19040. Authorization No. WH4822. Effective June 23, 2003.

Fra Mi Developers Inc., P. O. Box 98, Bethlehem, PA 18016-0098. Authorization No. WH4825. Effective June 23, 2003.

Robert Cuomo, R. R. 5 Box 896, Altoona, PA 16601. Authorization No. WH4826. Effective June 23, 2003.

Livingstone Trucking, R. R. 1 Box 238G, Blairs Mills, PA 17213-9700. Authorization No. WH4829. Effective June 23, 2003.

James Sankey & Associates Ltd., P. O. Box 570, Jamison, PA 18929-0570. Authorization No. WH4830. Effective June 23, 2003.

HT Lyons Inc., P. O. Box 20050, Lehigh Valley, PA 18002-0050. Authorization No. WH4831. Effective June 23, 2003.

Scheifley's Tree Service, 257 Fancy Hill Road, Boyertown, PA 19512. Authorization No. WH4834. Effective June 23, 2003.

Zeila Trucking Inc., 175 Jordan Road, Colonia, NJ 07067. Authorization No. WH4835. Effective June 23, 2003.

Raul Sosa, Suite 400, 41 University Drive, Newtown, PA 18940. Authorization No. WH4836. Effective June 23, 2003.

Hamill Manufacturing Co., Inc., 500 Pleasant Valley Road, Trafford, PA 15085-2701. Authorization No. WH4839. Effective June 23, 2003.

WC Dolan Enterprises, R. R. 5 Box 160, Mt. Pleasant, PA 15666-8908. Authorization No. WH4841. Effective June 23, 2003.

Taxacher Construction Co., 1123 Mt. Pleasant Road, Scottdale, PA 15683-2421. Authorization No. WH4843. Effective June 23, 2003.

Shea Industries Inc., 90 College Ave., Factoryville, PA 18419. Authorization No. WH2961. Effective June 23, 2003.

Clearwood Transport, 492 Compass Road, Gap, PA 17527. Authorization No. WH4692. Effective June 23, 2003.

Thelma A. Sanchez, 331 Highway 3 North, Hopewell, NJ 08525. Authorization No. WH4867. Effective June 23, 2003.

Civitella Contracting Co., Inc., P. O. Box 668, 44 Smithbridge Road, Chester Heights, PA 19017-0668. Authorization No. WH4845. Effective June 23, 2003.

Betz Builders Ltd., 1945 Pioneer Road, Huntingdon Valley, PA 19006. Authorization No. WH4846. Effective June 23, 2003.

Kenneth R. Doyle, 90 Buck Road, Holland, PA 18966. Authorization No. WH4847. Effective June 23, 2003.

Cynthia A. Bittinger, 89 Spring Street, Frostburg, MD 21532. Authorization No. WH4850. Effective June 23, 2003.

Donnelly Contracting Inc., 550 Swamp Road, Newtown, PA 18940. Authorization No. WH4851. Effective June 23, 2003.

Jenks Township, Forest County, P. O. Box 436, 2 Pine St., Marienville, PA 16239. Authorization No. WH4852. Effective June 23, 2003.

Stringert Inc., 1208 McKee Ave., McKees Rocks, PA 15136. Authorization No. WH4853. Effective June 23, 2003.

WHR Trucking, 2552 E. Scenic Dr., Bath, PA 18014-9747. Authorization No. WH4855. Effective June 23, 2003.

Edward Bucci Builder Inc., Suite 216, 812 State Road, Princeton, NJ 08540. Authorization No. WH4859. Effective June 23, 2003.

David Rodriguez, 8 Otomi Trail, Oak Ridge, NJ 07438. Authorization No. WH4882. Effective June 23, 2003.

Elizabeth A. Castillo, 203 Miller St., Newark, NJ 07105. Authorization No. WH4883. Effective June 23, 2003.

Women At Work Hauling, 202 Buttermilk Bridge Road, Asbury, NJ 08802. Authorization No. WH4652. Effective June 24, 2003.

Charles P. Langton, 1425 Chestnut St., Kulpmont, PA 17834. Authorization No. WH4926. Effective June 24, 2003.

K. D. Snyder General Contracting, 285 East Main St., Bath, PA 18014. Authorization No. WH4927. Effective June 24, 2003.

Rock Solid Demolition, 308 Jim Mountain Road, Normalville, PA 15469. Authorization No. WH4849. Effective June 25, 2003.

Garth A. Price, 1361 Johnson St., Nanty Glo, PA 15943. Authorization No. WH2938. Effective March 19, 2003.

Larry J. White, 31 Dogwood Drive, McVeytown, PA 17051. Authorization No. WH3222. Effective March 19, 2003.

David A. Back, 290 Route 366, Apollo, PA 15613. Authorization No. WH3461. Effective March 19, 2003.

Timothy Chappell, 2173 Cardiff Ave., Nanty Glo, PA 15943. Authorization No. WH4898. Effective June 26, 2003.

Antonio A. Correia, 2nd Floor, 108 Marne St., Newark, NJ 07105. Authorization No. WH4899. Effective June 26, 2003.

Julio Vasquez, 153 W. Gulf Ave., South Plainfield, NJ 07080. Authorization No. WH4908. Effective June 26, 2003.

Jason D. Utegg, R. R. 5, Box 5588, Honesdale, PA 18481. Authorization No. WH4765. Effective June 25, 2003.

Parson Excavating, 226 North Saint Mary's Street, Saint Mary's, PA 15857. Authorization No. WH4766. Effective June 25, 2003.

Jabe Construction & Equipment, Inc., 2501 Manchester Road, Erie, PA 16506. Authorization No. WH4767. Effective June 25, 2003.

Gary T. Buckley d/b/a Buckley Contracting, P. O. Box 153, Alloway, NJ 08001. Authorization No. WH4768. Effective June 25, 2003.

Ferretti Carting, Inc., 160 Union Street, Hackensack, NJ 07601. Authorization No. WH4769. Effective June 25, 2003.

McKenney Excavating Company, 22 Little Lane, Media, PA 19063. Authorization No. WH4771. Effective June 25, 2003.

Joe Krentzman & Son, Inc., P. O. Box 508, Lewistown, PA 17044-0508. Authorization No. WH4774. Effective June 25, 2003.

Hull Trucking & Excavating, 10841 Station Road, North East, PA 16428-6005. Authorization No. WH4775. Effective June 25, 2003.

Mikhail Donskoy, 3149 Sheffield Place, Holland, PA 18966. Authorization No. WH4776. Effective June 25, 2003.

William J. Ingram Fuels, Inc., 4187 Nittany Valley Drive, Howard, PA 16841. Authorization No. WH4777. Effective June 25, 2003.

Carlos Piloto, 431 East Sanger Street, Philadelphia, PA 19120. Authorization No. WH4778. Effective June 25, 2003.

Yanira L. Castro, 4125 L Street, Philadelphia, PA 19124. Authorization No. WH4783. Effective June 25, 2003.

B. S. I., Inc., 333 Paterson Plank Road, Carlstadt, NJ 07072. Authorization No. WH4784. Effective June 25, 2003.

Thomas J O'Beirne & Company, Inc., 37 Woodland Road, Roseland, NJ 07068. Authorization No. WH4785. Effective June 25, 2003.

Joint Municipal Authority of Wyomissing Valley, 701 Old Wyomissing Road, Reading, PA 19611-1513. Authorization No. WH4786. Effective June 25, 2003.

Tolga Trucking, 19 Freewood Street, Howell, NJ 07733. Authorization No. WH4787. Effective June 25, 2003.

Albert C. Hefenfinger, R. R. 1, Box 392, New Bloomfield, PA 17068. Authorization No. WH4790. Effective June 25, 2003.

David J. Bioni, 1 Mary Drive, Carnegie, PA 15106-5016. Authorization No. WH4791. Effective June 25, 2003.

Ron Vanicek Fabrication & Machine, 8811 Francis Road, Girard, PA 16417. Authorization No. WH4792. Effective June 25, 2003.

Hector L. Rodriguez, 1661 Orthodox Street, Philadelphia, PA 19124. Authorization No. WH4793. Effective June 25, 2003.

Nemeth Construction, 149 Nemeth Lane, Hollsopple, PA 15935-0214. Authorization No. WH4795. Effective June 25, 2003.

Warren F. Delong, Inc., 33 Conestoga Road, Malvern, PA 19355. Authorization No. WH4796. Effective June 25, 2003.

Romelio Mata, Apartment A 108, 9181 Academy Road, Philadelphia, PA 19114. Authorization No. WH4797. Effective June 25, 2003.

Bill Montgomery & Company, Inc., 3900 Dunnett Lane, Murrysville, PA 15668-9709. Authorization No. WH4798. Effective June 25, 2003.

Nicrown Corporation, 2260 Shoenersville Road, Allentown, PA 18109-9595. Authorization No. WH4800. Effective June 25, 2003.

Blair County Trucking, 506 Baker Lane, Duncansville, PA 16635. Authorization No. WH4854. Effective June 13, 2003.

D & J Cappelli Inc., 139 School House Lane, Glen Mills, PA 19342. Authorization No. WH4066. Effective June 24, 2003.

Environmental Waste Services, 284 Nautilus Drive, Manahawkin, NJ 08050. Authorization No. WH4489. Effective June 24, 2003.

Peter G. Crawford, 375 Race Street, Hughesville, PA 17737-1900. Authorization No. WH4738. Effective June 24, 2003.

Amilcar A. Aquino, P. O. Box 0466, Plainfield, NJ 07060. Authorization No. WH4739. Effective June 24, 2003.

McCoy Landscape & Tree Service Inc., 103 Walton Road, Hatboro, PA 19040. Authorization No. WH4740. Effective June 24, 2003.

D. E. Kreider Trucking, 144 East Harrisburg Avenue, P. O. Box 102, Rheems, PA 17570-0102. Authorization No. WH4742. Effective June 24, 2003.

Cali Carting Inc., P. O. Box 440, Kearny, NJ 07032. Authorization No. WH4743. Effective June 24, 2003.

Dunmeyer Transportation, 1464 Gardner Road, Somerset, PA 15501-6034. Authorization No. WH4744. Effective June 24, 2003.

Falbo Paving Inc., 1457 Huntingdon Road, Abington, PA 19001. Authorization No. WH4745. Effective June 24, 2003.

Wallace M. Hyde, Jr., 180 Beaver Street, P. O. Box H, Springboro, PA 16435-0355. Authorization No. WH4749. Effective June 24, 2003.

Ralph J. Colucci LLC, 613 Viking Road, Swedeland, PA 19406. Authorization No. WH4752. Effective June 24, 2003.

Dami Trucking Co. d/b/a W. K. Frame & Sons Inc., 1205 Pottstown Pike, Glenmoore, PA 19343-9578. Authorization No. WH4756. Effective June 24, 2003.

Trybus Roofing, 30 West Manilla Avenue, Pittsburgh, PA 15220-2839. Authorization No. WH4758. Effective June 24, 2003.

North Whitehall Township, Lehigh County, 3256 Levans Road, Coplay, PA 18037-2118. Authorization No. WH4759. Effective June 24, 2003.

Durnins Plumbing Services, P. O. Box 20924, Lehigh Valley, PA 18002-0924. Authorization No. WH4760. Effective June 24, 2003.

Eriez Construction Inc., P. O. Box 10121, 2218 East 30th Street, Erie, PA 16510-0121. Authorization No. WH4761. Effective June 24, 2003.

Hometown Carpets & Waterbeds, 8 Old Orchard Road, Milton, PA 17847-2124. Authorization No. WH4762. Effective June 24, 2003.

Troy Jay Construction Inc., 114 Sanderson Drive, Slippery Rock, PA 16057. Authorization No. WH4763. Effective June 24, 2003.

Felco Inc., 1205 Pottstown Pike, Glenmoore, PA 19343-9578. Authorization No. WH4764. Effective June 24, 2003.

Walter Stocki Excavating & Demolition Inc., 167 Sussex Street, Old Forge, PA 18578. Authorization No. WH3898. Effective June 26, 2003.

C. T. Slattery Concrete Construction Inc., 2520 Route 819 North, Mt. Pleasant, PA 15666. Authorization No. WH4603. Effective June 26, 2003.

Leon Stoltzfus, 720 Peters Road, New Holland, PA 17557-9510. Authorization No. WH4707. Effective June 26, 2003.

Salvage Roofing, 10304 Jones Road, Erie, PA 16510-5318. Authorization No. WH4729. Effective June 26, 2003.

Vic's Hauling, 2040 Hill Road, Perkiomenville, PA 18074-9647. Authorization No. WH4860. Effective June 26, 2003.

David W. Light, R. R. 1 Box 178A, Rome, PA 18837-9768. Authorization No. WH4862. Effective June 26, 2003.

White Rose Roofing Inc., 940 Wellsville Road, Wellsville, PA 17365. Authorization No. WH4864. Effective June 26, 2003.

Pickering Valley Landscape Inc., P. O. Box 950, Glenmoore, PA 19343. Authorization No. WH4865. Effective June 26, 2003.

Emelyn Hernandez, 360 Whiton Street, Jersey City, NJ 07304. Authorization No. WH4866. Effective June 26, 2003.

Wayne McMullen, P. O. Box 602, Nazareth, PA 18064-0602. Authorization No. WH4868. Effective June 26, 2003.

Del Locke Plumbing, 3331 Coventryville Road, Pottstown, PA 19465-8530. Authorization No. WH4870. Effective June 26, 2003.

Otteni Industries Inc., 4999 Pittsburgh Avenue, Erie, PA 16509-6206. Authorization No. WH4871. Effective June 26, 2003.

Swartz's Roofing & Remodeling, 259 Park Avenue, Milton, PA 17847. Authorization No. WH4872. Effective June 26, 2003.

Barber General Contracting, P. O. Box 377, Coopersburg, PA 18036. Authorization No. WH4889. Effective June 26, 2003.

Jerry Kapusta Building Contractor, 1643 Old Sumneytown Pike, Harleysville, PA 19438-1124. Authorization No. WH4890. Effective June 26, 2003.

Minor A. Barquero, 13 Hurden Street, Hillside, NJ 07205-2840. Authorization No. WH4891. Effective June 26, 2003.

Pfister Maintenance Inc., 80 East Fifth Street, Paterson, NJ 07524. Authorization No. WH4892. Effective June 30, 2003.

Current Construction, 134 Seaton Hill Road, Dunbar, PA 15431. Authorization No. WH4702. Effective June 30, 2003.

Brian J. Scisco, 24 Clover Hill Drive, Jackson, NJ 08527. Authorization No. WH4382. Effective June 30, 2003.

Clair L. Schon, 208 Schon Lane, Cogan Station, PA 17728. Authorization No. WH4893. Effective June 30, 2003.

Able Hess Associates Inc., 1014 Penn Avenue, Pittsburgh, PA 15221. Authorization No. WH4894. Effective June 30, 2003.

Rockwell Construction Company Inc., 5793 Oakwood Drive, Mercersburg, PA 17236. Authorization No. WH4895. Effective June 30, 2003.

S & K Construction Company Inc., R. R. 2, Tobyhanna, PA 18466-9802. Authorization No. WH4897. Effective June 30, 2003.

Theodore R. Burrell, 198 E. Cherry Road, Quakertown, PA 18951-4303. Authorization No. WH4844. Effective June 30, 2003.

Grappler Construction, 306 Mt. Manor Road, Manor, PA 15665. Authorization No. WH4902.

John C. Kahl, Jr. Excavating Inc., 7026 Furnace Road, Waynesboro, PA 17268. Authorization No. WH4903. Effective June 30, 2003.

Sopko Contracting Inc., P. O. Box 179, Venetia, PA 15367-0179. Authorization No. WH4904. Effective June 30, 2003.

Moore Construction, 115 Buckhorn Road, Bloomsburg, PA 17815. Authorization No. WH4906. Effective June 30, 2003.

Pottstown Borough, Montgomery County, 100 E. High St., Pottstown, PA 19464-9525. Authorization No. WH4909. Effective June 30, 2003.

Michael Schultheiss, 1000 Sterigere St., Norristown, PA 19401. Authorization No. WH4910. Effective June 30, 2003.

MAP & JE Trucking Co., 73 Peck Ave., Newark, NJ 07107. Authorization No. WH2954. Effective July 1, 2003.

Trenton Roofing & Siding Inc., 127 Rusling St., Trenton, NJ 08611. Authorization No. WH2968. Effective July 1, 2003.

Carlos G. Matute, 39-44 58th St., Apt. 1, Woodside, NY 11377. Authorization No. WH3088. Effective July 1, 2003.

Summer Mountain Transportation LLC, 41 Summer Mountain Road, Bernville, PA 19506. Authorization No. WH3168. Effective July 1, 2003.

Atlantic Trucking, 38 Urban Dr., Selden, NY 11784. Authorization No. WH3565. Effective July 1, 2003.

Maryland Waste Service Inc., P. O. Box 70328, Baltimore, MD 21237. Authorization No. WH3583. Effective July 1, 2003.

Direct Distribution, 200 N. Magee St., Southampton, NY 11968. Authorization No. WH4900. Effective July 1, 2003.

Laverne F. Williams, 859 N. 16th St., Philadelphia, PA 19130. Authorization No. WH4907. Effective July 1, 2003.

Marcia M. Sforca, 1215 Broadway, Hillside, NJ 07205. Authorization No. WH4939. Effective July 1, 2003.

Reginald R. Covington, 403 Lantern Lane, Lansdale, PA 19446. Authorization No. WH4940. Effective July 1, 2003.

Marcos N. Victores, 739 McGillvray Place, Linden, NJ 07036. Authorization No. WH4941. Effective July 1, 2003.

Cays Contracting, R. R. 8 Box 8131, Stroudsburg, PA 18360-9208. Authorization No. WH4925. Effective July 1, 2003.

Department of Transportation, District 9-7, 1312 N. Center Ave., P. O. Box 509, Somerset, PA 15501-0509. Authorization No. WH4929. Effective July 1, 2003.

Wrath of Allah Recycling Mecca Medina, 2311 West Fairmount Avenue, Philadelphia, PA 19130. Authorization No. WH4185. Effective June 30, 2003.

A-Jon Construction Inc., 719 Old Maple Road, Springfield, PA 19064. Authorization No. WH4471. Effective June 30, 2003.

Schnupp Trucking, 822 Leiphart Lane, Wrightsville, PA 17368. Authorization No. WH4737. Effective June 30, 2003.

Jon C. Beltz, 743 Cooper Avenue, Johnstown, PA 15906-1113. Authorization No. WH4741. Effective June 30, 2003.

JMG Service Inc., 303 Myrtle Ave., Garwood, NJ 07027. Authorization No. WH4920. Effective July 2, 2003.

Lloyd S. Aungst Excavating, 420 Rock Road, Pine Grove, PA 17963-9374. Authorization No. WH4922. Effective July 2, 2003.

Top Quality Construction Inc., 3684 Tunnel Hill Road, Seven Valleys, PA 17360. Authorization No. WH4923. Effective July 2, 2003.

H & J Properties LLC, 2170 Reis Run Road, Pittsburgh, PA 15237-1425. Authorization No. WH4924. Effective July 2, 2003.

Wesley Hauling, P. O. Box 1436, 123 S. Marshall St., Lancaster, PA 17608. Authorization No. WH4928. Effective July 2, 2003.

McElroy Paving Co., Inc., P. O. Box 688, Ingomar, PA 15127. Authorization No. WH4930. Effective July 2, 2003.

TK Trucking Co., Inc., 30 First St., Little Falls, NJ 07424. Authorization No. WH4931. Effective July 2, 2003.

Christopher C. Carvalho & Sons Disposal, P. O. Box 25, Narvon, PA 17555-0025. Authorization No. WH4932. Effective July 2, 2003.

Frank Lombardo Trucking, Inc., 16 Stout Street, Yatesville, PA 18640. Authorization No. WH3611. Effective July 2, 2003.

Gable & Son Construction, Inc., 500 South 9th Street, Lebanon, PA 17042-6697. Authorization No. WH3776. Effective July 2, 2003.

Whyte's Removal Service, 228 Raymond Avenue, P. O. Box 267, Avondale, PA 19311. Authorization No. WH4223. Effective July 2, 2003.

McDaid Brothers, 3 McDaniel Avenue, Wilmington, DE 19043. Authorization No. WH4224. Effective July 2, 2003.

BNC General Contractor, Inc., 310 Pennington-Titusville Road, Pennington, NJ 08534. Authorization No. WH4617. Effective July 2, 2003.

Spring Lake Excavating, R. R. 2, Box 103A, Wyalusing, PA 18853. Authorization No. WH4873. Effective June 30, 2003.

JEJ Leasing Company, Inc., P. O. Box 56, Hubbard, OH 44425. Authorization No. WH4874. Effective June 30, 2003.

Cesar Transport Corporation, 1470 Route 46 East, Ledgewood, NJ 07852. Authorization No. WH4875. Effective June 30, 2003.

NVC Express, 335 Chestnut Street, P. O. Box 266, Norwood, NJ 07648. Authorization No. WH4876. Effective June 30, 2003.

Weaber, Inc., 1231 Mount Wilson Road, Lebanon, PA 17042-4785. Authorization No. WH4877. Effective June 30, 2003.

William D. Kinkead III, 1203 Montmorenci Road, Ridgway, PA 15853. Authorization No. WH4879. Effective June 30, 2003.

Rick's Backhoe Service, Inc., 88 West Donaldson Street, Zerbe, PA 17981. Authorization No. WH4880. Effective June 30, 2003.

Mund's Landscaping, Inc., 1500 C, Route 179, Lambertville, NJ 08530. Authorization No. WH4881. Effective June 30, 2003.

Petroleum Recycling Corporation, 597 Glen Meadow Road, Richboro, PA 18954-1668. Authorization No. WH4884. Effective June 30, 2003.

Remo's Mushroom Service, Inc., P. O. Box 870, Avondale, PA 19311. Authorization No. WH4886. Effective June 30, 2003.

BFB Construction Company, P. O. Box 425, Pocono Lake, PA 18347-0425. Authorization No. WH4887. Effective June 30, 2003.

Buckman Iron & Metal, 16 West Race Street, P. O. Box 252, Catasauqua, PA 18032. Authorization No. WH4888. Effective June 30, 2003.

Tri-State Development, Inc., 3706 East 5th Avenue, North Versailles, PA 15137-2364. Authorization No. WH4911. Effective July 2, 2003.

Precise Tank Modifications, Inc., P. O. Box 274, Madison, PA 15663-0274. Authorization No. WH4912. Effective July 2, 2003.

Pyne Freight Lines, Inc., 1000 Union Street, Taylor, PA 18517. Authorization No. WH4913. Effective July 2, 2003.

Al's Construction, 2792 Trafford Road, Murrysville, PA 15668. Authorization No. WH4914. Effective July 2, 2003.

ADN Trucking Company, 55 Jay Street, Hackensack, NJ 07601. Authorization No. WH4915. Effective July 2, 2003.

Chuba Heating & Remodeling, Inc., 922 East 8th Avenue, Homestead, PA 15120. Authorization No. WH4917. Effective July 2, 2003.

M. D. Wagner Hauling & Excavating, R. R. 1, Box 236-I, Tionesta, PA 16353-9438. Authorization No. WH4918. Effective July 2, 2003.

Nick Falcone & Sons, Inc., 650 Painter Street, Media, PA 19063. Authorization No. WH4919. Effective July 2, 2003.

Voluntarily terminated applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act and regulations to transport municipal or residual waste.

All Waste Inc., P. O. Box 2472, Hartford, CT 06146-2472. Authorization No. WH2201. Voluntarily terminated June 16, 2003.

National Freight, 71 West Park Ave., Vineland, NJ 08360. Authorization No. WH4659. Voluntarily terminated July 2, 2003.

Barry G. Miller/Geno's Tri-Axle Service, 7 Miller Lane Oak Spring Road, Marianna, PA 15345. Authorization No. WH2477. Voluntarily terminated July 2, 2003.

Denied applications for Municipal and Residual Waste Transporter (Interim Final Transfer Renewal) Authorization received under the Waste Transportation Safety Act and regulations to transport municipal or residual waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.

Euro Transportation, Inc., 430 Adams St., Newark, NJ 07105. Authorization No. WH1631. Authorization No. WH1964. Effective July 1, 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.

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

AQ-SE-0017: Pyramid Materials (414 West Knowlton Road, Media, PA 19063) on July 7, 2003, for a portable mineral processing plant in Aston Township, **Delaware County**.

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

33-173: Snyder Brothers, Inc.—Sheesley Station (SR 2004, Bowersville, PA 15715) on June 30, 2003, to operate a natural gas production facility in Gaskill Township, **Jefferson County**.

33-165: Snyder Brothers, Inc.—Shields Station (Brocius Road, Brookville, PA 15857) on June 30, 2003, to operate a natural gas production facility in Clover Township, **Jefferson County**.

20-289: Belden and Blake Corp.—Kirvan Station (Dotyville Road, Enterprise, PA 16354) on June 30, 2003, to operate a natural gas production facility in Oil Creek Township, **Crawford 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.

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

23-0056: Honeywell International Inc. (6100 Philadelphia Pike, Marcus Hook, PA 19061) on July 3, 2003, to operate a fluosulfonic acid manufacturing in Marcus Hook Borough, **Delaware County**.

15-0117: Allan A. Myers, Inc. d/b/a Independence Construction Materials (4045 State Road, Devault, PA 19432) on July 3, 2003, to operate a storage tank in-line preheater in City of Coatesville, **Chester County**.

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

06-03126: Lehigh Cement Co. (204 Windsor Avenue, Hamburg, PA 19526-8341) on July 3, 2003, to install three bin vent collectors to control emissions from five bulk storage silos at their Hamburg Facility in Windsor Township, **Berks County**.

06-05005A: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) on June 30, 2003, to modify combust no. 5 waste oil in their existing batch asphalt plant controlled by a knock out box and fabric filter at their Oley Blacktop Plant in Oley Township, **Berks County**.

36-03145: NTN-BCA Corp. (401 West Lincoln Avenue, P. O. Box 1400 Lititz, PA 17543-7020) on June 30, 2003, to install a batch vapor-cleaning machine (degreaser) in Lititz Borough, **Lancaster County**.

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

30-00040B: RAG Cumberland Resources (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) on July 7, 2003, to construct an improved clean coal stacking, storage, reclaim and transfer system at their existing coal preparation plant in Whiteley Township, **Greene 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; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.

09-0087B: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on July 3, 2003, to operate a SiF₄ process scrubber in Falls Township, **Bucks County**.

23-0082: Liberty Electric Power, LLC (1000 Industrial Highway, Eddystone, PA 19022) on July 8, 2003, to operate a power plant—500 mW in Eddystone Borough, **Delaware County**.

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

22-03048: Reiff and Nestor Co. (P. O. Box 147, Lykens, PA 17048) on April 14, 2003, to install a mist eliminator to control emissions from chrome electroplating tanks in the Borough of Lykens, **Dauphin County**. This Plan Approval was extended.

36-03074A: Colonial Metals Co. (217 Linden Street, Columbia, PA 17512) on June 5, 2003, to renovate their existing scrap metal recycling facility in Columbia Borough, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants. This Plan Approval was extended.

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

26-00545A: HBC Barge, LLC (1800 Paul Thomas Boulevard, Brownsville, PA 15417) on July 2, 2003, for barge manufacturing and repair at Brownsville Facility in Brownsville Borough, **Fayette County**. This plan approval was extended.

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

10-021J: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on June 30, 2003, to modify the resin hold tank in Petrolia, **Butler County**.

42-197A: M & M Royalty Ltd.—Irishtown Plant (Route 307, Lewis Run, PA 16738) on May 31, 2003, to install a compressor engine in Lafayette Township, **McKean County**.

24-083D: Carbone of America—Graphite Materials Division (215 Stackpole Street, St. Marys, PA 15857) on June 30, 2003, for CBH Kilns in Benzinger Township, **Elk County**.

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

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

46-00010: Montenay Montgomery, LP (1155 Conshohocken Road, Conshohocken, PA 19428) on July 3, 2003, the permit was amended to incorporate changes approved under Plan Approval PA-46-0010C in Plymouth Township, **Montgomery County** for an administrative Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450.

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

06-05022: State System of Higher Education—Kutztown University of Pennsylvania (P. O. Box 730, Kutztown, PA 19530-0730) on June 30, 2003, to operate Kutztown University in Maxatawny Township, **Berks County**. This is a renewal of the Operating Permit.

06-05045: Department of Public Welfare (P. O. Box 1000, Hamburg, PA 19526) on June 30, 2003, to operate Hamburg Center in Windsor 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.

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

23-00088: Southco, Inc. (210 North Brinton Lake Road, Concordville, PA 19331) on July 3, 2003, to operate a Natural Minor Operating Permit in Concord Township, **Concord County**.

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

06-05030: Caraustar Mill Group, Inc. (3110 Paper Mill Road, Sinking Spring, PA 19608) on June 30, 2003, to operate their paperboard mill in Spring Township, **Berks County**.

21-05028: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17055) on June 24, 2003, to operate their lithographic printing operation at plant no. 2 in Mechanicsburg Borough, **Cumberland County**.

28-03025: Wenger's Feed Mill, Inc. (101 Harrisburg Avenue, Rheems, PA 17570-0026) on July 1, 2003, to construct a feed mill facility in South Hampton Township, **Franklin County**.

36-03034: Purina Mills, LLC (P. O. Box 66812, St. Louis, MO 63166) on June 30, 2003, to operate their animal feed mill in East Hempfield Township, **Lancaster County**.

38-03032: Sun Pipe Line Co. (Ten Penn Center, 20th Floor, Philadelphia, PA 19013) on July 1, 2003, to operate a biofilter treatment/soil vapor extraction system at their Cornwall Pumping Station in West Cornwall Township, **Lebanon County**.

38-03039: Martins Wood Products (650 Houtztown Road, Myerstown, PA 17067-2196) on July 2, 2003, to operate their wood furniture finishing system in Jackson Township, **Lebanon County**.

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

42-00095: Georgia-Pacific Corp.—Bradford Packaging (One Owens Way, Bradford, PA 16701) a Natural Minor Operating Permit for emissions from the manufacturing of container board (corrugated cardboard) in Bradford Township, **McKean County**.

61-00190: Oil City Area School District (10 Lynch Boulevard, Oil City, PA 16301) on July 1, 2003, for a Natural Minor Permit to operate two natural gas boilers, two hot water heaters and one natural gas electric generator in Oil City, **Venango 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.

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

8-313-042C: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) on July 1, 2003, to

authorize the operation of two vacuum/spray chambers and a plasma densification unit in North Towanda Township, **Bradford County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); 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.

04971301. NPDES Permit PA0215074, MJ Mining Company (P. O. Box 89, Tarentum, PA 15084), to renew the permit for mine no. 1 in Greene Township and Shippingport Borough, **Beaver County** and the related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued June 26, 2003.

30921601. NPDES Permit PA0214060, RAG River Processing Corporation (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to renew the permit for the Monongahela Resource Tipple in Jefferson Township, **Greene County** and related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges., The first downstream potable water supply intake from the point of discharge is N/A. Permit issued July 1, 2003.

26961601. NPDES Permit PA0214779, Matt Canestrone Contracting, Inc. (P. O. Box 234, Belle Vernon, PA 15012-0234), to renew the permit for the LaBelle Site in Luzerne and East Bethlehem Townships, **Fayette and Washington Counties** and the related NPDES permit, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued July 1, 2003.

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

03960107. Thomas J. Smith, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774). Permit revised to change the land

use to pastureland on the Batistig and Rearick property, at a bituminous surface/auger mine in Burrell Township, **Armstrong County**, affecting 167.8 acres. Receiving streams: unnamed tributary to Cherry Run to Crooked Creek. Application received May 19, 2003. Revision issued July 1, 2003.

Noncoal Permit Actions

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

22880302C2 and NPDES Permit PA0594211. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal and correction of NPDES Permit for discharge of treated mine drainage in Lower Swatara Township, **Dauphin County**, receiving stream: Swatara Creek. Application received May 17, 2001. Renewal/ correction issued July 3, 2003.

39870302C and NPDES Permit PA0594326. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in South Whitehall Township, **Lehigh County**, receiving stream: Jordan Creek. Application received May 16, 2003.

5878SM3C3 and NPDES Permit PA0595691. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in Penn Forest Township, **Carbon County**, receiving stream: Stony Creek. Application received May 21, 2003. Renewal issued July 3, 2003.

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

08030802. Glenn M. Crimbring, R. R. 1, Box 315, Canton, PA 17724. Commencement, operation and restoration of a Small Industrial Minerals (Gravel) permit in Canton Township, **Bradford County** affecting 1 acre. Receiving streams: tributary to Towanda Creek. Application received February 4, 2003. Permit issued June 18, 2003.

08010810. Gregory A. Strawn, P. O. Box 675, Hallstead, PA 18822. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Windham Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributaries to Wysox Creek and Trout Stream. Application received June 28, 2001. Permit issued June 1, 2003.

18990801. Mark I. Stein, 221 W. Main Street, Lock Haven, PA 17745. Final bond release for a small noncoal mining operation in Woodward Township, **Clinton County**. Restoration of 1 acre completed. Application for final bond release received June 11, 2003. Final bond release approved: June 23, 2003.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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.

E46-930. Lower Frederick Township, 533 Spring Mount Road, P. O. Box 253, Zieglerville, PA 19492-0253, Lower Frederick Township, **Montgomery County**, ACOE Philadelphia District.

To remove, replace and maintain an existing 15-foot wide, two-span arch bridge over the Goshenhoppen Creek (TSF) on Zieglerville Road with a 32-foot wide by 7-foot high Conspan Bridge (Perkiomenville, PA Quadrangle N: 4.8 inches; W: 14.2 inches). Work will also include the construction and maintenance of:

1. Approximately 100 linear feet of drainage channel stabilization at the downstream side of the road.
2. A 24-inch stormwater outfall and associated drainage system on the northwest corner of the bridge.
3. Relocation of the 12-inch water main.

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

E45-438. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove the existing structures and to construct and maintain the following road crossings: (1) two 66-inch diameter PVC coated CMP culverts having a 12-inch culvert depression in Fritz Run (HQ-CWF) (Thornhurst, PA Quadrangle N: 18.5 inches; W: 0.3 inch); (2) a 57-inch by 37-inch CMP culvert having a 6-inch culvert depression in a tributary to Fritz Run (HQ-CWF) (Tobyhanna, PA Quadrangle N: 14.6 inches; W: 14.4 inches); and (3) two 48-inch diameter HDPE culverts having a 6-inch culvert depression in Cross Keys Run (HQ-CWF) (Tobyhanna, PA Quadrangle N: 9.85 inches; W: 10.05 inches) for the purpose of maintaining a restricted access road through State Game Lands No. 127. The projects are generally approximately 0.6 mile southwest of I-380 and approximately 3 miles northwest of SR 0423 in Coolbaugh Township, Monroe County (Subbasin (2A)).

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

To construct and maintain two road crossings consisting of an 18-inch diameter RCP culvert and a 42-inch diameter RCP culvert, respectively, in two tributaries to Little Bushkill Creek (HQ-CWF) and 0.28 acre of adjacent exceptional value PSS wetlands for the purpose of constructing a new access road to the existing western stockpile area. The permittee is required to provide 1.03 acres of replacement wetlands. The project is at the existing landfill, approximately 0.5 mile southeast of SR 0512 (Wind Gap, PA Quadrangle N: 5.3 inches; W: 2.5 inches) (Subbasin (1F)).

E40-615. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, Plymouth Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a 65-foot wide two-span prestressed concrete spread box beam bridge, having clear normal spans of 27 feet and an underclearance of 12.3 feet across Harveys Creek (CWF). The project includes removal of existing outfall structures and construction of four 18-inch RCP stormwater outfalls along Harveys Creek (CWF). A 45-foot wide single-span temporary bridge and 0.12 acre temporary impact of PEM wetlands are proposed for a temporary road. The project is along SR 0029, Section 374, Segment 0150, Offset 0035 (Wilkes-Barre West, PA Quadrangle N: 20.8 inches; W: 16.5 inches) (Subbasin 05B).

E35-365. Borough of Old Forge, 314 South Main Street, Old Forge, PA 18518. Old Forge Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To excavate approximately 1.8 acres within the floodway of St. John's Creek (CWF) for the purpose of constructing the Sibley Avenue Soccer Field Project (Scranton, PA Quadrangle N: 1.8 inches; W: 15.0 inches) (Subbasin 05A).

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

E44-120: Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830 in Brown and Derry Townships, **Mifflin County**, ACOE Baltimore District.

To remove the existing nine-span bridge and then construct and maintain a four-span bridge with a total length of 390 feet with an average underclearance for 11

feet across Kishacoquillas Creek (TSF) on SR 1005, Section A01, Segment 0100, Offset 2009 and to temporarily impact 0.074 acre of wetland to refurbish a dirt road for nonmotorized vehicles and bikers just north of Burnham Borough (Burnham, PA Quadrangle N: 5.35 inches; W: 11.6 inches) in Brown and Derry Townships, Mifflin County.

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

E18-366. Robbie M. Hyde, 306 Confer Street, Mill Hall, PA 17751. Water Obstruction and Encroachment Permit application in Woodward Township, **Clinton County**, ACOE Susquehanna River Basin District (Lock Haven, PA Quadrangle N: 6.3 inches; W: 13.15 inches).

To construct and maintain a 17-foot by 34-foot pavilion in the floodway of the West Branch Susquehanna River along Eden Lane in Woodward Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects."

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

E65-818. Swank Development Group, LP, 200 Hunt Valley Road, New Kensington, PA 15068. Sierra Commercial Industrial Park in Washington Township, **Westmoreland County**, Pittsburgh ACOE District (New Kensington East, PA Quadrangle N: 5.1 inches; W: 0.75 inch). To place and maintain fill over an existing 65-foot long metal arch culvert having a single opening of 24 feet wide and 8.5 feet high with natural streambed in Pine Run (WWF) to provide roadway access to the proposed Sierra Commercial Industrial Park. The construction of this culvert was previously authorized under General Permit No. GP076502226. The project is along SR 380, near its intersection with SR 780.

ENVIRONMENTAL ASSESSMENTS

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

D06-446EA. Womelsdorf-Robeson Joint Authority, P. O. Box 94, Womelsdorf, PA 19567. Heidelberg Township, **Berks County**, ACOE Philadelphia District.

Project proposes to breach Furnace Creek Dam across Furnace Creek (HQ-CWF, MF), restore the stream within the reservoir and relocate/restore the stream below the dam to its historic location for the purpose of eliminating a public safety hazard and restore the stream to a free flowing condition. The dam is approximately 4,700 feet southwest of the intersection of Furnace Street (T493) and T368 (Womelsdorf, PA Quadrangle N: 14.5 inches; W: 3.2 inches).

DAM SAFETY

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

D46-332A. Abington Township, 1176 Old York Road, Abington, PA 19001. To construct, operate and maintain the Susquehanna Woods Flood Control Dam across a tributary to Sandy Run (TSF), impacting 0.18 acre of wetlands (PEM) and 1,325 feet of stream for the purpose of attenuating flood flows downstream of the project site. The applicant has made a contribution to the Pennsylvania Wetland Replacement Project instead of constructing replacement wetlands. This is a request to reissue a Dam Permit which was issued on January 21, 2000, and

expired on December 31, 2001 (Germantown, PA Quadrangle N: 22.5 inches; W: 3.5 inches) in Abington Township, **Montgomery County**.

D63-127A. Glencannon Homeowners Association. 425 Hunting Creek Road, Canonsburg, PA 15317. To modify, operate and maintain Glencannon Pond Dam across tributary to Little Chartiers Creek (HQ-WWF) for the purpose of rehabilitating the existing dam to include placement of rip-rap erosion protection, dredging accumulated sediments and modification of the decant riser (Canonsburg, PA Quadrangle N: 1.8 inches; W: 2.7 inches) in North Strabane Township, **Washington County**.

D51-002. Fairmont Park Commission, Memorial Hall Park West, P. O. Box 21601, Philadelphia, PA 19131. Project proposes to modify an existing fish passage facility at the Fairmont Dam across the Schuylkill River (WWF, MF) to increase efficiency of the existing structure. The exit channel and gate will be reconstructed to alleviate one of the primary problems, which is the accumulation of trash and debris at the exit of the ladder. A narrow section of the old entrance weir will also be removed and a new weir gate to control entrance flow will be constructed. Existing current baffles have a 12-inch door opening and have an average pool drop of 12 inches. The baffles will be modified to 18-inch minimum door

openings with a pool drop of 9 inches to meet current standards. A 5-foot nonoverflow section on the crest of the dam will also be constructed to prevent water from the spillway from competing with water from the fish ladder entrance (Philadelphia, PA-NJ N: 16.85 inches; W: 8.95 inches) in the City of Philadelphia, **Philadelphia County**.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of June 2003, the Department of Environmental Protection, under the authority in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Allied Home Inspections, Inc.	1604 Lititz Pike Lancaster, PA 17601	Testing
Karen Amspacker	77 West Broad Street Suite 15C Bethlehem, PA 18018	Testing
Willis Bortmas, III	370 Red Dog Road Butler, PA 16001	Testing
Rob Bruno Boro Environmental, Inc.	501 Sharp Avenue Glenolden, PA 19036	Testing
Jeffrey Calta	106 Vensel Lane P. O. Box T Chicora, PA 16025	Testing
Carl Distenfeld TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Testing and Laboratory
Ronald Fridley	3838 Yerkes Road Collegetown, PA 19426	Testing
Vilas Godbole	307 Dogwood Lane Wallingford, PA 19086	Testing
Nancy Hernandez	2 Hayes Street Elmsford, NY 10523	Laboratory
Jeff Hicks	11 Longview Drive Stroudsburg, PA 18360	Testing
Raymond Johnson Key Technology, Inc.	929 Mount Zion Road Lebanon, PA 17046	Laboratory
Michael Lieb	407 Burmont Road Drexel Hill, PA 19026	Testing
Leonard Mathison	Box 125, Route 8 Valencia, PA 16059	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Jerry Petrill	R. D. 9, Box 423 A Greensburg, PA 15601	Mitigation
Shawn Price Air Chek, Inc.	1936 Butter Bridge Road Fletcher, NC 28732	Laboratory
David Robertson	345 West Rose Tree Road Media, PA 19064	Testing
Louis Salerno	R. R. 2, Box 89A Watsontown, PA 17777	Testing
Jeffrey Saulsbury Saulsbury Environmental Consultants, Inc.	307 Lucilla Street Pittsburgh, PA 15218	Testing
Terry Spalti	2843 North Front Street Harrisburg, PA 17110	Testing
Eugene Spoehr	801 Yale Avenue, Unit G-4 Swarthmore, PA 19081	Testing
Lawrence Transue	657 Walnut Street Suite 100 Easton, PA 18040	Testing
Richard Walmer	929 Mount Zion Road Lebanon, PA 17046	Testing
John Wietry	7 Golf Course Road Dillsburg, PA 17019	Testing
Joseph Wiggins	136 Maclaine Drive Carnegie, PA 15106	Mitigation
Edward Zigga	177 Main Street Eynon, PA 18403	Mitigation
Eric Zigga	177 Main Street Eynon, PA 18403	Mitigation

**BUREAU OF DEEP MINE SAFETY
APPROVAL OF REQUEST FOR VARIANCE**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau) has approved Senate Coal Mine, Inc.'s request for a variance from the requirements of section 242(c) of the Pennsylvania Bituminous Coal Mine Act (act) (53 P. S. §§ 701-1014—701-706) at the Ondo Extension Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

Summary of the Request. Senate Coal Mine, Inc. requested a variance from section 242(c) of the act to allow for the common ventilation of belt conveyor entry with other entries at the Ondo Extension Mine. The proposal accords protections to persons and property substantially equal to or greater than the requirements set forth in the act.

The basis for the Bureau's approval is summarized as follows:

1. The Pyott-Boone 9500 CO Monitoring System will provide advance warning of a developing mine fire originating in the conveyor belt entry. When maintained and operating correctly, this system provides warnings much earlier than the point type heat sensors.

2. Common entries would permit the larger section mantrip and scoops access to belt entry for transportation of personnel and supplies.

3. The operator will maintain a separate isolated intake escapeway that is at a higher air pressure than the belt and common entries.

4. The plan provides for the common entries to serve as an alternate intake escapeway. There will be a total of three separate, isolated escape routes.

This approval is limited to a variance from the requirements in section 242(c) of the act requiring that the belt entry is isolated from other entries. All other terms and requirements of section 242(c) of the act shall remain in effect. This approval applies to all areas developed after

May 20, 1998. Continued authorization for operation under the approval is contingent upon compliance with the measures described in the plan and the following conditions:

1. Operation, maintenance and calibration of the Pyott-Boone's 9500 CO Monitor System shall comply with the manufacturer's recommendation and Department equipment approval no. BOTE 1070-89.

2. The mine operator shall comply with the Mine Safety and Health Administration's approved Fire Fighting and Evacuation Plan.

3. The designated surface person responsible for responding to alarms from the CO monitor system shall be task trained in the procedures utilized for notifying all affected mine personnel should an alert or alarm occur.

4. A test button shall be installed to allow a daily function check of the outside surface alarm system.

5. Any common entry where work is performed or that will be used as a travelway must be preshifted prior to entering the area.

6. The number of entries in common with the conveyor belt entry in the mains and sub-mains shall be limited to one entry.

7. A preshift date board shall be placed at each CO sensor location.

8. The audible alarm shall be adjusted so that it can be heard in all parts of the surface office building.

[Pa.B. Doc. No. 03-1413. Filed for public inspection July 18, 2003, 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 2003.

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 any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—New

DEP ID: 150-0200-002. Title: Operator Certification Program Guidelines. Description: The State Board for Certification of Water and Wastewater Systems Operators will follow the guidance and procedures in this document to direct and support the implementation of the Water and Wastewater Systems Operators Certification Act and meet the Federal guidelines provided by section 1419 of the 1996 Amendments to the Federal Safe Drinking Water Act. Anticipated Effective Date: November 1, 2003. Contact: Kathy Keyes, (717) 787-2043, kkeyes@state.pa.us.

Draft Technical Guidance—Substantive Revision

DEP ID: 383-2300-001. Title: Pennsylvania's Interim Program for Operator Certification. Description: The changes to this guidance are designed to more effectively implement this program by addressing specific problems identified by members of the regulated community. These changes are prepared as a result of meetings and conversations with the Department's regional offices and the regulated community. This guidance applies to all owners and operators of regulated water and wastewater systems, the State Board for Certification of Water and Wastewater Systems Operators (Board) and the Department. The Department and the Board will follow the guidance and procedures in this document to direct and support the implementation of the Water and Wastewater Systems Operators Certification Act and meet the Federal guidelines provided by section 1419 of the 1996 Amendments to the Federal Safe Drinking Water Act. Anticipated Effective Date: November 1, 2003. Contact: Foster Diodato, (717) 787-0122, fdiodato@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1414. Filed for public inspection July 18, 2003, 9:00 a.m.]

Coastal Zone Management Program; Minor Changes

The Department of Environmental Protection (Department) has received a favorable decision from the Federal Office of Ocean and Coastal Resource Management (OCRM) concerning its proposal to make several minor changes to the Commonwealth's Coastal Zone Management (CZM) Program, as announced at 33 Pa.B. 426 (January 18, 2003). The Department determined these revisions to be routine program changes (RPC) and requested concurrence from the OCRM. An RPC is defined in 15 CFR 923.84 as a minor action taken by a state to further detail the implementation of its Federally approved CZM Program.

The Commonwealth received the requested concurrence on June 6, 2003, for the following CZM Program changes:

- Amendments to State regulations currently networked into the CZM Program's enforceable policies.
- The addition of an ocean resources policy.
- The addition of one geographic area of particular concern in the Lake Erie Coastal Zone.

As of this notification date, the Federal consistency aspects of the Federal CZM Act of 1972, as amended, shall apply to these changes.

For further information, contact Larry Toth, (717) 772-5622, latoth@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 03-1415. Filed for public inspection July 18, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

The Glen at Willow Valley
675 Willow Valley Square
Lancaster, PA 17602

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotope, Braille) should contact the Division of Nursing Care Facilities at the address or phone number 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. 03-1416. Filed for public inspection July 18, 2003, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Vegas Nights Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Vegas Nights.

2. *Price:* The price of a Pennsylvania Vegas Nights instant lottery game ticket is \$3.00.

3. *Play Symbols:*

(a) Each Pennsylvania Vegas Nights instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Vegas Nights instant lottery game ticket will also contain a "Powerball" area.

(b) The play symbols and their captions located in the "Your Numbers" area and the "Winning Numbers" area in "Game 1" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN).

(c) The play symbols and their captions located in the play area for "Game 2" are: Cherry Symbol (CHRY), Bell Symbol (BELL), 7 Symbol (SEVN), Grape Symbol (GRPE), Horse Shoe Symbol (SHOE) and Star Symbol (STAR).

(d) The play symbols and their captions located in the play area for "Game 3" are: \$1.⁰⁰ (ONE DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$27\$ (TWY SVN), \$30\$ (THIRTY), \$60\$ (SIXTY), \$120 (ONEHUNTWY) and \$15,000 (FTN THO).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the 8 "Prize" areas for "Game 1" and the "Prize" area for "Game 2" are: \$1.⁰⁰ (ONE DOL), \$3.⁰⁰ (THR DOL), \$4.⁰⁰ (FOR DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$27\$ (TWY SVN), \$30\$ (THIRTY), \$60\$ (SIXTY), \$120 (ONEHUNTWY) and \$15,000 (FTN THO).

(b) The prize play symbols and their captions located in the "Powerball" area are: ENTRY (TV SHOW) and TRY (AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are \$1, \$3, \$4, \$6, \$9, \$12, \$15, \$18, \$24, \$27, \$30, \$60, \$120 and \$15,000. The prize that can be won in the "Powerball" area is the ability to mail in for a chance to either appear on the weekly televised Powerball Instant Millionaire Game Show or be designated as an official at-home player. The player can win up to 10 times on a ticket.

6. *Television Entry Drawings:* The Pennsylvania Lottery will conduct drawings as necessary to provide sufficient contestants and at-home players for the Powerball Instant Millionaire television game show as provided in section 11.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Vegas Nights instant lottery game.

8. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15,000 (FTN THO) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15,000.

(2) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$120 (ONEHUNTWY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120.

(3) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$60^S (SIXTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$30^S (THIRTY) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$27^S (TWY SVN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24^S (TWY FOR) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(7) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$18^S (EGHTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15^S (FIFTN) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12^S (TWELV) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$9^{.00} (NIN DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$9.

(11) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6^{.00} (SIX DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(12) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4^{.00} (FOR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(13) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3^{.00} (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(14) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$15,000 (FTN THO) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$15,000.

(2) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$120 (ONEHUNTWY) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$120.

(3) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$60^S (SIXTY) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$30^S (THIRTY) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$27^S (TWY SVN) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$24^S (TWY FOR) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$24.

(7) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$18^S (EGHTN) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$15^S (FIFTN) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$12^S (TWELV) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$9^{.00} (NIN DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$9.

(11) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$6^{.00} (SIX DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$6.

(12) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$4^{.00} (FOR DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(13) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$3^{.00} (THR DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$3.

(14) Holders of tickets with two matching play symbols in the play area and a prize play symbol of \$1^{.00} (ONE DOL) in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$1.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets with three matching play symbols of \$15,000 (FTN THO) in the play area, on a single ticket, shall be entitled to a prize of \$15,000.

(2) Holders of tickets with three matching play symbols of \$120 (ONEHUNTWY) in the play area, on a single ticket, shall be entitled to a prize of \$120.

(3) Holders of tickets with three matching play symbols of \$60\$ (SIXTY) in the play area, on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets with three matching play symbols of \$27\$ (TWY SVN) in the play area, on a single ticket, shall be entitled to a prize of \$27.

(6) Holders of tickets with three matching play symbols of \$24\$ (TWY FOR) in the play area, on a single ticket, shall be entitled to a prize of \$24.

(7) Holders of tickets with three matching play symbols of \$18\$ (EGHTN) in the play area, on a single ticket, shall be entitled to a prize of \$18.

(8) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area, on a single ticket, shall be entitled to a prize of \$15.

(9) Holders of tickets with three matching play symbols of \$12\$ (TWELV) in the play area, on a single ticket, shall be entitled to a prize of \$12.

(10) Holders of tickets with three matching play symbols of \$9⁰⁰ (NIN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$9.

(11) Holders of tickets with three matching play symbols of \$6⁰⁰ (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(12) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(13) Holders of tickets with three matching play symbols of \$3⁰⁰ (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(14) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(d) Holders of tickets with a ENTRY (TV SHOW) prize play symbol in the "Powerball" area, on a single ticket, shall be entitled to mail their tickets in for a chance to appear on the weekly televised Powerball Instant Millionaire Game Show or be designated as an official at-home player.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>TV Entry</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
			ENTRY	ENTRY		
\$3				\$3	1:5	720,000
		\$3		\$3	1:25	144,000
	\$3			\$3	1:25	144,000
\$1	\$1	\$1		\$3	1:25	144,000
\$4				\$4	1:200	18,000
		\$4		\$4	1:200	18,000
	\$4			\$4	1:200	18,000
\$1 × 2	\$1	\$1		\$4	1:200	18,000
\$6				\$6	1:66.67	54,000
		\$6		\$6	1:66.67	54,000
	\$6			\$6	1:66.67	54,000
\$3		\$3		\$6	1:66.67	54,000
	\$3	\$3		\$6	1:66.67	54,000
\$9				\$9	1:1,000	3,600
		\$9		\$9	1:1,000	3,600
	\$9			\$9	1:1,000	3,600
\$3	\$3	\$3		\$9	1:1,000	3,600
\$3 × 3				\$9	1:1,000	3,600
\$12				\$12	1:1,000	3,600
		\$12		\$12	1:1,000	3,600
	\$12			\$12	1:1,000	3,600
\$6		\$6		\$12	1:1,000	3,600
	\$6	\$6		\$12	1:1,000	3,600
\$15				\$15	1:500	7,200
		\$15		\$15	1:500	7,200
	\$15			\$15	1:500	7,200
\$3 × 3		\$6		\$15	1:500	7,200
\$3 × 3	\$6			\$15	1:333.33	10,800
\$18				\$18	1:1,000	3,600
		\$18		\$18	1:1,000	3,600
	\$18			\$18	1:1,000	3,600
\$9		\$9		\$18	1:1,000	3,600
\$3 × 6				\$18	1:1,000	3,600

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>TV Entry</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$6 × 3				\$18	1:1,000	3,600
\$9 × 2				\$18	1:1,000	3,600
\$24				\$24	1:1,000	3,600
		\$24		\$24	1:1,000	3,600
	\$24			\$24	1:1,000	3,600
\$4 × 6				\$24	1:1,000	3,600
\$6 × 4				\$24	1:1,000	3,600
\$12 × 2				\$24	1:1,000	3,600
\$27				\$27	1:12,000	300
		\$27		\$27	1:12,000	300
	\$27			\$27	1:12,000	300
\$9	\$9	\$9		\$27	1:12,000	300
\$3 × 8	\$3			\$27	1:12,000	300
\$30				\$30	1:60,000	60
		\$30		\$30	1:60,000	60
	\$30			\$30	1:60,000	60
\$3 × 8	\$3	\$3		\$30	1:60,000	60
\$6 × 5				\$30	1:60,000	60
\$60				\$60	1:120,000	30
		\$60		\$60	1:120,000	30
	\$60			\$60	1:120,000	30
\$30		\$30		\$60	1:120,000	30
\$30	\$30			\$60	1:120,000	30
	\$30	\$30		\$60	1:120,000	30
\$6 × 8	\$6	\$6		\$60	1:120,000	30
\$12 × 5				\$60	1:120,000	30
\$15 × 4				\$60	1:120,000	30
\$30 × 2				\$60	1:120,000	30
\$120				\$120	1:120,000	30
		\$120		\$120	1:120,000	30
	\$120			\$120	1:120,000	30
\$60		\$60		\$120	1:120,000	30
\$60	\$60			\$120	1:120,000	30
	\$60	\$60		\$120	1:120,000	30
\$15 × 8				\$120	1:120,000	30
\$30 × 4				\$120	1:120,000	30
\$15,000				\$15,000	1:3,600,000	1
		\$15,000		\$15,000	1:3,600,000	1
	\$15,000			\$15,000	1:3,600,000	1

10. *Television Game Show Drawing Requirements:*

(a) To qualify for a television game show drawing, the player must reveal ENTRY captioned by (TV SHOW) when the latex covering is removed from the "Powerball" area of the Pennsylvania Vegas Nights instant lottery game ticket. Any tickets not containing a revealed ENTRY captioned by (TV SHOW) will be ineligible for the television game show drawings.

(b) The back of the television game show entry ticket must be completed by the player in a legible manner, including the player's name, complete address, telephone number and signature.

(c) The player shall affix proper postage to the ticket and mail same to the Powerball The Television Game Show address shown in the lower right portion of the ticket back.

(d) Television game show entry tickets received in envelopes will be disqualified.

(e) Participants in the television game show shall be at least 18 years of age or older.

(f) Pennsylvania Vegas Nights instant lottery tickets that win cash prizes and that are submitted to the television game show address will not be paid or honored.

(g) Television game show entry tickets must be received by the Pennsylvania State Lottery no later than the deadline announced by the Secretary.

11. *Television Game Show Drawing Procedures:*

(a) *Frequency.* The television game show drawings will be held at Lottery Headquarters. The drawings will be held as required by the Multi-State Lottery Association (MUSL) to provide sufficient contestants and at-home players to satisfy the Powerball Instant Millionaire television game show requirements. For each Powerball Instant Millionaire television show produced, one on-air contestant will be selected as well as a specific number of at-home players as predetermined by the MUSL.

(b) *Eligibility for television game show drawings.* To be eligible for the television game show drawings, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each television game show entry is entered into one of the drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into the television game show drawing.

(2) A television game show entry is eligible for only one television game show drawing.

(3) If a television game show entry is rejected during or following a TV game show drawing, the sole remedy is to

select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) *Manner of conducting the television game show entry drawings.*

(1) Entries will be placed approximately equally by weight in a number of containers equal to the number of game shows to be staffed with contestants.

(2) The entry tickets in the container for the first show's contestants will be placed in a rotary drum mechanical drawing device. The rotary drum will be spun a number of times to ensure a random mix. An entry ticket will be selected, and if valid, the owner of the ticket will be the on-air contestant for the first show. Additional entry tickets equal to the predetermined number of at-home players for the first show will then be drawn in the same manner, and if valid, the owners of the tickets will be the at-home players.

(3) As each entry is selected, it will be verified. If the selected entry is declared invalid, another entry ticket will be selected from the same container until a valid entry has been chosen.

(4) In addition, a sufficient number of alternate entry tickets will be drawn and validated for each week's show, in the event there is need to replace ineligible players. The alternates may become eligible to participate as on-air contestants or as at-home players.

(5) Duplicate tickets selected in the same week will be disqualified.

(6) When all examination and validation procedures are complete, the first set of tickets will be removed from the rotary drum mechanical drawing device and the entry tickets for the second week's container will be placed inside the drawing device and the drawing process repeated for the second week's game show.

(7) This process will be repeated until all the necessary on-air contestants and at-home players have been selected for the number of shows to be produced.

(d) The payment of a prize awarded in the television game show drawing to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

12. *On-Air Contestants and At-Home Players:*

(a) An on-air contestant will receive air transportation to Las Vegas, lodging, \$750 expense money and a chance to win up to \$1 million on the Powerball Instant Millionaire Game Show.

(b) An at-home player will win a minimum of \$100 and up to a maximum of \$10,000 based on the winnings of the Pennsylvania on-air contestant and MUSL rules.

13. *Game Show Travel, Restrictions and Proxy Information:*

(a) Game show travel arrangements include:

(1) Coach air transportation for up to two persons, including the game show contestant. Contestant and guest must fly from the same airport on the same flight and must return under similar travel arrangements.

(2) Ground transportation from the arrival airport to the designated hotel, and return to the airport.

(3) One hotel room, double occupancy, for 3 nights.

(4) Ground transportation as necessary from the hotel to the game show taping and return to the hotel.

(5) A check in the amount of \$750 payable to the game show contestant that may be used for any other expenses incurred during the trip.

(b) Restrictions:

(1) Travel package is subject to hotel and coach class availability.

(2) If the on-air contestant fails to show at the designated time of departure, the entire travel portion may be forfeited, at the option of the Pennsylvania State Lottery.

(3) Gratuities, meals and all other incidentals are not included.

(4) On-air contestants are responsible for all taxes and governments filings that may be required associated with the travel package.

(5) The travel package is not transferable, cannot be redeemed for cash and may not be resold.

(6) The MUSL and the Pennsylvania State Lottery shall not be responsible for cancelled or delayed travel due to causes beyond their control, including, but not limited to, inclement weather, an act of God, war, civil disturbance, court order or action of any air carrier.

(c) Proxy:

(1) In the event that a contestant does not wish to or cannot participate on the game show, the contestant may select a proxy to act on their behalf. All proxy selections must be approved by the MUSL and the Pennsylvania State Lottery. If the contestant fails to select a proxy that is acceptable to the Pennsylvania State Lottery and the MUSL, then the Pennsylvania State Lottery or the MUSL shall appoint a proxy to act on the contestant's behalf.

(2) In the event that a contestant or a contestant's designated proxy does not appear by the required time prior to the television game show taping, the MUSL will appoint a proxy to act on behalf of the contestant. In the event a contestant is unable to continue play during the taping of the game show, the MUSL will appoint a proxy to act on behalf of the contestant.

(3) The proxy appointed by the game show contestant, the MUSL or the Pennsylvania State Lottery shall act on behalf of the selected game show contestant. By participating in the Pennsylvania Vegas Nights instant lottery game, the contestant agrees to accept all game show decisions made by the proxy. All prizes won by the proxy during the television game show will be awarded to the contestant.

14. *At-Home Player Information:* The Lottery will send each at-home player a letter outlining the details regarding the Powerball Instant Millionaire Game Show. Pennsylvania on-air contestant winner results for each week will be posted on the Lottery's website (www.palottery.com). Each at-home player will receive his or her winnings by mail from the Lottery.

15. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Vegas Nights instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

16. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Vegas Nights, prize money from winning Pennsylvania Vegas Nights instant lottery game tickets will be retained by the Secretary for

payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Vegas Nights instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

17. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

18. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Powerball Instant Millionaire TV Game Show or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 03-1417. Filed for public inspection July 18, 2003, 9:00 a.m.]

DEPARTMENT OF STATE

Notice of Availability of the State Plan

On June 28, 2003, the Secretary of the Commonwealth made available for public inspection the Commonwealth's preliminary State Plan. The State Plan outlines the methods the Commonwealth will use to comply with the requirements of the Federal Help America Vote Act of 2002 and how it will use grants from the Federal government to achieve this goal. Interested individuals or groups may access a copy of the preliminary State Plan on the Department of State's (Department) website at www.dos.state.pa.us or by contacting Barbara Smotherman, (717) 787-6458, bsmotherma@state.pa.us. A 30-day comment period is provided, which will expire on July 28, 2003. Comments must be submitted, in writing, to the Department by July 28, 2003. Comments should be submitted to Barbara Smotherman at the previous telephone number or e-mail address.

PEDRO A. CORTES,
Secretary of the Commonwealth

[Pa.B. Doc. No. 03-1418. Filed for public inspection July 18, 2003, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider the regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-141	Department of Agriculture Milk Sanitation	7/2/03
7B-5	Department of Conservation and Natural Resources Snowmobile and All-Terrain Vehicle Registration and Operation	7/9/03
12-59	Department of Labor and Industry Appeals from Determinations of Department	7/9/03

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 03-1419. Filed for public inspection July 18, 2003, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Spiros Kasapidis; Doc. No. SC 03-07-008

Notice is hereby given of the Order to Show Cause issued on July 8, 2003, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 604 and 639 of The Insurance Department Act of 1921 (40 P. S. §§ 234 and 279), 31 Pa. Code §§ 37.46 and 37.47 (relating to standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses) and section 5(a)(12) of the Unfair Insurance Practices Act (40 P. S. § 1171.5(a)(12)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1420. Filed for public inspection July 18, 2003, 9:00 a.m.]

Application for Approval to Acquire Control

American International Group, Inc. has filed an application to acquire control of GE Property & Casualty Insurance Company, GE Casualty Insurance Company, GE Auto & Home Assurance Company and GE Indemnity Insurance Company, all Pennsylvania domiciled stock property or casualty insurance companies. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax: (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1421. Filed for public inspection July 18, 2003, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Auto Insurance Rate and Rule Revision

On June 26, 2003, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a proposed rate level and rule change for private passenger auto insurance.

The company requests an overall 7.1% increase amounting to \$60.315 million annually, to be effective January 1, 2004.

Unless formal administrative action is taken prior to August 25, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Highmark Inc. d/b/a Highmark Blue Shield; Special Care Medical/Surgical Program; Rate Filing; ID No. A71475001

By filing no. 1-SCMS-03-HI, Highmark Inc. d/b/a Highmark Blue Shield requests approval to increase premium rates for its special care medical/surgical programs in the Central Pennsylvania Region, Independence Blue Cross Region and Blue Cross of Northeastern Pennsylvania Region. Increases will vary by region as follows.

<i>Region</i>	<i>Percentage Increase</i>	<i>Additional Prem. per Month</i>	<i>Number of Contracts</i>
Central Pennsylvania Region	11.5%	\$20,200	3,270
Independence Blue Cross Region	9.8%	\$67,400	11,630
Blue Cross of Northeast Pennsylvania	5.9%	\$ 7,000	2,750
All Regions Combined	9.6%	\$94,600	17,650

The filing requests an average increase of about 9.6% of current premiums. This will affect about 17,650 contract holders and produce additional annual income of about \$1,135,200. The requested effective date of the change is January 1, 2004.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1422. Filed for public inspection July 18, 2003, 9:00 a.m.]

Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; Request to Increase Rates for the 65 Plus Prescription Drug Plan; Rate Filing No. 1-65P-03-HBCBS

Highmark Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase its premium rates for its 65 Plus Prescription Drug Plan. The filing requests an increase of 17% or \$20.40 per contract per month. This will affect about 19,000 contract holders and produce additional annual premium income of about \$4.7 million. The requested effective date of the change is January 1, 2004.

Copies of this filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's regional offices in Harrisburg, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1423. Filed for public inspection July 18, 2003, 9:00 a.m.]

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1424. Filed for public inspection July 18, 2003, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested hearings 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 the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Cathie J. East; file no. 02-188-07353; Progressive Insurance Company; doc. no. PH03-06-035; August 8, 2003, 9 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Susan S. and Dennis Osgood; file no. 03-193-05572; American International Insurance Company/AIG; doc. no. PI03-06-036; August 15, 2003, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons

participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 03-1425. Filed for public inspection July 18, 2003, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 305.21—Payments to Local Governments and Other Subrecipients, Dated June 13, 2003.

Management Directive No. 520.3—Unclassified Codes and Titles, Amended June 16, 2003.

Management Directive No. 625.1—Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services, Amended June 20, 2003.

Administrative Circular No. 03-14—Closing Instruction No. 3, Prior Fiscal Year Appropriations Subject to Act 146 Waivers; Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated June 4, 2003.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 03-1426. Filed for public inspection July 18, 2003, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Ingredient Costs

Under the provisions of the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on August 6, 2003, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the cost of ingredients in Milk Marketing Areas 1—6. Evidence in each of the areas shall be based on the costs of the cross-section of dealers used in the most recent cost replacement hearing for that area.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board orders fixing prices in Milk Marketing Areas 1—6 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on July 23, 2003, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on July 23, 2003, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on July 30, 2003, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 4, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 23, 2003.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 03-1427. Filed for public inspection July 18, 2003, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Meetings Scheduled

The July 23, 2003, meeting of the Pennsylvania Infrastructure Investment Authority (PENNVEST) Board of Directors (Board) will begin at 10 a.m. in the North Office Building, Hearing Room 1, Ground Floor, 400 North Street, Harrisburg, PA.

Persons requiring ADA accommodations at the Board meeting should contact Elaine Keisling, (717) 783-4494, akeisling@state.pa.us.

PENNVEST and the Department of Environmental Protection have scheduled a public meeting for 2 p.m. on July 23, 2003, in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

The meeting is scheduled for the purpose of advising the public regarding revisions to the previously approved projects shown on the FY 2002-2003 Revised Clean Water State Revolving Fund and Drinking Water State Revolving Fund Project Priority List and Intended Use Plan and the impact of the PENNVEST Board decisions on the funding of these projects for the July 23, 2003, meeting.

Persons requiring ADA accommodations should contact Tony Maisano, (717) 787-6744, amaisano@state.pa.us.

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 03-1428. Filed for public inspection July 18, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Modifications to the Review of Interconnection Agreements

Public Meeting held
June 26, 2003

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

Proposed Modifications to the Review of Interconnection Agreements; M-00960799

Tentative Order

By the Commission:

I. Introduction

On June 3, 1996, the Commission entered an Order (Implementation Order) at Doc. No. M-00960799 implementing in this Commonwealth provisions of the Federal Telecommunications Act of 1996 (act). Included in the Implementation Order were specific procedures and requirements relating to the regulation of Interconnection Agreements.

During the time that has elapsed since the entry of the Implementation Order, a number of issues have arisen in the context of processing Interconnection Agreements. This Order will review specific requirements and procedures contained in the Implementation Order and, where issues have been identified, propose procedural modifications to address them.

It should be noted that this Order addresses only issues apparent at this point in time. This Order does not attempt to anticipate future issues that may arise as the regulatory process continues to evolve. Moreover, it is the intent of the Commission to revisit the issues addressed herein 1 year after this Order becomes final to determine whether the procedural modifications have brought about the desired result. At that time, the Commission may further modify these procedures as well as address any other issues that may arise. Although this Order makes specific proposals for changes in respect to how the Commission processes Interconnection Agreements, we are seeking additional input from the industry and expressly recognize that the option remains to maintain the status quo or to impose procedures different than those suggested here.

In an attempt to involve the telecommunications community in this process, on November 1, 2002, we served a copy of Proposed Modifications on all Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) as well as the Pennsylvania Telephone Association. Notice of the proposed modifications was also published at 32 Pa.B. 5485 (November 2, 2002).

In the published notice, we requested comments by November 22, 2002, and reply comments by December 6, 2002; however, due to a problem in posting the initial comments on the Commission website, the reply comment period was extended until December 20, 2002. Verizon Pennsylvania Inc. (Verizon PA) requested, and was granted, an extension until December 24, 2002, for the submission of reply comments. Comments were filed by ALLTEL/North Pittsburgh Telephone Company (ALLTEL), MCI WorldCom Network Services, Inc. (MCIW), Sprint Communications Company L. P./United Telephone Company of Pennsylvania (Sprint), Verizon PA and Level 3 Communications LLC (Level 3). Reply Comments were filed by Verizon PA.

II. Implementation Order Overview

In our Implementation Order, we stated as follows:

The development of an interconnection agreement commences on the day a carrier receives a request for interconnection from another carrier (day 1). It is absolutely essential, and through this order we will require that each carrier requesting an interconnec-

tion agreement from another carrier shall file a copy of the request with the Commission at the requesting carrier's A-docket.

(Implementation Order at 24).

The act established a 160-day period, beginning with Day 1, as defined in the Implementation Order (that is, the day a carrier receives a request for interconnection from another carrier), within which the parties may negotiate the terms of interconnection. During that time period, any party may request that the Commission mediate the interconnection request. If mediation is requested, the Commission appoints a mediator who proceeds in accordance with the procedures outlined in the Implementation Order.

Included in the 160-day negotiation period is a 25-day period from Days 135—160 within which any of the parties may request arbitration of any or all unresolved issues whenever negotiation and/or mediation fails. Section 252(b)(1). The act specifies that the Commission must resolve all outstanding issues within 9 months of the date that interconnection is first requested (Day 1).¹ Section 252(b)(4)(C). The act further specifies that the Commission must then act within 30 days of the date that an executed agreement resulting from arbitration proceedings is filed. Section 252(e)(4).

In the Implementation Order, the Commission recognized that the act does not place any time constraints on the parties after Day 160 with respect to negotiated and/or mediated interconnection agreements. As a result, the Implementation Order establishes a 30-day period after the close of the negotiation period (Day 160), or by Day 190, within which the parties to a negotiated and/or mediated agreement must file an executed agreement with the Commission. Implementation Order at 33. Once filed, the Commission, as required by the act, must then complete review within 90 days. Section 252(e)(4).

Likewise, in the case of arbitrated agreements, the act does not specify when an executed agreement that results from arbitration proceedings must be filed with the Commission. In the Implementation Order, the Commission specified that an executed agreement resulting from arbitration must be filed with the Commission within 30 days of the date of entry of the Order resolving the arbitration proceedings. Implementation Order at 33. The Commission, in accordance with the act, then has 30 days within which it must complete its review of the filed agreement. Section 252(e)(4).

In summary, the time period established by the act and our Implementation Order for an interconnection agreement arrived at through negotiations and/or mediation is as follows: 160 days for negotiation and/or mediation; 30 days for the parties to file an executed agreement with the Commission; and 90 days for the Commission to act on the filing. This results in a maximum time period of 280 days from the date a party first requests interconnection until entry of a Commission Order finally acting on the agreement arrived at through negotiation. With respect to arbitrated agreements, the maximum time period is 330 days: 160 days for negotiation and/or mediation (including a 25-day period of time from Day 135 to Day 160 within which a party may request arbitration); a 25-day time period for comments, if any, to be filed to the arbitration request; a minimum of 85 days (until Day 270) within which the Commission must arbitrate the

¹Under the act, the Commission must act on any Interconnection Agreement filed as a result of negotiation and/or mediation within 90 days of an executed agreement being filed with the Commission. Section 252(e)(4).

request and enter an Order approving or rejecting the arbitrated agreement; 30 days within which the parties must file an executed agreement in compliance with the Order; and 30 days for the Commission to act on the filing.

In both cases, if the Commission fails to meet its responsibility under the act to act within the prescribed 90 days (in the case of negotiated and/or mediated agreements) and 30 days (in the case of arbitrated agreements), the Interconnection Agreement is deemed approved under section 252(e)(4) of the act and the Federal Communications Commission (FCC) may assume jurisdiction under section 252(e)(5).

III. *Issues Relative to the act and the Implementation Order*

In the time since entry of our Implementation Order in 1996 that the Commission has been reviewing Interconnection Agreements, several issues have arisen with respect to the foregoing time-related requirements. What follows is a discussion of those issues, as identified in our November 1, 2002, Notice of Proposed Modifications, along with a summary of the comments submitted by interested parties and a statement of our tentative resolution of those issues.

A. *Failure to Notify Commission about the Initial Interconnection Request Date (Day 1)*

This has been a recurring problem since entry of the Implementation Order. Routinely, the requesting interconnection carrier² has not been advising the Commission of the date that it initially requested interconnection with an ILEC as required by the Implementation Order. This results in the Commission not knowing when any of the time periods prescribed either by the act or by the Implementation Order actually begin.

1. *Initially Recommended Solution*

The initially recommended solution was to require that ILECs formally notify the Commission of the date (Day 1) on which another carrier first requests interconnection. It was proposed that notification be in writing and submitted to the Secretary within 20 days after a request for interconnection. It was also suggested that the notification state whether the Day 1 date pertains to a new interconnection agreement (that is, the first time the ILEC is interconnecting with the requesting carrier), an amended or revised interconnection agreement, a replacement interconnection agreement or an "opt-in" request regarding an existing interconnection agreement. In all instances, except when the Commission has not established an A-docket for the requesting carrier, the ILEC would be required to reference in the notice the Commission A-docket assigned to the requesting carrier. Where the requesting carrier has no A-docket assigned, the ILEC would be required to note that fact and the Secretary would then assign an A-docket as noted in the Implementation Order.

This was a departure from what is required by the Implementation Order. The Implementation Order states that it is the obligation of the requesting carrier to notify the Commission of the date when interconnection is requested. However, since we do not have jurisdiction over all requesting carriers, enforcement of this requirement is problematic. As a result, we proposed placing the notice requirement on the ILEC.

²The requesting interconnection carrier may or may not be subject to this Commission's jurisdiction. However, the ILEC providing interconnection to the requesting interconnection carrier is currently subject to this Commission's jurisdiction.

2. *Filed Comments*

ALLTEL argued that it should not be the burden of the ILEC to notify the Commission or to identify and/or obtain an A-docket number and that this is an unreasonable and discriminatory burden to place on the ILEC. ALLTEL further argued that the proposal is contrary to the act, anticompetitive and places a significant burden on the ILEC. Finally, ALLTEL stated that the act gives the Commission jurisdiction over Commercial Mobile Radio Service (CMRS) carriers for certain purposes including interconnection agreements. Therefore, argued ALLTEL, the Commission has authority to require the CMRS carriers to follow our regulations and, if we are unable to enforce our jurisdiction, the corrective action is through the courts or by seeking an amendment to our enabling legislation.

Sprint's filed comments are consistent with those of ALLTEL. In addition, Sprint stated that CLECs and the CMRS carriers are in the best position to supply the necessary information and that they have the motivation and need to proceed with a Day 1 notice to the Commission. As a result, Sprint urged that the existing practice not be modified and that the responsibility to issue the Day 1 notice to the Commission continue to be that of the requesting carrier.

Verizon PA's comment on this issue is that the proposed modification should not be adopted and, moreover, that the requirement of a Day 1 notification by the requesting carrier should be eliminated. Verizon PA further stated that maintaining or enforcing this obligation against either the ILEC or the requesting carrier would hinder negotiations between the parties, and the problem that the proposed modification seeks to address would not be solved by shifting the burden of compliance to the ILECs. Verizon PA's reason for taking this position is that the requesting carrier and the ILEC often engage in exploratory discussions that are not considered, for various reasons, to be the start of the interconnection request date. Verizon PA argued that requiring notice of the first day of an interconnection request would have a chilling effect on the exploratory discussions as well as potentially lead to disagreements over when the actual "start" date of the negotiations occurred.

3. *Tentative Resolution*

It is important to note that this proposed modification to our implementation procedures addresses increasing concerns over interconnection agreements not being filed with the Commission for review and approval until many months have passed since the agreements have been executed. During this time, in most instances, the parties are operating under the agreements without Commission approval and without the knowledge of other carriers or potential carriers that may desire to opt-in to the agreement. The act established a 9-month period from the day interconnection is first requested (Day 1) within which all outstanding issues must be resolved and the agreement either approved or denied. The Implementation Order set the specific time periods for the Commission to allow it to meet the mandates of the act and defined Day 1 as the date interconnection is first requested by one carrier or another carrier. If a Day 1 is not defined, there is no point of reference from which to determine the 9-month period mandated by the act and the interconnection process could go on indefinitely.

In the Comments filed on this issue, the ILECs generally take the position that it is not their responsibility to notify the Commission of a request for interconnection.

Verizon PA takes the added position that the Day 1 notice requirement be eliminated altogether because the negotiations go back and forth over a period of time, there is no clearly defined beginning of the request process and enforcing a Day 1 process has a chilling effect on the negotiations.

While the Implementation Order indeed specified that it is the responsibility of the requesting carrier to notify the Commission of the date interconnection is first requested, if a requesting carrier does not yet have CLEC authority, the Commission's ability to enforce this requirement is problematic. Moreover, the proposal to require the ILEC to notify the Commission does not appear to have onerous administrative implications for the ILEC despite their protestations to the contrary. All that is required is a brief one-page letter to the Secretary of the Commission stating that on a particular date, a named carrier requested interconnection with the ILEC. If the requesting carrier is a CLEC, it will have an A-docket that should be referenced in the notice. If the requesting carrier is not a CLEC, then that fact only needs to be referenced in the notice and the Secretary will assign an A-docket.

With respect to Verizon PA's proposal to eliminate the Day 1 requirement, in all practical respects, this is what is currently happening since notification by requesting carriers is not being done in many instances, despite the clear language in our Implementation Order. The timelines specified in the act presumably are there to protect the requesting carrier from any delaying tactics by the ILEC. If a requesting carrier fails to notify the Commission when it requests interconnection with an ILEC, the 9-month clock under the act never starts and the carrier cannot then complain to the Commission that the ILEC is causing a delay by refusing to negotiate. The Commission's only responsibility in this instance is to act promptly on the Agreement once it has been filed with the Commission, that is, within 90 days of the date of filing. If, however, the requesting carrier notifies the Commission when interconnection is first requested, the 9-month clock starts and the responsibility to negotiate falls on the ILEC as well as the requesting carrier.

At section 252(b)(4)(c), the act expressly mandates that the interconnection request process take no longer than 9 months. If we are to adhere to the act, some form of enforceable requirement to notify the Commission of the Day 1 date is required. For the foregoing reasons, we tentatively require that the ILEC notify the Commission of a request for interconnection within 20 days of the date interconnection is requested as previously discussed.

B. Failure to File an Executed Interconnection Agreement with the Commission within 30 Days After the Agreement is Signed

This issue probably has the most significance since, routinely, with respect to negotiated and/or mediated agreements, parties have been ignoring the directive in our Implementation Order to file the executed agreement within 30 days of the date it is signed. The parties have been taking several months, and even longer, after a negotiated agreement has been executed before filing the agreement with the Commission for approval. In the interim, the parties, in most cases, begin operating under the agreement as soon as it has been executed regardless of the fact that the agreement has not been either filed with, or approved by, the Commission. In several instances, the interconnection agreement has actually expired either prior to, or during, the 90-day review period while it is pending before this Commission for approval.

The concern here is that the parties to the agreement are operating under an agreement that has not been filed with the Commission, has not been published for public comment, has not been approved by the Commission and is not available to any other carrier to opt-in to should a carrier so desire.

1. Initially Recommended Solution

In the Proposed Modifications published in November 2002, we stated that any recommended solution to this problem must impose the requirement for compliance on both the requesting carrier and the ILEC providing interconnection, and must also take into consideration the fact that the Commission may not assert jurisdiction over all requesting carriers (for example, wireless carriers). In many instances where this problem has occurred, the ILEC in question has indicated that the requesting carrier delays signing the joint petition for approval of the agreement that is to be filed with the Commission under the Implementation Order. The precise reasons for the delay are not known, but it is significant to note that there is no incentive for the requesting carrier to sign the petition since, in most cases as stated previously, operation under the agreement commences upon the agreement being executed. The initially recommended solution, therefore, was to permit and/or require the ILEC in question to not operate under the agreement until the time the requesting carrier signs the joint petition requesting approval of the executed agreement.

It was also proposed that the Commission enforce the civil penalty provisions under section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, against all jurisdictional carriers whereby a fine could be imposed on the ILEC and on any jurisdictional interconnecting carrier for each day filing is delayed beyond the initial 30-day grace period provided for filing an executed Interconnection Agreement by the Implementation Order.

By adopting this initially recommended modification to our implementation procedures, the burden would then fall on the ILEC and the requesting carrier, both jurisdictional and nonjurisdictional, to ensure that the effective date of the executed interconnection agreement would not be surpassed by more than 30 days at the time and date it is filed with the Commission. This procedure would also assist in developing an awareness in the requesting carrier and the ILEC that the Commission will not tolerate late filings, and thus, hopefully, reduce the number of late filings.

2. Filed Comments

ALLTEL argued that it is unreasonable and discriminatory to impose a fine on the ILEC when the responsibility for filing the agreement with the Commission within 30 days after the agreement is signed should be placed on the requesting carrier.

Sprint listed several concerns with our proposal. First, Sprint argued that the 30-day time period is unreasonable and unrealistic and that the parties should be afforded up to three extensions (that is, a total of up to 90 additional days) in which to file an executed agreement. Only after that period should any process for the assessment of penalties be invoked.

Secondly, Sprint stated that agreements are typically drafted to become effective upon execution and that, therefore, no harm or prejudice occurs to either party or to the public if the agreements are filed 30 or 60 days after execution. As a result, Sprint asserts that penalties are unwarranted. Sprint also noted that the Proposed Modifications fail to address any process by which penal-

ties would be invoked, and that there are less restrictive alternatives available. Sprint stated that the Commission could eliminate the requirement that a joint petition be submitted and permit the executed agreement to be filed with a cover letter as in the case of tariffs. Such a proposal, according to Sprint, would reduce the administrative burden on the ILEC and, presumably, hasten the process. As a result, Sprint recommended that the proposal to impose penalties be rejected.

Similarly, Verizon PA recommended that the requirement that parties file a joint petition be eliminated and replaced with a provision whereby the ILEC would be allowed to file a petition for approval of a jointly signed agreement on behalf of the ILEC and the requesting carrier. Verizon stated that the ILEC would attest that the agreement is true and correct. Simultaneous with filing the agreement with the Commission, the ILEC would serve a copy on the requesting carrier who would then have 30 days in which to notify the Commission if the filed agreement was not indeed true and correct.

MCIW filed two Comments to the Proposed Modifications that do not specifically address this issue but which will be considered herein nonetheless. MCIW argued that no party should be permitted to put position statements in the Interconnection Agreement cover letter and that specific procedures should be adopted for carriers that opt-in to existing Interconnection Agreements.

Level 3 did not file any Comments on this issue and Verizon's Reply Comments generally agreed with the Comments of the other parties although Verizon did object to the Comments of MCIW.

3. *Tentative Resolution*

Sprint's suggestion that the parties be permitted up to three 30-day extensions within which to file a copy of an executed agreement with the Commission is rejected on its face. Once the agreement has been executed, the parties have concluded negotiations, reduced the agreement to writing and have jointly signed the agreement. In most cases, the parties also begin operating under the agreement at that point. At this point, there is no reason why the executed agreement cannot be filed with the Commission within 30 days.

Also, Sprint's suggestion that no harm occurs if the agreement is filed 30 or 60 days after execution since the parties begin operating under the agreement as soon as it is executed ignores the fact that: (1) the Commission has not made a finding at that point that the agreement is in the public interest and nondiscriminatory; (2) other interested parties have not had an opportunity to comment on the agreement; and (3) any other party that might desire to opt-in to the agreement is precluded from doing so during the period that the filing of the agreement is delayed, thus potentially acting as a barrier to market entry of another entity.

However, the suggestion by Sprint that the parties be permitted to file the agreement under a cover letter instead of a joint petition and the suggestion by Verizon that the ILEC be permitted to file a petition for approval of a jointly signed agreement in lieu of a joint petition appear to have merit.

Regardless of whether the submittal is by a "letter petition" or a formal pleading, the requirement to submit the agreement should be imposed upon a jurisdictional entity and need not require the requesting carrier to participate in a joint filing, which has been the cause for delay in many instances. Additionally, the 30 days within which the requesting carrier would be allowed to notify

the Commission if the agreement submitted by the ILEC is not a true and correct copy would not cause any appreciable delay in the review process since the Commission staff could complete its review within that time period and simply await any objection by the requesting carrier. In the absence of any objection, the agreement could be approved at a public meeting without further action. If a timely objection was filed, there would still be adequate time left in the 90-day review period to have the ILEC correct any deficiencies.

The Commission has grave concerns with the current practice of late-filed agreements. This failure is, as stated previously, problematic in several ways not the least of which is the failure to comply with the Implementation Order as well as denying parties the opportunity to have the benefit of terms and conditions enjoyed by the CLEC that failed to timely file the agreement with the Commission. This discriminatory activity will not be tolerated as it could generally harm competitive markets as well as individual CLECs. As to the issue of penalties, the Commission has the authority under the Public Utility Code to ensure timely compliance with our regulations and orders. This includes the authority to impose penalties as may be appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Consequently, the issue of penalties does need not be addressed here in the context of this review of our procedures. However, we will consider remedies for any future failures to comply with the procedures finally approved at this docket as may be warranted on a case-by-case basis.

As a result, the Sprint/Verizon PA proposal, as previously described, is tentatively implemented instead of our originally proposed modification. In the interim, particular cases of noncompliance may be subject to review and potential enforcement on a case-by-case basis.

With respect to MCIW's arguments, we agree that the cover letter accompanying an Interconnection Agreement is not the proper place for position statements by any party. We have not perceived this issue to be a problem at this point in time but we will monitor the issue and make a determination at the time of the 1-year review if further formal action is warranted. Likewise with respect to adopting specific procedures for opt-in agreements. In our experience, the existing procedures treating all Interconnection Agreements the same without distinction as to whether they are new agreements or opt-ins to existing agreements are adequate. However, we will also monitor this issue and modify it as necessary.

C. *Approval of an Interconnection Agreement Prior to a CLEC's Certification*

Neither the act nor the Implementation Order requires that a requesting carrier have Commission or Federal authority to operate prior to requesting interconnection. The Implementation Order, in fact, recognizes that some carriers may not have the requisite authority as follows:

If the requesting carrier does not have an A-docket, an A-docket shall be assigned by the Commission's Secretary at the time of filing of the interconnection agreement.

(Implementation Order at 25).

The previous language pertains to carriers that fall under this Commission's jurisdiction but have not yet been certificated (for example, CLECs), as well as carriers that, under Commonwealth law, are not subject to regulation by this Commission (for example, wireless carriers), and may not have received a Federal license to operate. The problem with dealing with uncertificated jurisdic-

tional and nonjurisdictional carriers is that the Commission has no knowledge of the entity or requesting carrier until that entity files an interconnection agreement with the Commission. This further exacerbates the problem described earlier whereby parties to an interconnection agreement may have been operating under interconnection agreements for months before filing the agreement with the Commission for review.³

1. *Initially Recommended Solution*

The Proposed Modifications note that any requirement for certification of a carrier prior to seeking interconnection would only address those companies subject to our jurisdiction and not those we do not regulate. Any requirement would thus only address our current concerns about noncertificated jurisdictional carriers operating under approved executed Interconnection Agreements. Since we do not exercise jurisdiction over carriers such as wireless companies, they are not required to obtain Pennsylvania certification. However, we can realistically require any nonjurisdictional carrier desiring to operate under an interconnection agreement in this Commonwealth to fill out a brief, nonutility application or registration form (similar to what is done for customer-owned coin operated telephones).⁴ The nonutility application/registration form would be completed by the requesting entity and given to the ILEC at the time of an interconnection request. The ILEC would then file the applicant/registration form along with the Day 1 notification with the Commission. It would be important for Commission recordkeeping purposes that the requesting carrier include on this form the type of carrier it is, any trade name it uses and whether there have been any previous interconnection agreements approved by this Commission at a time when it has operated under a different name. The nonregulated carrier should also notify the Commission whenever it has undergone a name change during the tenure of any approved interconnection agreement.

2. *Filed Comments*

ALLTEL argued that this Proposed Modification is unreasonable and discriminatory since it should be the obligation of the requesting carrier to provide the necessary information to the Commission on a timely basis and the solution is not to penalize or further regulate the ILEC when the requesting carrier fails to follow Commission procedures.

Verizon PA agreed with the proposal to have an application/registration form filled out by the requesting entity since the requesting entity has ready access to the necessary information and will have an incentive to file the form on a timely basis.

³All Orders that approve the initial interconnection agreements between ILECs and CLECs include the following language to ensure that CLECs obtain certification before attempting to operate under the interconnection agreement. This language is not included in Orders where the requesting carrier is not subject to Commission jurisdiction:

It is noted that, regardless of the types of services covered by this Interconnection Agreement, it would be a violation of the Public Utility Code if the Applicant began offering services or assessing surcharges, to end users, for which it has not been authorized to provide and for which tariffs have not been authorized.

⁴COCOTs are customer-owned coin operated telephones. Prior to the deregulation of customer premises equipment (CPE) in the early 1980s, pay telephones were only provided by local or long distance telephone companies certificated to provide utility service. After CPE was deregulated and detariffed, private individuals and non-telephone companies were permitted to own and operate pay telephones (COCOTs) for use by the public. These private owners did not require Chapter 11 certification and were subject only to minimal rate, quality of service and equipment requirements. (The FCC subsequently preempted this Commission's ability to regulate availability through entry or exit requirements as well as the price of local coin service). This Commission did not require certification of COCOTs but required that they adhere to certain requirements which were codified in Chapter 63. As such, this Commission termed COCOTs as "nonpublic utilities" and required them to file a form with the Commission containing information relating to, inter alia, the owner's name and telephone number, the telephone number and location of the COCOT, and who to contact to receive refunds or resolve problems associated with the COCOT.

Level 3 supported the existing procedures that permit the filing, review and approval of an agreement pending the review and approval of a CLEC certificate application as being consistent with the act. Level 3 argued that, if a requesting carrier were required to have full certificate authority prior to approval of an interconnection agreement, a significant delay in market entry would be created that, until now, has not existed. As a result, Level 3 requested that the existing procedures not be modified, even where a CLEC certificate application is still under review.

3. *Tentative Resolution*

The comments by the parties recommending against requiring CLEC authority prior to the filing of an Interconnection Agreement request are persuasive. Further, since we are implementing the modification concerning the Day 1 issue and requiring the filing of an agreement within 30 days of execution, it is anticipated that this issue will, for the most part, be resolved. As a result, this proposed modification will be withdrawn. Nonetheless, we will continue to monitor this issue and we will revisit it if appropriate.

D. *Filing of "True and Correct" Copies of Interconnection Agreements*

Currently, each Order approving an Interconnection Agreement includes an Ordering Paragraph requiring that a "true and correct" copy of the Interconnection Agreement be filed as part of compliance obligations of the parties. Routinely, the "true and correct" copy is not filed with the Commission primarily because the agreement has not changed since it was originally submitted for approval with the Commission. As a result, Parties to the agreement have been filing a letter indicating that the original executed copy filed at the beginning of the review process is a "true and correct" copy and requesting that this copy meet its compliance responsibility. A problem arises in that all parties do not automatically file even a letter making this request. The parties are sent a Secretarial letter, sometimes several letters, reminding them of their responsibility under the Order, but frequently a response is not forthcoming.

1. *Initially Recommended Solution*

The initially recommended solution to this issue was to eliminate the ordering paragraph requiring that a "true and correct" copy be filed with the Commission, with the exception of those instances where: (1) the Commission and/or a party makes a change to the original agreement; (2) the agreements are arrived at through the arbitration process; or (3) a copy was not filed at the beginning of the review process.

It was also recommended that ILECs be required to include a section on their respective websites that contains currently effective interconnection agreements that were either approved by this Commission or became effective by operation of law. This would: (1) more readily provide the public with access to interconnection agreements; (2) reduce the cost to the public in obtaining copies of agreements; (3) assist in reducing the number of inquiries as to which companies have approved agreements and how an official copy of an agreement can be obtained; and (4) assist in reducing the burden on the Secretary's Bureau in duplicating the voluminous copies.

2. *Filed Comments*

ALLTEL supported the proposal not to require the filing of a true and correct copy of the interconnection agreement when the original agreement has not been

changed. However, ALLTEL objected to the proposal to require that ILECs make all agreements available on their websites as being unreasonably burdensome and discriminatory. ALLTEL proposed that the Commission make the agreements available on its website because the obligation to provide the public with access to these agreements is not an ILEC responsibility. ALLTEL maintained that an ILEC should have control over its own website and not have the Commission improperly mandate a host of requirements as to what a corporate website must contain.

Sprint's position on this issue is consistent with that of ALLTEL, but Sprint suggested that ILECs be required to file an electronic true and correct copy, rather than a hard copy, for inclusion on the Commission website.

Verizon PA agreed with the proposal not to require the filing of a true and correct copy under the circumstances cited. Verizon PA, however, opposed the imposition of a requirement that ILECs include the agreements on their websites. Verizon PA argued that this requirement would create a significant financial and technical cost to the ILEC as well as create potential liability should a copy of an agreement that was not a true and correct copy be posted inadvertently.

3. Tentative Resolution

None of the parties opposed the elimination of the requirement for the filing of a true and correct copy of an interconnection agreement under the circumstances outlined in our proposal. However, the parties do object to the proposal that would require that ILECs include copies of currently effective agreements on their websites. All suggest that the Commission make the agreements available on its website with Sprint recommending that a true and correct electronic copy be submitted in lieu of a paper true and correct copy for inclusion on the Commission's website.

The proposed modification requiring the ILECs to include the agreements on their websites is similar to the requirement that utilities have their tariffs available on their websites with a link from the Commission website to the tariff page. As a result, the opposition to the proposal does not appear to be well-founded. Nonetheless, requiring the ILECs to submit an electronic true and correct copy for inclusion on the Commission website is an acceptable compromise. Therefore, the requirement for a paper true and correct copy will be tentatively eliminated under the circumstances previously described and ILECs will be required to submit an electronic true and correct copy of all interconnection agreements, including any amendments, for inclusion on the Commission website. It is noted, however, that this recommendation does not supplant the previous recommendation that the ILEC file for approval of a jointly signed interconnection agreement, nor does it relieve any party of its filing responsibilities.

IV. Conclusion

Based on the foregoing, consistent with the requirements under 66 Pa.C.S. § 703(3), relating to notification of Commission orders, we adopt the revised procedures adduced in the body of this Tentative Order; *Therefore,*

It Is Ordered That:

1. Our Order at Doc. No. M-00960799 entered June 3, 1996, is hereby modified relative to the filing of Interconnection Agreements.

2. The ILEC, upon receipt of a request for interconnection, shall file notice of the request with the Commission within 20 days of the date interconnection is requested consistent with this Order.

3. The ILEC is hereby responsible for filing, on behalf of itself and the requesting entity, a jointly signed interconnection agreement with the Commission within 30 days of the date that the agreement is signed.

4. The ILEC, within 30 days of entry of an Order approving an Interconnection Agreement, shall file an electronic true and correct copy of the agreement with the Commission for inclusion on the Commission website.

5. This Tentative Order shall be published for comment in the *Pennsylvania Bulletin* and copies served upon all parties having filed Comments and Reply Comments.

6. Comments to this Tentative Order shall be filed with the Commission on or before 30 days from the date of publication of this Tentative Order. Reply Comments, if any, will be due on or before 10 days from the date that Comments are due.

7. If no Comments are timely filed, this Tentative Order shall become final. If, however, timely comments are received, they will be addressed in a subsequent Order establishing final modifications to our Order at Doc. No. M-00960799 entered June 3, 1996, relative to the filing of Interconnection Agreements.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1429. Filed for public inspection July 18, 2003, 9:00 a.m.]

Railroad With Hearing

C-20028106. Larry Miller v. Norfolk Southern Railway Company. Complainant is concerned that Norfolk Southern is attempting to close the upper public crossing at Cove, Perry County (crossing no. 50657 on-road Sibles). The public road was never vacated and the local residents have a right to use the crossing by binding deed covenants.

An initial hearing on this matter will be held on Thursday, August 21, 2003, at 10 a.m. in Hearing Room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1430. Filed for public inspection July 18, 2003, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 ap-

plies 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 August 11, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00119906. Mustapha Khadada t/d/b/a Central Bucks Limousine (4333 Mechanicsville Road, Doylestown, Bucks County, PA 18901)—persons in limousine service: (1) between points in the Counties of Bucks and Montgomery, and from points in said counties, to the Philadelphia International Airport, located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa; and (2) from points in the Counties of Bucks and Montgomery, and the Philadelphia International Airport, located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, to points in Pennsylvania, and return.

A-00119924. Timothy L. Rounsville t/d/b/a Schuylkill Valley Airport Shuttle (3232 Pricetown Road, Fleetwood, Berks County, PA 19522)—persons in airport transfer service, from points in the Counties of Berks, Chester, Delaware and Montgomery, to the Philadelphia International Airport, located in the City and County of Philadelphia, and the Township of Tinicum, Delaware County.

A-00119928. Blue & White USA, Inc. t/d/b/a Altoona USA & Transfer (603 Rutgers Lane, Altoona, Blair County, PA 16602), a corporation of the Commonwealth—persons upon call or demand in the County of Blair. *Attorney:* Matthew W. Lent, 1701 Fifth Avenue, Altoona, PA 16602-2319.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00119935. Cranberry Taxi, Inc. (910 Sheraton Drive, Mars, Butler County, PA 16046), a corporation of the Commonwealth—persons upon call or demand: (1) in the County of Butler; and (2) in the Townships of Marshall and Pine, and the Boroughs of Bradford Woods and Franklin Park, all in Allegheny County, provided that no right, power or privilege is granted to provide service within the limits of North Park, located in the Townships of Pine and McCandless, both in Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00106305, F.3 to Star Limousine Service, Inc. t/a Cranberry Taxi, subject to the same limitations and conditions. Application for temporary authority has been filed for the rights previously cited. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Complaint

A-00119224
A-00119224C0301

EAST PENN WAREHOUSE & DISTRIBUTION INC.
PO BOX 208
POTTSTOWN PA 19464

Re: East Penn Warehouse & Distribution Inc.

Dear Respondent:

On April 15, 2003, the Bureau of Transportation and Safety instituted a Complaint against East Penn Warehouse & Distribution Inc., respondent, alleging failure to maintain evidence of bodily injury, property damage liability and cargo insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that it must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order cancelling respondent's Certificate of Public Convenience.

The Complaint was served on respondent on April 18, 2003. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the Certificate of Public Convenience, issued to respondent at A-00119224, is hereby cancelled.

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the Pa. Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

James J. McNulty
Secretary

Complaint

SALEEM ASGHAR
18-4A CASSIDY ROAD
BUDD LAKE NJ 07828

In Re: Pennsylvania Public Utility Commission
v.
Saleem Asghar
C-20028972

Dear Mr. Asghar:

On December 17, 2002, the Bureau of Transportation and Safety instituted a complaint against Saleem Asghar, respondent, alleging that respondent transported property for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission.

Respondent was duly notified that, if an answer was not filed within twenty (20) days of receipt of the complaint, the penalty would be imposed.

The complaint and notice were served on respondent on January 6, 2003, and, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

Respondent, within twenty (20) days from the date of the service of this letter, shall pay a fine of five hundred dollars (\$500.00) by certified check or money order payable to the Pennsylvania Public Utility Commission, at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

James J. McNulty
Secretary

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1431. Filed for public inspection July 18, 2003, 9:00 a.m.]

Wastewater Service

A-230097. Jordan Crossing Sewer Authority. Application of Jordan Crossing Sewer Authority for approval of the right to begin to offer, render, furnish or supply wastewater service to the public within Jordan Crossing, a development of three roads within the Municipality of Mohrsville, Berks 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, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before August 4, 2003. 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: Jordan Crossing Sewer Authority

Through and by Counsel: Cal Shields, Esquire, 203 West Market Street, Orwigsburg, PA 17961.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-1432. Filed for public inspection July 18, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-089.1, Overlay Paving at Marginal Apron, Piers 38—40 South, until 2 p.m. on Thursday, August 7, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 22, 2003. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on July 31, 2003, at 10 a.m. at Piers 38—40, 841 Columbus Blvd. (one block north of Washington Ave.), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-1433. Filed for public inspection July 18, 2003, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-127.1, Installation of a Frame Supported Membrane Structure at Tioga Marine Terminal (TMT), until 2 p.m. on Thursday, July 31, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 22, 2003. The cost of the bid documents is \$35 (includes 7% Pennsylvania sales tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

A mandatory prebid job meeting will be held on Thursday, July 24, 2003, at 10 a.m. at the Tioga Marine Terminal Guard House, Delaware Ave. and Tioga St., Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-1434. Filed for public inspection July 18, 2003, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Construction Materials Inspection and Testing Services

Districts 1 and 2, Milepost 0.00 to 199.00

Allegheny, Beaver, Bedford, Butler, Franklin, Fulton, Huntingdon, Lawrence, Somerset and Westmoreland Counties

Reference No. 2-065

The Turnpike Commission (Commission) will retain an engineering firm for an open-end contract for construction materials inspection and testing services both at the project site and at related plant locations in the Western Region (Milepost 0.0 to Milepost 199.0) of the Turnpike. A testing laboratory capable of performing concrete, bituminous, aggregate and soils tests in a timely manner must be available throughout the life of the contract. The types of projects that materials inspection and testing will be conducted on under this contract may include, but are not limited to, roadway reconstruction, bituminous overlays, bridge construction and rehabilitations, service plaza parking lot expansions and toll plaza construction.

The contract will be for a maximum cost of \$750,000 or for a 36-month period, whichever occurs first. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to

support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The selected firm may be required to test materials at asphalt and concrete plants, perform soils and aggregate testing or perform testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of onsite testing by the contractor. In addition, the selected firm may be required to keep records, document the construction work, attend monthly job conferences, determine from the project records the final quantities of certain contract items and perform other duties as may be required.

Direct project inquiries to Eugene C. Mattson, (717) 939-9551, Ext. 3502, emattson@paturnpike.com. Direct contractual questions to George M. Hatalowich, (717) 986-8737, ghatalow@paturnpike.com.

The following factors will be considered by the Commission during the evaluation of the firms submitting letters of interest for the projects:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Location of consultant's office where the work will be performed.

e. Other factors, if any, specific to the project.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified.)

2. A three-page expression of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the project identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department of Transportation (Department) and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain, at a minimum, the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254-Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2" x 11" pages, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

Small firms, Disadvantaged Business Enterprise firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Manager of Contract Administration, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, August 8, 2003. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to this solicitation, one firm will be selected for each contract. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

MITCHELL RUBIN,
Chairperson

[Pa.B. Doc. No. 03-1435. Filed for public inspection July 18, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



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		③ Contract Information
Location:	Harrisburg, Pa.		④ Department
Duration:	12/1/93-12/30/93		⑤ Location
Contact:	Procurement Division 787-0000		⑥ Duration

⑦ (For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

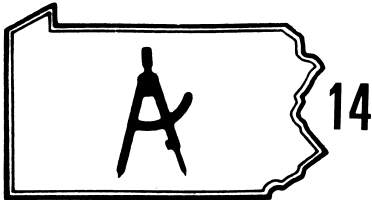
GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

SERVICES



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.

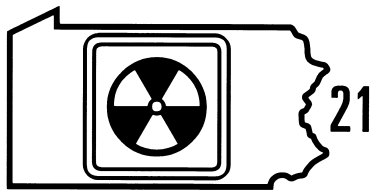
Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Janitorial Services

FM 8655 Furnish all labor, equipment and materials to perform janitorial services THREE (3) days per week at the PA State Police, Troop R, Honesdale Station. Detailed Work Schedule and Bid must be obtained from the Facility Management Division, 717-705-5951.

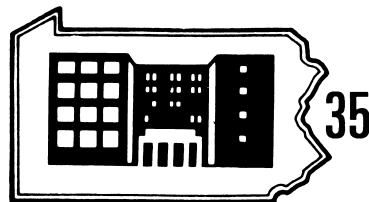
Department: State Police
Location: Troop R, Honesdale Station, RR 6, Box 6822, Honesdale, PA 18431 (SR 84 to Exit 17, 14.5 miles north on SR 191)
Duration: 08/01/03 to 06/30/06
Contact: Sandy Wolfe, (717) 705-5951



Hazardous Material Services

02-10 California University of Pennsylvania of the State System of Higher Education is interested in obtaining the services of hazardous waste disposal for the System's state-owned universities. Interested contractors can request their copy of the request for proposal by faxing a written request to Vickie A. Laubach at (724) 938-4512. Sealed proposals are due in the Purchasing Office, Dixon Hall, Room L-15 on Thursday, September 18, 2003 at 2:00 p.m. The System encourages responses from small firms, minority firms, women-owned firms which have not previously performed work for the System, and will consider joint ventures that will enable these firms to participate in the System's contracts.

Department: State System of Higher Education
Location: California, PA 15419-1394
Duration: Multi-Year
Contact: Vickie A. Laubach, (724) 938-4430



Real Estate Services

93587 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 13,720 useable square feet of office space in Armstrong County, PA, with a minimum parking for 59 vehicles, within a ten-mile radius of the Armstrong County Courthouse. Downtown locations will be considered. For more information on SFP #93587 which is due on August 18, 2003 visit www.dgs.state.pa.us under "Real Estate" to download an SFP package or call (717) 787-0952.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

[Pa.B. Doc. No. 03-1436. Filed for public inspection July 18, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <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> |
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DONALD T. CUNNINGHAM, Jr.
Secretary