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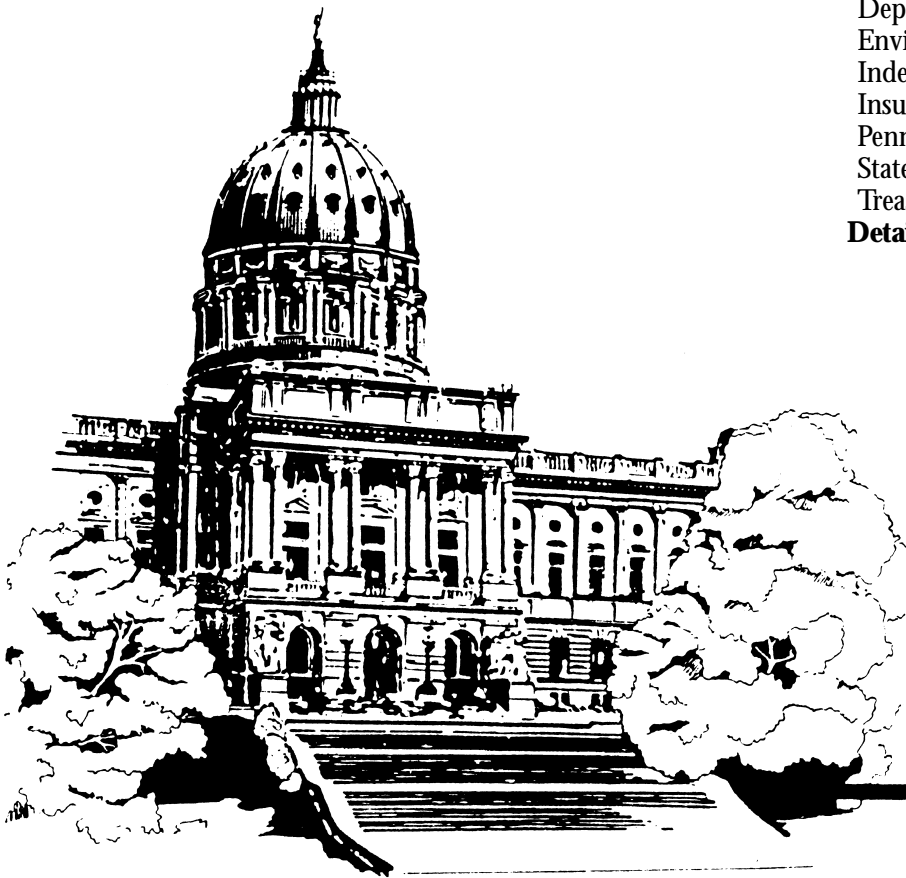
Saturday, July 27, 2002 • Harrisburg, Pa.

Pages 3623—3686

Agencies in this issue:

The General Assembly
The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Environmental Hearing Board
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Board of Landscape Architects
Treasury Department

Detailed list of contents appears inside.



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

No. 332, July 2002

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Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at the Penn Stater, 215 Innovation Boulevard, State College, PA 16801, Room 109:

| | | |
|----------------------------|---------------|------------------------------|
| Tuesday, August 13, 2002 | 9 a.m.—4 p.m. | Strategic Planning Session |
| Wednesday, August 14, 2002 | 9 a.m. | Quarterly Commission Meeting |

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 02-1302. Filed for public inspection July 26, 2002, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 21-95-
945 Orphans Court

Order of Court

And Now, this 8th day of July, 2002, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective July 8th, 2002, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa. R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in Microsoft Word for Windows reflecting the text in the hard copy version, one (1) copy to the Supreme Court Orphans Court Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court:

GEORGE E. HOFFER,
President Judge

Rule 15.5 Adoption

(d) Disclosure of Fees and Costs. At the hearing there shall be offered in evidence a report, certified by counsel for the petitioner, setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an intermediary or any other person or institution, in connection with the adoption.

(1) All intermediaries, other than Cumberland County Children and Youth Services, shall submit a full itemized disclosure of their fees and charges with the report of intention to adopt. No hearings will be scheduled until the fees have been found by the Court to be in compliance with 23 Pa.C.S.A. § 2533(d).

(2) Counsel shall certify on the report offered into evidence that the adopting parent(s) have been given a copy of the Report prior to the hearing.

(3) At the time the petition for adoption is filed, counsel will file the certification of counsel fees required by this Rule and the certification shall be reviewed by the Court prior to the adoption hearing. Should the counsel fees exceed those amounts set forth in subsection (4), counsel will be required to petition for court approval of the fees prior to the adoption hearing.

(4) A petition for Court approval shall be required if the counsel fees in adoption proceedings exceed:

(a) \$1,000 for an adoption without a termination, or

(b) \$2,000 for an adoption with a termination, and an additional \$500 if the Interstate Compact is involved.

[Pa.B. Doc. No. 02-1303. Filed for public inspection July 26, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Harry James Childerston having been disbarred from the practice of law in the State of Delaware by Order dated March 6, 2002, the Supreme Court of Pennsylvania issued an Order on July 10, 2002, disbaring Harry James Childerston from the Bar of this Commonwealth, effective August 9, 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. 02-1304. Filed for public inspection July 26, 2002, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued July 10, 2002, G. Jeffrey Moeller is suspended from the practice of law for a period of one (1) year and one (1) day, effective August 9, 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. 02-1305. Filed for public inspection July 26, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF LANDSCAPE ARCHITECTS [49 PA. CODE CH. 15]

Corrective Amendment to 49 Pa. Code § 15.12

The State Board of Landscape Architects has discovered a discrepancy between the agency text of 49 Pa. Code § 15.12 (relating to fees), as deposited with the Legislative Reference Bureau, and the official text published at 31 Pa.B. 5450, 5453 (September 29, 2001) and codified in the December 2001 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 325), and as currently appearing in the *Pennsylvania Code*. Existing registration fees for continuing education courses for providers and licensees were inadvertently excluded when the new amendment was published.

Therefore, under 45 Pa.C.S. § 901: The State Board of Landscape Architects has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 15.12. The corrective amendment to 49 Pa. Code § 15.12 is effective as of September 29, 2001, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 49 Pa. Code § 15.12 appears in Annex A.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Chapter 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

(1) Application for examination \$ 40

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| (2) Application for licensure under § 15.54(b)(1), (2) and (3) or § 15.56(a)(3) | \$ 60 |
| (3) Application for licensure and Board interview under § 15.54(b)(4) and 15.56(a)(1) or (2) | \$350 |
| (4) Application for licensure by endorsement | \$ 45 |
| (5) Application for temporary permit | \$ 45 |
| (6) Administration of examination for one section or more | \$ 45 |
| (7) Verification of licensure | \$ 15 |
| (8) Certification of licensure or scores | \$ 25 |
| (9) Duplicate certificate fee | \$ 5 |
| (10) Biennial registration fee | \$125 |
| (11) Provider application for continuing education course approval under § 15.74 (relating to approval of continuing education courses) | \$100 |
| (12) Licensee application for continuing education course approval under § 15.77 (relating to licensee application for approval of continuing education courses) | \$40 (per clock hour) |

[Pa.B. Doc. No. 02-1306. Filed for public inspection July 26, 2002, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 9, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|-----------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| 7-3-02 | S&T Bancorp, Inc., Indiana, to acquire 100% of the voting shares of Peoples Financial Corporation, Inc., Ford City | Indiana | Approved |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|----------------------------------------------------------------------------------------------|-----------------|---------------|
| 7-3-02 | S&T Bank, Indiana, and PFC Bank, Ford City Surviving Institution— S&T Bank, Indiana | Indiana | Approved |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--------------------------------------------------------------------|--------------------------------------------------------|---------------|
| 6-26-02 | Jonestown Bank and Trust Company Jonestown Lebanon County | 2 East Main Street Palmyra Lebanon County | Opened |
| 7-3-02 | Leesport Bank Leesport Berks County | 4708 Penn Avenue Sinking Spring Berks County | Approved |
| 7-3-02 | Millennium Bank Malvern Chester County | 83 Lancaster Ave. Malvern Chester County | Approved |
| 7-3-02 | Reliance Savings Bank Altoona Blair County | 1824 S. Atherton St. State College Centre County | Approved |

Branch Consolidations/Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 7-1-02 | Citizens Bank of Southern Pennsylvania Greencastle Franklin County | <i>Into:</i> 10-12 W. Main St. Waynesboro Franklin County <i>From:</i> 241 W. Eighth St. Waynesboro Franklin County | Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

FRANCES A. BEDEKOVIC,
Acting Secretary

[Pa.B. Doc. No. 02-1307. Filed for public inspection July 26, 2002, 9:00 a.m.]

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 16, 2002.

BANKING INSTITUTIONS**Holding Company Acquisitions**

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|
| 7-15-02 | Sky Financial Group, Inc., Bowling Green, Ohio, to acquire 100% of Three Rivers Bancorp, Inc., Monroeville, Pennsylvania | Bowling Green, OH | Filed |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| 7-9-02 | Royal Bank of Pennsylvania Narberth Montgomery County Purchase of assets/assumption of liabilities of one branch office of The Bank, Woodbury, New Jersey, Located At: Cross Keys Commons Shopping Center 3501 Route 42 Washington Township Gloucester County New Jersey | Narberth | Approved |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------|
| 8-3-01 | Mifflinburg Bank and Trust Company Mifflinburg Union County | RiverWoods 1 River Road Lewisburg Union County (Limited Service Facility) | Opened |
| 7-9-02 | First Susquehanna Bank & Trust Sunbury Northumberland County | 1 Maplewood Drive Lewisburg Kelly Township Union County (Limited Service Facility) | Approved |

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 7-9-02 | Bank of Hanover and Trust Company Hanover York County | <i>To:</i> 29 Baltimore Blvd. Westminster Carroll County Maryland <i>From:</i> 223 East Main St. Westminster Carroll County Maryland | Approved |

Articles of Amendment

| <i>Date</i> | <i>Name of Bank</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------|
| 7-12-02 | Commonwealth Bank Norristown Montgomery County | Amendment to Section 4 of the Articles of Incorporation provides for the acquisition of fiduciary powers. | Approved and Effective |

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

FRANCES A. BEDEKOVIC,
Acting Secretary

[Pa.B. Doc. No. 02-1308. Filed for public inspection July 26, 2002, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2002

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, 2002, is 7-3/4%.

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 5.29 to which was added 2.50 percentage points for a total of 7.79 that by law is rounded off to the nearest quarter at 7-3/4%.

FRANCES A. BEDEKOVIC,
Acting Secretary

[Pa.B. Doc. No. 02-1309. Filed for public inspection July 26, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS****NPDES APPLICATIONS****PART I PERMITS**

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

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

I. NPDES Renewal Applications

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------|-----------------------------|
| PA0063631 | Parkland School District High School 2219 N. Cedar Crest Blvd., Allentown, PA 18104 | Lehigh County South Whitehall Township | Jordan Creek 2-C | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|-----------------------------|
| PA0031968 | Department of Public Welfare Youth Forestry Camp #3 James Creek, PA 16657 | Huntingdon County Todd Township | UNT to Trough Creek 11-D | Y |
| PA0083224 | Sun Motel 22, Inc. R. D. 1 Box 1900 Mapleton Depot, PA 17052 | Huntingdon County Brady Township | UNT to Juniata River 12-C | Y |

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

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

No. PA0058611, Sewage, **Tom Helder**, 3260 Mink Road, Kintnersville, PA 18930. This application is for issuance of an NPDES permit to discharge treated sewage from Helder SRTP in Springfield Township, **Bucks County**. This is a new discharge to unnamed tributary of Haycock Creek.

The receiving stream is classified for the following uses: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|------------------------------------------------------|-----------------------------------------|
| CBOD ₅ | 10 | 20 |
| Total Suspended Solids | 20 | 40 |
| Total Residual Chlorine | Monitor/Report | Monitor/Report |
| Fecal Coliform | 200 colonies/100 ml as a geometric average | |
| pH | Within limits of 6.0—9.0 Standard Units at all times | |

The EPA Waiver is in effect.

No. PA0012327, Industrial Waste, **County of Bucks—Department of Public Works**, 55 East Court Street, Doylestown, PA 18901. This application is for renewal of an NPDES permit to discharge untreated leachate and stormwater from Hidden Valley Landfill in Nockamixon Township, **Bucks County**. This is an existing discharge to an unnamed tributary of Gallows Run.

The receiving stream is classified for the following uses: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001 and 002, based on an average flow of 0.041 MGD are as follows:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|------------------------------------------------------|---------------------------------|-----------------------------------------|
| BOD ₅ | 25 | 50 | 63 |
| Total Suspended Solids | 10 | 20 | 25 |
| Ammonia as N | 20 | 40 | 50 |
| Fecal Coliform | 200/100 ml | | |
| pH | Within limits of 6.0—9.0 Standard Units at all times | | |
| Antimony | Monitor/Report | | |
| Chromium, Hex | Monitor/Report | | |
| Thallium | Monitor/Report | | |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------|-----------------------------------|---------------------------------|-----------------------------------------|
| Phenols, Total | | Monitor/Report | |
| Iron, Total * | 1.5 | 3.0 | 3.75 |
| Manganese, Total * | 1.0 | 2.0 | 2.50 |
| Color * | | | 75 |

* These limitations do not apply to Outfall 001

The proposed effluent limitations for MP101 and MP102 (Stormwater) are as follows:

| <i>Parameter</i> | <i>Maximum Daily (mg/l)</i> |
|-------------------------------|-----------------------------|
| CBOD ₅ | Monitor/Report |
| Total Dissolved Solids | Monitor/Report |
| Ammonia as N | Monitor/Report |
| Nitrate Plus Nitrite Nitrogen | Monitor/Report |
| Total Organic Carbon | Monitor/Report |
| pH | Monitor/Report |
| Iron Dissolved | Monitor/Report |
| Lead, Total | Monitor/Report |
| Chromium Total | Monitor/Report |
| Barium, Total | Monitor/Report |
| Cadmium, Total | Monitor/Report |
| Mercury, Total | Monitor/Report |
| Selenium, Total | Monitor/Report |
| Silver, Total | Monitor/Report |
| Arsenic, Total | Monitor/Report |
| Cyanide, Total | Monitor/Report |
| Magnesium, Total | Monitor/Report |
| Magnesium, Dissolved | Monitor/Report |

Other Conditions: Conditions for future permit modification; special test methods for certain pollutants; stormwater runoff requirements.

The EPA Waiver is in effect.

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

PA0061646, Industrial, **Pennsylvania American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701. This proposed facility is located in Roaring Brook Township, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated filter backwash water.

The receiving stream, Stafford Meadow Brook, is in the State Water Plan watershed #5A and is classified for: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Danville Water Supply is located on the Susquehanna River, approximately 70 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .187 MGD.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|-------------------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| TSS | | | 30 | | |
| Total Iron | | | 2 | 4 | |
| Total Aluminum | 2.2 | 3.2 | 1.4 | 2.1 | 3.5 |
| Total Manganese | | | 1 | 2 | |
| pH | 6 to 9 Standard Units at all times. | | | | |
| Total Residual Chlorine | | | .5 | 1 | |

PA0029289, Sewage, **Borough of Stroudsburg**, 700 Sarah Street, Stroudsburg, PA 18360. This proposed facility is located in Stroudsburg Borough, **Monroe County**.

Description of Proposed Activity: Renewal of a NPDES Permit.

The receiving stream, McMichael Creek, is in the State Water Plan watershed #01-E and is classified for: TSF. The nearest downstream public water supply intake for the Easton Water Authority is located on the Delaware River, 34 miles below the point of discharge.

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

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> |
|------------------------|-----------------------------------|----------------------------------|---------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> |
|---------------------------------------------------|--------------------------------------------------------------------|----------------------------------|---------------------------------|
| NH ₃ -N (5-1 to 10-31) | 10 | 15 | 20 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a geometric mean 2,000/100 ml as a geometric mean | | |
| pH | 6.0 to 9.0 standard units at all times. | | |
| Total Residual Chlorine | 1.0 | | 2.3 |
| Whole Effluent Toxicity Test | Less than 1.416 TU _a | | |

In addition to the effluent limits, the permit contains the following major special conditions: WETT test condition.

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

Application No. PA 0027197, Sewage, **The Harrisburg Authority**, One Keystone Plaza, Suite 104, Harrisburg, PA 17101. This facility is located in Harrisburg City, **Dauphin County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Steelton Borough Municipal Water Works is located on the Susquehanna River, approximately 0.5 mile downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 37.7 MGD are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------------------|--------------------------------------|----------------------------------|-----------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N (5-1 to 10-31) | 17 | | 34 |
| (11-1 to 4-30) | Monitor and Report | | Monitor and Report |
| Total Residual Chlorine | 0.5 | | 1.63 |
| Total Zinc | 0.1 | | 0.2 |
| Total Nitrogen | Monitor and Report | | |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric average | | |
| (10-1 to 4-30) | 22,000/100 ml as a geometric average | | |

In addition to the effluent limits, the permit contains the following major special conditions: industrial waste pretreatment program; combined sewer overflows.

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.

Application No. PA0246379, CAFO, **White Oak Mills, Inc. (Blue Mountain Finishing Farm)**, 419 West High Street, Elizabethtown, PA 17022-2189. White Oak Mills, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Blue Mountain Finishing Farm, located at 10391 Otterbein Church Road in Lurgan Township, **Franklin County**.

The CAFO is situated near an unnamed tributary of Clippingers Run in Watershed 7-B, which is classified for WWF. The CAFO is designed to maintain an animal population of approximately 554 animal equivalent units consisting of 4,600 finishing swine. The animals are housed in four swine barns. Manure drains into a two-stage HDPE-lined manure storage facility. The total capacity of the manure storage facilities is 4.11 million gallons for the first stage and 3.79 million gallons for the second stage.

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. All 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.

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

PA0002054, Industrial Waste, SIC, 4911, **Reliant Energy**, 1001 Broad Street, Johnstown, PA 15907. This application is for an amendment of an NPDES permit to discharge treated stormwater from the Seward Generating Station in East Wheatfield Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to the Conemaugh River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Saltsburg Municipal Water Works, located 22 miles below the discharge point.

Outfall 022: existing discharge of stormwater runoff.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|----------------------------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Suspended Solids | | | 35.0 | | 70.0 |
| Iron | | | 3.5 | | 7.0 |
| Manganese | | | 2.0 | | 4.0 |
| Aluminum | | | 5.0 | | 10.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is not in effect.

PA0217948-A1, Industrial Waste, SIC 4941, **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717. This application is for amendment of an NPDES permit to discharge untreated surface water diverted to the Sugar Run Reservoir in St. Clair Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Conemaugh River 44984, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Highridge Water Authority Sugar Run Plant, located on unnamed tributary 44984, about 1 mile below the discharge point.

Outfall 006: existing discharge, design flow of 0.634 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (MGD) | | 0.634 | | | |
| pH (S.U.) | Monitor and Report | | | | |

Outfall 007: existing discharge, design flow of 0.688 MGD

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (MGD) | | 0.688 | | | |
| pH (S.U.) | Monitor and Report | | | | |

Other Conditions: All discharges shall be composed entirely of diverted surface water. No discharge of pollutants which may impact human health or aquatic life.

The EPA waiver is in effect.

PA0004740, Sewage, **Nautical Mile Marina, Inc.**, 206 Butler Road, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from The Nautical Mile Marina at Templeton Sewage Treatment Plant in Pine Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, 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 Kittanning Suburb Joint Water Authority.

Outfall 001: existing discharge, design flow of 0.005 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|----------------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD 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) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0204200, Sewage, **Joseph T. Naviglia, Jr.**, 1743 Wildlife Lodge Road, Lower Burrell, PA 15068. This application is for renewal of an NPDES permit to discharge treated sewage from the Naviglia single residence STP in Lower Burrell, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Little Pucketa 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 Oakmont Borough Municipal Authority on the Allegheny River.

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

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|----------------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD 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) | 2,000/100 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.

PA0219142, Sewage, **Sewickley Township Municipal Authority**, P. O. Box 46, Herminie, PA 15637-0046. This application is for issuance of an NPDES permit to discharge treated sewage from Sewickley Township Municipal Authority STP in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little 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 Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: new discharge, design flow of 0.44 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|----------------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 20 | 30 | | 40 |
| (11-1 to 4-30) | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 5.0 | 7.5 | | 10.0 |
| (11-1 to 4-30) | 15.0 | 22.5 | | 30.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 5,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 0.5 | | | 1.6 |
| Dissolved Oxygen | not less than 3 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0219240, Sewage, **Donald Andrick**, 3919 Constitution Boulevard, Darlington, PA 16115. This application is for issuance of an NPDES permit to discharge treated sewage from Andrick Property in Bell Acres Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Little Sewickley Creek, which are classified as a HQ-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 at Monaca.

Outfall 001: new 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 | 3.0 | | | 6.0 |
| 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 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

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

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

WQM Permit No. 0991426, Sewerage, **Camp Men-O-Lan**, 1415 Doerr Road, Quakertown, PA 18951. This proposed facility is located in Milford Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal of a spray irrigation permit.

WQM Permit No. 1502412, Sewerage, **Pennsylvania America Water Company**, 100 Cheshire Court, Suite 104, Coatesville, PA 19320. This proposed facility is located in West Caln Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and force main to convey wastewater to an existing gravity collection system.

WQM Permit No. 4602407, Sewerage, **Limerick Township Municipal Authority**, 529 King Road, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewage pumping station to serve Heritage Hills Golf Club.

WQM Permit No. 1502413, Sewerage, **Lincoln University, Department of General Services**, 18th Herr Streets, Harrisburg, PA 17125. This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to replace the existing sewerage treatment plant.

WQM Permit No. 4602408, Sewerage, **Upper Gwynedd-Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446. This proposed facility is located in Towamencin Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the hydraulic rating at the existing treatment plant.

WQM Permit No. 1502414, Sewerage, **East Marlborough Township**, 721 Unionville Pike, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of pump station and force main to serve a proposed subdivision.

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

Application No. 9662-S-A3, Sewerage, **Borough of Oakmont**, Fifth Street and Virginia Avenue, P. O. Box 206, Oakmont, PA 15139-0206. Application for the modification and operation of the sewage treatment plant expansion to serve the Oakmont Borough STP located in Oakmont Borough, **Allegheny County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

Application No. 0402402, Sewerage, **Oak Grove Church of Christ**, 169 Ashwood Drive, Industry, PA 15052. Application for the construction and operation of a small flow sewage treatment facility to serve the Oak Grove Church of Christ located in Ohioville Borough, **Beaver County**.

NPDES Stormwater Individual Permit

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application

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

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

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

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

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

NPDES Permit PAS10G536, Stormwater, **Oxford Area School District**, 119 South Fifth Street, Oxford, PA 19363, has applied to discharge stormwater associated with a construction activity located in East Nottingham Township, **Chester County** to UNT to Little Elk Creek (HQ-TSF-MF).

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 No.</i> | <i>Applicant Name & Address</i> | <i>County & Municipality</i> | <i>Receiving Water/Use</i> |
|------------------|---------------------------------------------------------------------------------------------|-------------------------------------------|---------------------------------|
| PAS10U175 | David Sell Reen Development Co., LLC 5303 Cider Press Road Schnecksville, PA 18078 | Northampton County Plainfield Township | Little Bushkill Creek HQ-CWF |

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the

relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

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

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

Permit No. 3902502, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**
405 Nestle Way
Breinigsville, PA 18031

Township or Borough South Coventry Township
Chester County

Responsible Official Bruce Lauerman
Natural Resources Manager

Type of Facility Bulk Water Loading/Hauling

Consulting Engineer Edward E. Davis, P. E.
WJP Engineers
1406 Laurel Blvd.
Pottsville, PA 17901

Application Received Date June 14, 2002

Description of Action Renovate an existing, permitted, source and bulk water facility outside the Wilkes-Barre Region in Chester County.

Permit No. 4002501, Public Water Supply.

Applicant **Nature's Way Purewater Systems, Inc.**

Township or Borough Foster Township

Responsible Official Joseph Niemiec
Nature's Way Purewater Systems, Inc.
164 Commerce Blvd.
Dupont, PA 18641

Type of Facility Bulk Water Hauling System

Consulting Engineer Thomas G. Pullar, P. E.
EarthRes Group, Inc.
P. O. Box 468
Pipersville, PA 18947

Application Received Date July 3, 2002

Description of Action Addition of Linesville Springs as a new raw water source to the Nature's Way Purewater Systems, Inc. permitted bottling plant located in Dupont, PA. The plant is currently permitted under Permit No. 2406411.

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

Permit No. 0202503, Public Water Supply.

Applicant **City of Duquesne**
12 South Second Street
Duquesne, PA 15110

Township or Borough City of Duquesne

Responsible Official David, Poljak, City Manager
City of Duquesne
12 South Second Street
Duquesne, PA 15110

Type of Facility WTP

Consulting Engineer Glenn Engineering, Inc.
14920 Route 30
North Huntingdon, PA 15642

Application Received Date July 1, 2002

Description of Action Booster pump station

MINOR AMENDMENT

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

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

Application No. 3390047, Minor Amendment.

Applicant **Lehigh County Authority**

Township or Borough Heidelberg Township
Lehigh County

Responsible Official Aurel M. Arndt, General Manager
Lehigh County Authority
1053 Spruce Street
P. O. Box 3348
Allentown, PA 18106-0348
(610) 398-2503

Type of Facility Community Water System

Application Received Date July 5, 2002

Description of Action Application requests transfer of the PWS permit for Heidelberg Heights from National Utilities, Inc. to Lehigh County Authority. The system includes five well sources.

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

Application No. 1472501-T1, Minor Amendment.

Applicant **Boggs Township Supervisors**

Township Boggs Township, **Centre County**

Responsible Official Xochi Confer, Secretary and Treasurer
Boggs Township
1270 Runville Road
Bellefonte, PA 16823

Type of Facility PWS

Application Received Date June 28, 2002

Description of Action Application to transfer permit for Well #2, a 500,000 gallon elevated storage tank and original transmission and distribution mains from the Boggs Township Authority to the Boggs Township Supervisors.

Application No. 1473503-T1, Minor Amendment.

Applicant **Boggs Township Supervisors**
 Township **Boggs Township, Centre County**
 Responsible Official **Xochi Confer, Secretary and Treasurer**
Boggs Township
1270 Runville Road
Bellefonte, PA 16823

Type of Facility **PWS**
 Application Received **June 28, 2002**
 Date

Description of Action Application to transfer permit for Well #1.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of

the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

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

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

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

Mill Street Industrial Associates, L. P., Quakertown Borough, **Bucks County**. Staci Nelson-Cottone, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Mill St. Industrial Associates, L.P., 2880 Bergey Rd., Hatfield, PA 19440, has submitted a revised Notice of Intent to Remediate soil contaminated with lead. 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 *Intelligencer Daily News* on May 3, 2002.

Realen Homes, L. P., Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, on behalf of Realen Homes, L.P., 1040 Stoney Hill Rd., Yardley, PA 19067, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PHCs. 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 *Bucks County Courier Times* on May 22, 2002.

Former Sunoco Station 0363-1140, Upper Southampton Township, **Bucks County**. Michael Sarcinello, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of Summit Bank, 301 Carnegie Center, P. O. Box 2066, Princeton, NJ 08543-2066, has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX, PHCs and PAHs and groundwater contaminated with lead, BTEX and PHCs. 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 *Bucks County Courier Times* on May 31, 2002.

Pennel Building—Dutton's Mill Business Park, Aston Township, **Delaware County**. Jeffrey E. Goudsward, Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Aston Investment Assoc./PAREC, 731 Skippack Pk., P. O. Box 1205, Blue Bell, PA, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PAHs. The

applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on May 10, 2002.

1400 Mill Creek Road Property, Lower Merion Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Millcreek Road Associates, L.P., 700 S. Henderson Rd., King of Prussia, PA, has submitted a Notice of Intent to Remediate soil contaminated with heavy metals, BTEX and PAHs and groundwater contaminated with heavy metals and VOCs. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on June 7, 2002.

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.

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

Permit Application No. 101628. Natural Soil Products, P. O. Box 283, Tremont, PA 17981-0283. A major permit modification for a radiation protection action plan, which requires Natural Soil Products to monitor and respond to radioactive material entering the site, as well as performing related procedures for training, notification, record keeping and reporting. Specifically, Natural Soil Products is required to monitor sewage sludges received from outside sources that are brought to the facility for processing. This municipal waste composting facility located in Frailey Township, **Schuylkill County** receives a limited amount of sewage sludge, which is used as material for this facility. The application was received by the Regional Office on May 14, 2002, and as of June 11, 2002, it was found to be administratively complete.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing

the application files should contact the appropriate Regional Office to schedule an appointment.

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act and regulations adopted under the Act.

PLAN APPROVALS

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

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

45-310-026: Hanson Aggregates Pennsylvania, Inc. (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231) for construction of a VSI crusher and associated air cleaning device at the Stroudsburg Plant in Hamilton Township, **Monroe County**.

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

08-303-003C: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for modification of a batch asphalt plant and associated air cleaning device (a fabric collector) by using reprocessed oil as fuel in the plant's aggregate dryer in Wysox Township, **Bradford County**.

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

04-00013B: J and L Specialty Steel, Inc. (Westpointe Corporate Center One, 1550 Coraopolis Heights Road, Suite 500, Coraopolis, PA 15108) for installation of two pickling tanks and replacement of a DRAP boiler at the Midland Facility in Midland Borough, **Beaver County**.

65-00952A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) for construction of a portable crusher at Spewock Surface Mine in Ligonier Township, **Westmoreland County**.

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

25-090B: Zurn Industries, Inc.—Cast Metals Operation (1301 Raspberry Street, Erie, PA 16502) for modification of the existing Cupola's emission control system to include a new flux force condensation scrubber in the City of Erie, **Erie County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02122: Calpine Philadelphia, Inc. (Pilot House, 2nd Floor, Lewis Wharf, Boston, MA 02110) for replacement of two 450 kW IC Engines with a 650 kW Caterpillar engine at Southwest Water Pollution Control Plant along 8200 Enterprise Avenue in the City of Philadelphia, **Philadelphia County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

06-03096A: Lucas Lane, Inc. (10 Lucas Lane, Bernville, PA 19506) for construction of a thermal unit to recycle used oil filters at the Bernville location in Upper Tulpehocken Township, **Berks County**. This recycling operation is a non-Title V facility. This construction will result in a potential to emit 2.7 tons per year of PM10, 1.7 tons per year of NOx, 3.5 tons per year of SOx and less than 1 ton per year each of CO and VOC. Standard monitoring, recordkeeping and work practice standards are included to keep the facility operating within all applicable requirements.

65-00622A: General Carbide Corp. (P. O. Box C, Greensburg, PA 15501) for an increase in VOC emissions from 90 tons per year to 124 tons per year at the Greensburg facility in Greensburg, **Westmoreland County**.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval 65-00622A

1. This Plan Approval is for an increase in permitted emission limits from the General Carbide Corporation located in Greensburg, Westmoreland County (25 Pa. Code § 127.12b).

2. Emissions of VOC from the facility are limited to 124 tpy (25 Pa. Code § 127.211).

3. The owner/operator shall keep records to demonstrate compliance with the emission limits established in this approval. These records shall be kept onsite for a period of 5 years and be made available to the Department upon request (25 Pa. Code § 127.12b).

4. Lids shall be kept on the mixing chambers except when being emptied, cleaned or filled (25 Pa. Code § 127.12b).

5. Open space around chamber mixing blade shafts shall be kept to a minimum (25 Pa. Code § 127.12b).

6. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(a) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a).

(d) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

(e) The notice submitted by the Owner/Operator under subpart (a), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice

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

41-0010B: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) for construction of a 650 pound steel-melting electric induction furnace in Muncy Borough, **Lycoming County**. Plan Approval (41-0010A) was previously issued on February 5, 2002, for construction of the respective furnace but due to a corporate reorganization, a new plan approval must be obtained. Andritz, Inc. is a major facility for which a Title V Operating Permit (41-00010) has been issued.

The operation of the induction furnace will result in the emission of up to .74 ton of particulate matter/PM10 per year, of which only a small fraction (less than .014 pound per year) will constitute hazardous air pollutants.

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 particulate matter/PM10 emissions from the induction furnace shall not exceed .37 pound per hour and .74 ton in any 12 consecutive month period.

2. The induction furnace shall not be operated more than 4,000 hours in any 12 consecutive month period.

3. Records shall be maintained of the number of hours the induction furnace operates each month.

4. Only one of the three induction furnaces sharing the power supply used to power this furnace shall be operated at any given time.

5. All scrap used in the furnace shall be either shot-blasted reverts or plate scrap conforming to a maximum .5% oil and/or dirt purchase specification.

6. The furnace shall be covered except for periods of charging, slagging and tapping.

41-00010B: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) for construction of a thermal foundry sand reclamation system and associated sand storage silo and three sand transporter feed hoppers in Muncy Borough, **Lycoming County**. Plan Approval (41-00010A) was previously issued on April 30, 2002, for construction of the respective reclamation system but due to a corporate reorganization, a new plan approval must be obtained. Andritz, Inc. is a major facility for which a Title V Operating Permit (41-00010) has been issued.

The proposed thermal sand reclamation system will consist of a fluidized bed reclamation unit and associated sand feed system, heat exchanger and sand cooler/classifier. It will incorporate a 15.3 million Btu/hour natural gas-fired burner and will have a capacity of 6 tons of sand per hour. The proposed thermal sand reclamation system will replace a thermal sand reclaiming constructed in 1987. The purpose of the proposed thermal sand reclamation system is to remove residual organic binder materials from used foundry sand to enable reuse of the sand.

A fabric collector will also be installed for the control of particulate matter, including PM10, from the reclamation system as well as that from three sand storage silos (the proposed new silo and two existing silos which are to be relocated within the facility). Two small cartridge collectors will also be installed to control the particulate matter, including PM10, from the three sand transporter feed hoppers.

The operation of the thermal sand reclamation system and associated silos and sand transporter feed hoppers will result in the emission of up to 9.62 tons of particulate matter (including PM10), 1.53 tons of sulfur oxides, 9.08 tons of nitrogen oxides, 2.33 tons of VOCs, 2.58 tons of carbon monoxide and .355 ton of total combined hazardous air pollutants per year.

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 only fuel to be used in the reclamation system shall be natural gas.

2. The particulate matter/PM10 emission rate from the fabric collector associated with the thermal sand reclamation system shall not exceed .007 grain per dry standard cubic foot of collector exhaust, 1.94 pounds per hour and 8.49 tons in any 12 consecutive month period. Additionally, there shall be no visible air contaminant emissions from the collector exhaust other than water vapor.

3. The fugitive particulate matter/PM10 emission rate from the vibratory feeder incorporated in the sand feed

system shall not exceed .18 pound per hour and .79 ton in any 12 consecutive month period.

4. The particulate matter/PM10 emission rate from the cartridge collectors associated with the sand transporter feed hoppers shall not exceed .01 grain per dry standard cubic foot of collector exhaust, .077 pound per hour (both collectors combined) or .34 ton in any 12 consecutive month period (both collectors combined). Additionally, there shall be no visible air contaminant emissions from the collector exhaust other than water vapor.

5. The sulfur oxides, nitrogen oxides (NO_x, expressed as NO₂), VOC and carbon monoxide emissions from the thermal sand reclamation system shall not exceed .35, 2.07, .53 and .59 pound per hour (and 1.53, 9.08, 2.33 and 2.58 tons in any 12 consecutive month period), respectively.

6. The freeboard temperature in the fluidized bed reclamation unit shall not be less than 1,300°F at any time the fluidized bed reclamation unit is in operation. The Department reserves the right to increase this required minimum temperature if it deems an increase necessary.

7. The fabric collector shall be equipped with instrumentation to monitor the collector temperature and the differential pressure across the collector on a continuous basis as well as with high temperature and high pressure differential alarms. The cartridge collectors shall be equipped with instrumentation to monitor the pressure differential across the collectors on a continuous basis.

8. The fluidized bed reclamation unit shall be equipped with instrumentation to continuously monitor and record the freeboard temperature.

9. The fabric collector shall be equipped with a refrigerated compressed air dryer. The cartridge collectors shall be supplied with clean, dry compressed air.

10. Dust shall be removed from the fabric collector dust hoppers via an enclosed system into enclosed containers. No visible fugitive emissions shall occur as a result of dust removal.

11. Particulate matter, VOC, nitrogen oxides, sulfur oxides and carbon monoxide stack testing shall be performed on the fabric collector exhaust within 120 days of startup and again after at least 3 years, but not more than 3.5 years, has elapsed since initial startup.

12. Records shall be maintained of the amount of sand processed through the thermal sand reclamation system each month as well as the number of hours the reclamation system is operated each month.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02119: Scott Building Corp. (2939 Felton Road, Norristown, PA 19116) for installation of a temporary concrete crusher at 11000 Roosevelt Boulevard in the City of Philadelphia, **Philadelphia County**. The nitrogen oxide emissions are expected to be 7.9 tons per year and particulate matter emissions are expected to be 1.87 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

02124: Geppert Brothers, Inc. (3101 Trewigtown Road, Colmar, Philadelphia, PA 18915) for installation of a temporary concrete crusher at 3111 South 23rd Street in the City of Philadelphia, **Philadelphia County**. The

nitrogen oxide emissions are expected to be 8.86 tons per year and particulate matter emissions are expected to be 2.52 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

23-00004: American Ref-Fuel Co. of Delaware Valley, L. P. (10 Highland Ave, Chester, PA, 19013) for an administrative amendment to the Title V Operating Permit to incorporate changes based on the appeal of the Title V Operating Permit, as well as to incorporate changes approved under Plan Approval 23-00004 at their facility in the City of Chester, **Delaware County**. The facility's major emission points include municipal waste combustors. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

46-00020: Superior Tube Co. (3900 Germantown Pike, Collegeville, PA, 19426) for an administrative amendment to incorporate changes based on the appeal of the Title V Operating Permit for their facility in Lower Providence Township, **Montgomery County**. The facility's major emission points include boilers and miscellaneous solvent usage. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards 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.

16-00127: Piney Creek Limited Partnership—Piney Creek Power Plant (428 Power Lane, Clarion, PA 16214) for a Title V Operating Permit reissuance to operate an electric energy generating facility in Piney Township, **Clarion County**.

62-00018: Warren State Hospital (33 Main Drive, North Warren, PA 16365) for a Title V Operating Permit Reissuance to operate the combustion sources in Conewango Township, **Warren County**.

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

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

09-00135: Met-Pro Corp. (FYBROC Division, 700 Emlen Way, Telford, PA 18969) in Telford Township, **Bucks County**. The facility's major emission points include resin injection/transfer mold and filament winding processes, which have the potential to emit major levels of VOCs before taking limitations.

15-00082: Downingtown Area School District (455 Manor Avenue, Downingtown, PA 19335) in Downingtown

Borough, **Chester County**. The facility's major emission points include nine boilers, which have the potential to emit major levels of NOx before taking limitations.

46-00067: MMSKB Energy, LLC (709 Swedeland Road, King of Prussia, PA 19406) for emergency electrical generation in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00118: Associated Rubber, Inc. (115 South 6th Street, Quakertown, PA 18951) for a natural minor operating permit in Quakertown Borough, **Bucks County**. The facility molds rubber for various industrial and commercial uses. The main source of emissions is the vapor degreaser, which is used for cleaning the rubber parts. The facility has a potential to emit less than 10 tons of VOCs. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

15-00051: Allan A. Myers, Inc. (Route 29 and Charlestown Road, Devault, PA 19432) for a synthetic minor operating permit in Charlestown Township, **Chester County**. Allan A. Myers Inc. produces asphalt and crushing stone. The sources of emissions include drum mix asphalt plant and a crushing plant. The facility has a potential to emit 24.9 tons of VOCs and 24.9 tons of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00157: DANA Corp. (125 South Keim Street, Pottstown, PA 19464) for a synthetic minor operating permit in Pottstown Borough, **Montgomery County**. The facility manufactures systems/parts for the vehicle industry. The sources of emissions include three boilers, rust veto application, atoguard application, dust collectors and miscellaneous furnaces and air make-up units. The facility has a potential to emit 24.9 tons of VOCs and 24.9 tons of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00144: United States Department of Agriculture—Eastern Regional Research Center (600 East Mermaid Lane, Philadelphia, PA 19118) for a synthetic minor operating permit in Springfield Township, **Montgomery County**. The facility conducts research on various aspects that contribute to by-products and/or end-products of agriculture. The sources of emissions are three boilers and an emergency generator. The facility has a potential to emit 24.9 tons of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00140: Amatex Corp. (1032 Stanbridge Street, Norristown, PA 19404) for a natural minor operating permit in Norristown Borough, **Montgomery County**. The facility manufactures fiberglass yarn and textiles. Sources of these particulate emissions include heat-treating units, drying ovens, a condenser, a spinning machine and a texturizer. The facility also operates an 8.5 mmBtu/hr boiler. The potential to emit particulate matter for this facility is 3.70 tons per year. There is also a potential to emit 5.07 tons of nitrogen oxides per year, 18.87 tons of sulfur oxides per year and 3.17 tons of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00121: Conte Luna Foods, Inc. (40 Jacksonville Road, Warminster, PA 18974) for a natural minor operat-

ing permit in Warminster Township, **Bucks County**. The facility manufactures pasta products. The sources of emissions are pneumatic conveying system controlled by fabric collectors and two boilers. The facility has a potential to emit 24.9 VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

06-05082: Dietrich's Milk Products, Inc. (100 McKinley Avenue, Reading, PA 19605-2199) for operation of a dried food products facility controlled by various fabric collectors and wet scrubbers in Muhlenberg Township, **Berks County**. The facility is a non-Title V (State only) facility. The facility will be required to limit the emissions to less than 100 tons for particulate, SO_x, NO_x and CO, 50 tons for VOCs and 25/10 tons of HAPs, during any consecutive 12-month period. Limits will be placed on the sulfur content of the fuel oils and the total amount of all fuel oil fired. Records of the emissions and fuel usage will be required monthly and 12-month rolling total. The permit will include monitoring, recordkeeping, work practices and reporting to keep the facility operating within all applicable air quality requirements.

21-05033: Wilson Paving, Inc. (480 West Old York Road, Carlisle, PA 17013) for operation of its asphalt plant in South Middleton Township, **Cumberland County**. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The site has the following potential annual emissions: 99 tons of CO; 12 tons of NO_x; 8 tons of VOC; 7 tons of PM-10; and 2 tons of SO_x. The Synthetic Minor operating permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05006: Burle Industries, Inc. (1000 New Holland Avenue, Lancaster, PA 17601) for operation of an electronics manufacturing facility in the City of Lancaster, **Lancaster County**. The potential emissions include 59 tons per year of NO_x, 97 tons per year of SO_x and 23 tons per year of PM-10. The Synthetic Minor Operating Permit will contain monitoring, recordkeeping and reporting requirements, fuel throughput restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-03048: L and W Demolition Co., Inc. (2224 Paxton Street, Harrisburg, PA 17111) for operation of a demolition waste recycling facility in Franklin Township, **York County**. Actual emissions are estimated as 5 tons per year of PM, 4 tons per year of NO_x, 1 ton per year of CO and less than 1 ton per year each of SO_x and VOC. No asbestos waste or treated lumber is to be processed at the site. Standard monitoring, recordkeeping and work practice standards are designed to keep the facility operating within applicable requirements.

67-03099: Bituminous Paving Materials of York, Inc. (1300 Zinn's Quarry Road, York, PA 17404) for operation of a natural gas-fired batch asphalt plant in West Manchester Township, **York County**. Emissions of particulate matter, VOC and nitrogen oxides are estimated at less than 10 tons annually for each pollutant. The asphalt plant is subject to 40 CFR Part 60,

Subpart I—Standards of Performance for Hot Mix Asphalt Facilities; two liquid asphalt cement storage tanks are subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels. The Natural Minor Operating Permit will contain monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department

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

Coal Applications Received

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

17970110 and NPDES Permit No. PA 0220655. Moravian Run Reclamation Co., Inc., 605 Sheridan Drive, Clearfield, PA 16830. Renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 256 acres. Receiving streams: unnamed tributaries to Bell Run to Bell Run to the West Branch of the Susquehanna River to the Susquehanna River. Application received June 19, 2002.

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

03010101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mining site located in Plumcreek, Kittanning and Burrell Townships, **Armstrong County**, proposed to affect 91 acres, is hereby cancelled and returned. Application received February 8, 2001. Application returned July 10, 2002.

03793072. Keystone Coal Mining Corporation (P. O. Box 219, Shelocta, PA 15774). Application received for transfer of permit currently issued to Kent Coal Mining Company for continued operation and reclamation of a bituminous surface mining site located in Kiskiminetas and Young Townships, **Armstrong and Indiana Counties**, affecting 302.0 acres. Receiving streams: unnamed tributary to Big Run (CWF) and unnamed tributary to Long Run (WWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the proposed site. Transfer application received June 27, 2002.

65990106. Ralph Smith & Son, Inc. (200 West Second Street, Derry, PA 15627). Revision application received requesting to add acres on an existing bituminous surface mine located in Salem Township, **Westmoreland County**, affecting 63.9 acres. Receiving streams: unnamed tributaries to Porters Run. Revision application received April 29, 2002. (Correction to previously submitted notice.)

03020107 and NPDES Permit No. PA0250180. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in Madison Township, **Armstrong County**, affecting 248 acres. Receiving streams: unnamed tributary to Redbank Creek (TSF) and unnamed tributaries to Mahoning Creek (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 11, 2002.

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

5974-16940103-E-1. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Application for a stream encroachment to mine through and reconstruct approximately 510 feet of an unnamed tributary to the Allegheny

River in Perry Township, **Clarion County**. Receiving streams: unnamed tributary to the Allegheny River, classified for the following uses: Statewide water uses: WWF; and unnamed tributary to the Clarion River, classified for the following uses: Statewide water uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 10, 2002.

33860109 and NPDES Permit No. 0107441. Ed Hanslovan Coal Co., Inc. (R. D. 2, Box 230, Morrisdale, PA 16858). Renewal of an existing bituminous surface strip and auger operation in Washington Township, **Jefferson County** affecting 167.0 acres. Receiving streams: unnamed tributaries to Rattlesnake Creek, classified for the following uses: Statewide water uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 10, 2002.

Noncoal Applications Received

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

53020801. Roger Long, 242 West Branch Road, Galeton, PA 16922. Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Abbot Township, **Potter County** affecting 3 acres. Receiving stream: unnamed tributary to Little Kettle Creek. Application received June 25, 2002.

08020807. Donald E. Johnson, Sr., R. R. 2, Box 278, Towanda, PA 18848. Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Asylum Township, **Bradford County** affecting 3 acres. Receiving stream: Susquehanna River. Application received June 28, 2002.

41020802. Ronald L. Welshans, 1268 Route 44 North Highway, Jersey Shore, PA 17740. Commencement, operation and restoration of a small industrial minerals (topsoil) permit in Porter Township, **Lycoming County** affecting 1 acre. Receiving streams: Pine Creek, tributary to Susquehanna River. Application received June 28, 2002.

08020808. Snyder, Kisner, Bryan Quarries, R. R. 1, Box 77, Sugar Run, PA 18846. Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributaries to Panther Lick Creek. Application received July 10, 2002.

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

4274SM11 and NPDES Permit No. PA0212512. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664. Permit revision to increase the permitted depth of the quarry from elevation 1,000 feet to elevation 950 feet on the Phase I (northern) area only in Taylor Township, **Blair County**, affecting 430 acres. Receiving streams: Plum and Halter Creeks classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2002.

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

20020303. Hasbrouck Sand & Gravel, Inc. (R. D. 4, Hasbrouck Road, Titusville, PA 16354). Commencement, operation and restoration of a sand and gravel operation in Oil Creek Township, **Crawford County** affecting 59.9 acres. Receiving streams: Oil Creek, classified for the following uses: Statewide water uses: WWF. There are no potable surface water supply intakes within 10 miles

downstream of this proposed operation. Application received May 22, 2002.

1494-20020303-E-1. Hasbrouck Sand & Gravel, Inc. (R. D. 4, Hasbrouck Road, Titusville, PA 16354). Application for a stream encroachment to construct a berm to within 50 feet of Oil Creek in Oil Creek Township, **Crawford County**. Receiving streams: Oil Creek, classified for the following uses: Statewide water uses: WWF. There are no potable surface water supply intakes within 10 miles downstream of this proposed operation. Application received May 22, 2002.

20950301. R. Hunter, Incorporated (29780 Hickory Corners Road, Guys Mills, PA 16327). Transfer of a gravel operation in Bloomfield Township, **Crawford County** affecting 29.5 acres. Receiving streams: Bloomfield and Pine Hollow Runs, classified for the following uses: Statewide water uses: CWF. There are no potable surface water supply intakes within 10 miles downstream of this proposed operation. Transfer from IA Construction Corporation. Application received July 11, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act

(32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-424. Chadds Ford Township, P. O. Box 181, Chadds Ford, PA 19317, Chadds Ford Township, **Delaware County**, ACOE Philadelphia District.

To replace and maintain 25 linear feet of 36-inch diameter CMP culvert and to realign and maintain approximately 210 linear feet of unnamed tributary to Harvey Run (WWF-MF). Work will involve approximately 190 linear feet of channel realignment and construction of a 48 linear foot long triple cell culvert consisting of one 71-inch by 47-inch CMP arch and two 42-inch by 29-inch CMP arches side by side in and along the realigned tributary beneath Heyburn Road. This side is located approximately 1,800 feet southeast from the intersection of Route 1 and Heyburn Road (Wilmington North, DE-PA Quadrangle N: 21.9 inches; W: 9.17 inches).

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

E58-249. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Harford 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 Nine Partners Creek (CWF), consisting of either: (1) a 30.0-foot x 18.9-foot precast concrete open-bottomed arch culvert; or (2) a 31.0-foot x 19.4-foot precast concrete open-bottomed arch culvert. The project includes relocation of approximately 160 linear feet of a tributary to Nine Partners Creek, utilizing a 60-inch RCP stream enclosure and rock lining of approximately 170 linear feet of the tributary. A temporary road crossing of Nine Partners Creek is proposed, utilizing approximately 120 linear feet of twin 48-inch RCP culverts. The total length of permanent and temporary channel impacts are approximately 270 linear feet along Nine Partners Creek and 330 feet along the tributary. The project is located along SR 0547, Section 571, Segment 0120, Offset 2230, approximately 400 feet west of the intersection of SR 0081 and SR 0547 (Harford, PA Quadrangle N: 6.6 inches; W: 8.5 inches).

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

E06-570. Michael Rhodes, Village Commons, 813 South Reading Avenue, Boyertown, PA 19512 in Washington Township, **Berks County**, ACOE Philadelphia District.

To place fill within 0.25 acre of wetlands to construct and maintain: (1) Encroachment #1a—road crossing to an unnamed tributary to Swamp Creek (CWF-MF) with a 45-inch by 29-inch by 50-foot long RCPE pipe, a 15-inch HDPE storm sewer and an 8-inch sanitary sewer line along Road T at Station 9+47.5 (East Greenville, PA Quadrangle N: 0.9 inch; W: 15.6 inches); (2) Encroachment #1c—road crossing to an unnamed tributary to Swamp Creek (CWF-MF) with a 36-inch by 50-foot ADS-N12 pipe and an 8-inch sanitary sewer line along Road U at Station 6+60 (East Greenville, PA Quadrangle N: 0.9 inch; W: 15.55 inches); (3) Encroachment #2d—a road crossing to an unnamed tributary to Swamp Creek (CWF-

MF) with a 42-inch by 27-inch by 50-foot RCPE pipe and an 8-inch water line along Road S at Station 0+00 (East Greenville, PA Quadrangle N: 0.5 inch; W: 15.9 inches); (4) Encroachment 3—relocate 1,347 feet of an unnamed tributary to Swamp Creek (CWF-MF) and construct two road crossings consisting of 70 feet of 18-inch RCP between enwalls 123 and 124 and two 38-inch by 24-inch RCPE pipes between enwalls 127 and 128 (East Greenville, PA Quadrangle N: 0.9 inch; W: 16.2 inches); (5) Encroachment 4a—a road crossing to an unnamed tributary to Swamp Creek (CWF-MF) with a 4-foot by 11.5-foot by 50-foot long concrete box culvert along Eagles Watch South Road at Station 10+00 (East Greenville, PA Quadrangle N: 1.1 inches; W: 16.7 inches); (6) Encroachment 4b—a road crossing to an unnamed tributary to Swamp Creek (CWF-MF) with a 4-foot by 11.5-foot by 50-foot long concrete box culvert along Eagles Watch South Road at Station 28+75 (East Greenville, PA Quadrangle N: 0.9 inch; W: 16.7 inches); and (7) Encroachment 6—road crossing to an unnamed tributary to Swamp Creek (CWF-MF) with a 29-inch by 18-inch by 34-foot CMPA pipe at Station 22+50 and an 18-inch by 95-foot ADS pie at Station 24+52.5 along Eagles Watch South Road (East Greenville, PA Quadrangle N: 0.7 inch; W: 16.8 inches); all for the purpose of developing the Village Commons Subdivision in Washington Township, Berks County. The permittee is required to provide 0.72 acre of replacement wetlands as part of this project.

E36-734. Lisa Myers, Pennsylvania Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Elizabeth and Warwick Townships, **Lancaster County,** ACOE Baltimore District.

To remove the existing structure and to construct and maintain a 70-foot single span prestressed concrete bridge on a 70 degree skew with a minimum underclearance of 3.91 feet across Hammer Creek (TSF) on SR 1035, Section 002, Segment 0070 located about 1 mile north of Brunnerville Village (Lititz, PA Quadrangle N: 13.1 inches; W: 4.2 inches) in Elizabeth and Warwick Townships, Lancaster County.

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

E08-393. Chad M. Tew, 843 Meadow View, Kennett Square, PA 19348. Bridge construction in Windham Township, **Bradford County,** ACOE Baltimore District (Windham, PA Quadrangle N: 21.3 inches; W: 4.7 inches).

To construct and maintain two 20-foot long by 43-inch by 64-inch corrugated metal arch culverts with a high water spillway in Russell Run and to construct and maintain a 30-foot long, 24-inch diameter corrugated metal pipe culvert in an intermittent unnamed tributary to Russell Run. The project will not impact wetlands while impacting approximately 60 feet of waterway. Russell Run and its tributary are CWF streams.

E14-425. Walker Township Supervisors, 816 Nittany Valley Drive, Bellefonte, PA 16823. Walker Township dry hydrants in Walker Township, **Centre County,** ACOE Baltimore District (Madisonburg, PA Quadrangle N: 21.9 inches and 16.3 inches; W: 8.3 inches and 14.3 inches).

To construction and maintain two 6-inch PVC dry hydrants, labeled DH 9 and DH 10, in Little Fishing Creek located at: DH 9—the north corner of the intersection of SR 64 and Snydertown Road; and DH 10—240 feet southeast of the intersection of Heckman Drive and

Hublersburg Road at the Tice Farm. The project proposes to permanently impact 4 linear feet of Little Fishing Creek, which is classified as a HQ-CWF.

E17-373. Pennsylvania Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. SR 4021 bridge replacement in Sandy Township, **Clearfield County,** ACOE Baltimore District (Sabula, PA Quadrangle N: 14.31 inches; W: 6.06 inches).

To remove an existing bridge and construct, operate and maintain a single cell precast concrete box culvert to carry SR 4021 across Mountain Run (CWF) to improve public highway safety. The single cell box culvert shall be constructed with a minimum span of 14 feet, rise of 5.5 feet, skew of 90 degrees and depressed 1.0 foot. The bridge replacement project will not impact wetlands while 53 feet of waterway that is located on SR 1011 approximately 200 feet north of T-407 and SR 4021 intersection.

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

E02-1384. Elizabeth Township, 522 Rock Run Road, Buena Vista, PA 15018-0509. Elizabeth Township, **Allegheny County,** ACOE Pittsburgh District.

To place and maintain fill along the left bank of the Youghiogheny River (WWF) for the purpose of improving the Industry Park Ballfield. The project is located on the east side of Scott Haven Road, approximately 900 feet north from the intersection of Scott Haven Road and Seneca Street (McKeesport, PA Quadrangle N: 3.3 inches; W: 6.0 inches).

E02-1385. Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201. Municipality of Penn Hills, **Allegheny County,** ACOE Pittsburgh District.

To remove existing buildings, to construct and maintain a new 2,470 square feet Sunoco gasoline/convenience store along with its associated fill and gas pumps and bays within the floodway of Duffs Run (WWF), to operate and maintain a 41.25 foot long retaining wall along the left bank of Duffs Run and to construct and maintain a gabion wall approximately 20 feet long along the left bank of Duffs Run. The project is located in the southwest corner of the intersection of Rodi and Hoover Roads (Braddock, PA Quadrangle N: 13.5 inches; W: 10.8 inches).

E02-1386. Fox Chapel Borough, 401 Fox Chapel Road, Pittsburgh, PA 15238. Fox Chapel Borough, **Allegheny County,** ACOE Pittsburgh District.

To remove the existing retaining walls and to construct and maintain new retaining walls along the right bank of Squaw Run (HQ-WWF) for the purpose of stabilizing Squaw Run Road:

1. A wall 55.0 feet in length located at the intersection of Squaw Run Road and Hunt Road (Glenshaw, PA Quadrangle N: 2.0 inches; W: 2.3 inches).

2. A wall 35.0 feet in length located approximately 700.0 feet upstream from the intersection of Squaw Run and Hunt Roads, at the Pittsburgh Field Club Driveway (Glenshaw, PA Quadrangle N: 2.25 inches; W: 2.55 inches).

E04-287. Greene Township Board of Supervisors, 1128 SR 168, P. O. Box 181, Hookstown, PA 15050-0181. Green Township, **Beaver County,** ACOE Pittsburgh District.

To restore and maintain approximately 600 linear feet of Mill Creek (TSF) as part of a "Growing Greener"

project. Also to temporarily impact 0.65 acre of palustrine emergent wetland during the stream channel restoration. The project is located just west of the intersection of US 30 and SR 168. (Hookstown, PA Quadrangle N: 14.6 inches; W: 14.9 inches).

E63-533. Friendship Community Church, P. O. Box J, Washington, PA 15301. Canton Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a 60 feet by 110 feet expansion to an existing church within the floodway of a tributary to Log Pile Run (WWF). The project is located in the northeast corner of the intersection of Prigg and Weirich Avenues (Washington West, PA Quadrangle N: 7.5 inches; W: 5.4 inches).

E63-534. Albico, Inc., Thomas Road, P. O. Box 179, Venetia, PA 15367. Nottingham Township, **Washington County**, ACOE Pittsburgh District.

To place and maintain fill in 0.14 acre of wetlands associated with an unnamed tributary to Peters Creek (WWF) for the purpose of constructing the Walnut Ridge Phase III residential development. The project is located on lots 305 and 306 on the north side of Hickory Nut Drive. The applicant proposes to pay into the Wetland Replacement Fund (Hackett, PA Quadrangle N: 21.0 inches; W: 12.0 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA54-002CO. Charles E. and JoAnn L. Beck, 2207 Spanish Forest Lane, Richmond, TX 77469. East Brunswick Township, **Schuylkill County**, ACOE Philadelphia District.

Project proposes to construct a nonjurisdictional dam across a tributary to Indian Run (CWF) impacting approximately 70 feet of stream channel for fire protection, aesthetics and recreation. The dam will be located approximately 800 feet southeast of the intersection of T757 and T894A (New Ringgold, PA Quadrangle N: 10.3 inches; W: 8.2 inches).

EA59-014CO. John Felton, 942 Camp Trail Road, Quakertown, PA 18951. Middlebury Township, **Tioga County**, ACOE Baltimore District.

Project proposes to construct a nonjurisdictional dam across a tributary to Hills Creek (WWF) directly and indirectly impacting approximately 450 feet of stream channel for recreation and habitat enhancement. The proposed dam will be located approximately 4,500 feet northwest of the intersection of SR 4039 and SR 4037 (Crooked Creek, PA Quadrangle N: 16.9 inches, W: 14.0 inches).

ACTIONS

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

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

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

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

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

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

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

NPDES Permit No. PA0053899, Industrial Waste, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Biles Creek—Outfall 003 (2E Watershed).

NPDES Permit No. PA0052159, Industrial Waste, **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Middletown Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Ridley Creek-3.

NPDES Permit No. PA0055085, Sewage, **Nancy Winslow**, Route 100 South and Murphy Road, P. O. Box 373, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Brandywine Creek.

NPDES Permit No. PA0056499, Sewage, **William McPhillips**, 1359 Hendricks Road, Pennsburg, PA 18073. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Transfer and renewal to discharge into Macoby Creek.

NPDES Permit No. PA0026794 Amendment No. 1, Sewage, **Conshohocken Borough Authority**, 601 East Elm Street, Conshohocken, PA 19428. This proposed facility is located in Conshohocken Township, **Montgomery County**.

Description of Proposed Action/Activity: Amend existing permit to discharge into the Schuylkill River-3F Watershed.

NPDES Permit No. PA0050598, Sewage, **Bethel Baptist Church**, 754 East Rockhill Road, Sellersville, PA 18960. This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into unnamed tributary to Bog Run-2D Watershed.

WQM Permit No. 1596403, Sewerage, **Thornbury Township**, 8 Township Drive, Cheyney, PA 19319-1019. This proposed facility is located in Thornbury Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of large volume onlot disposal permit to dispose 15,200 gpd treated sewage from Greens at Penn Oaks STP.

WQM Permit No. 4684430 Amendment No. 2, Sewerage, **Department of Corrections**, P. O. Box 246, Route 29, Graterford, PA 19426. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to amend permit to reduce the hydraulic loading rate of an existing spray irrigation system.

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

NPDES Permit No. PA0062910, Sewage, **Borough of Bowmanstown**, P. O. Box 127, Bowmanstown, PA 18030. This proposed facility is located in Bowmanstown Borough, **Carbon County** and discharges to the Lehigh River.

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

NPDES Permit No. PA0060429, Sewage, **Camp Speers—Eljabar YMCA**, R. R. 1, Box 89, Dingmans Ferry, PA 18328. This proposed facility is located in Delaware Township, **Pike County** and discharges to UNT to Dingmans Creek.

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

NPDES Permit No. PA0062341, Sewage, **Fawn Lake Forest Water Company**, P. O. Box D, Waymart, PA 18472. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge to Teedyuskunk Creek.

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

NPDES Permit No. PA0081876, Sewage, **Kurt Suter, Audubon Park, Inc.**, 322 South Hanover Street, Carlisle, PA 17013. This proposed facility is located in Monaghan Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to unnamed tributaries to Yellow Breeches Creek in Watershed 7-E.

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

NPDES Permit No. PA0003425, Industrial, **Ranbar Technology, Inc.**, 1114 William Flinn Highway, Glenshaw, PA 15116-2657 is authorized to discharge from a facility located at Shaler Township, **Allegheny County** to receiving waters named Pine Creek.

NPDES Permit No. PA0025950, Sewage, **Municipal Authority of the City of Monongahela**, 521 West Main Street, Monongahela, PA 15063 is authorized to discharge from a facility located at City of Monongahela STP, Monongahela, **Washington County** to receiving waters named Monongahela River.

NPDES Permit No. PA0026891, Sewage, **Authority of the Borough of Charleroi**, 325-327 McKean Avenue, Box 211, Charleroi, PA 15022 is authorized to discharge from a facility located at Charleroi Sewage Treatment Plant, Charleroi Borough, **Washington County** to receiving waters named Monongahela River.

NPDES Permit No. PA0095044, Sewage, **Northgate Townhouses Condo Association**, 380 Z Northgate Drive, Apollo, PA 15613 is authorized to discharge from a facility located at Northgate Townhouses STP, Washington Township, **Westmoreland County** to receiving waters named unnamed tributary of Pine Run.

NPDES Permit No. PA0096091 Amendment No. 1, Sewage, **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143-0081 is authorized to discharge from a facility located at the I-79 North STP, Aleppo Township, **Allegheny County** to receiving waters named Kilbuck Run.

INTENT TO ESTABLISH ALTERNATE SITE-SPECIFIC WATER QUALITY CRITERIA FOR COPPER

NPDES Permit PA0027618. Bethel Park Municipal Authority, 5100 West Library Avenue, Bethel Park, PA 15102.

Under 25 Pa. Code § 16.24(e), the Department proposes to amend NPDES Permit PA0027618 (Piney Fork STP) by incorporating the results of a water-effect ratio (WER) into the calculation of the water quality based effluent limit for copper. The WER is a biological determination of a site-specific aquatic life criterion, determined by conducting toxicity testing on sensitive aquatic species using site or simulated site water and comparing it to testing performed using lab dilution water. The WER procedure recognizes that the physical and chemical characteristics of site water can influence the toxicity of a chemical on aquatic life. On January 28, 2002, the Bethel Park Municipal Authority submitted a WER proposal to modify their NPDES copper limits for the Piney Fork STP. Following intensive review of their sampling protocol and study results, the EPA and the Department determined that the following WER is approvable.

An alternate site-specific criteria for copper has been developed by multiplying the fish and aquatic life copper criteria contained in 25 Pa. Code Chapter 16, Appendix A., Table 1 by the WER for the POTW. The WER acts as a multiplier in the calculation of the NPDES permit limits for copper. These changes will affect the copper limits of the Piney Fork STP only.

| Facility | Permit Number | Receiving Stream | Total WER | Criterion (CCC) |
|----------------|---------------|------------------|-----------|-----------------|
| Piney Fork STP | PA0027618 | Piney Fork | 3.62 | 76.8 ug/l |

Persons wishing to comment on this proposal are invited to submit a statement to Tim Dreier, P. E., Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222.

Comments must be received within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determination regarding this proposal. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water Management Program Manager will amend the NPDES permit to reflect the WER calculated effluent limits for copper. A separate notice will be published in the *Pennsylvania Bulletin* for the permit action.

The proposal and related documents are on file and may be inspected and arrangements made for copying at the office previously indicated.

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

NPDES Permit No. PA0210285, Sewage, **James M. Newton**, 350 Page Hollow Road, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: This project is authorized to discharge to unnamed tributary to Glade Run.

NPDES Permit No. PA0238708, Sewage, **University of Pittsburgh**, 3400 Forbes Avenue, Pittsburgh, PA 15260. This proposed facility is located in South Shenango Township, **Crawford County**.

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

NPDES Permit No. PA0222089, Sewage, **Dale Littlefield**, 541 Main Street, Duke Center, PA 16729. This proposed facility is located in Otto Township, **McKean County**.

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

NPDES Permit No. PA0238724, Sewage, **Freligh's Whispering Pines Mobile Home Park**, 2158 Rice Avenue, Lake City, PA 16423. This proposed facility is located in Girard Township, **Erie County**.

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

NPDES Permit No. PA0028274, Sewage, **Borough of New Wilmington**, 134 High Street, New Wilmington, PA 16142. This proposed facility is located in New Wilmington Borough, **Lawrence County**.

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

NPDES Permit No. PA0038482, Sewage, **Fox Township Sewer Authority**, 116 Irishtown Road, Kersey, PA 15846. This proposed facility is located in Fox Township, **Elk County**.

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

WQM Permit No. 2001423, Sewerage, **University of Pittsburgh**, 3400 Forbes Avenue, Pittsburgh, PA 15260. This proposed facility is located in North Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the replacement of an existing facility with a new sewage treatment facility to serve the ecology laboratory.

WQM Permit No. 6202403, Sewerage, **Todd R. Swanson**, R. R. 2, Box 2618, Russell, PA 16345. This proposed facility is located in Pine Grove Township, **Warren County**.

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

WQM Permit No. 2002408, Sewerage, **Scott T. and Kendra S. Durfee**, 17709 Marshall Road, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

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

WQM Permit No. 2002409, Sewerage, **David Jesse**, 2502 Lester Road, Linesville, PA 16424. This proposed facility is located in Conneaut Township, **Crawford County**.

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

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--------------------------------------------------------------------------------|---------------|--------------------------|----------------------------------------|
| PAS10G490 | Saint Joseph in the Hills 313 South Warren Avenue Malvern, PA 19315-0315 | Chester | Malvern Borough | UNT to Crum Creek HQ-WWF |
| PAS10G508 | West Brandywine Township 199 Lafayette Road Coatesville, PA 19320 | Chester | West Brandywine Township | West Branch Brandywine Creek HQ-TSF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------|
| PAS101325 | Lake Hauto Club 140 Maple Terrace Nesquehoning Township, PA | Carbon | Nesquehoning Township | Nesquehoning Creek HQ-CWF |
| PAS10N035 | Philadelphia Suburban Water Company 255 Belmont Street Waymart, PA 18472 | Lackawanna | Jefferson Township | UNT to West Branch of Wallenpaupack Creek HQ-CWF |
| PAS107421-1 | Waymart Wind Farm, LP 405 14th Street, Suite 712 Oakland, CA 94612 | Wayne and Lackawanna | Carbondale Township Lackawanna County Canaan and Clinton Townships Wayne County | Lackawaxen and Lackawanna Rivers HQ-CWF |

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

Perry County Conservation District, P. O. Box 36 (31 W. Main Street), New Bloomfield, PA 17068; (717) 582-8988.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--------------------------------------------------------------------------|---------------|----------------------------------|----------------------------|
| PAS105141 | Texas Eastern Transmission 5400 Westheimer Court Houston, TX 77056 | Perry | Jackson and South-west Townships | Shermans Creek HQ-CWF |

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 & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---------------------------------------------------------------|---------------|---------------------|----------------------------|
| PAS10C051 | Maidencreek Plaza Company P. O. Box 96 Temple, PA 19605 | Berks | Maidencreek | Peters Creek EV |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--------------------------------------------------------------------------------------------|---------------|-----------------------|----------------------------|
| PAS10F103 | The Pennsylvania State University Office of Physical Plant University Park, PA 16802 | Centre | State College Borough | Thompson Run CWF |

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

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

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

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---------------------------------------------------|-------------------|---------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Pottstown Borough Montgomery County | PAR10T867 | Manatawny Development Gr. 76 Enterprise Road Wrightsville, PA 17368 | Manatawny Creek CWF | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Worcester Township Montgomery County | PAR10T851 | Meadowood 3205 Skippack Pike Worcester, PA 19490 | UNT to Zacharias Creek TSF | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Skippack Township Montgomery County | PAR10T813 | Robert Bruce Balbernie 1223 West Chester Pike West Chester, PA 19380 | UNT to Perkiomen Creek TSF | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Abington Township Montgomery County | PAR10T822 | Abington Memorial Hospital 1200 Old York Road Abington, PA 19001 | Tributary to Pennypack Creek TSF, MF | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |
| Upper Pottsgrove Township Montgomery County | PAR10T847 | Heritage Building Group 3326 Old York Rd. Suite A100 Furlong, PA 18925 | Manatawny Creek TSF | Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000 |

NOTICES

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|-------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Luzerne County Wright Township | PAR10R260 | The Quaker Oats Co. SVC Manufacturing 750 Oakhill Road Mountaintop, PA 18707-2112 | Spring Run Tributary to Wapwallopen Creek CWF | Luzerne County Conservation District (570) 674-7991 |
| Luzerne County Jenkins and Plains Townships | PAR10R259 | Robert C. Santarelli 301 S. Keyser Avenue Taylor, PA 18517 | Gardner Creek CWF | Luzerne County Conservation District (570) 674-7991 |
| Luzerne County Wright Township | PAR10R177R | Eastern Development & Planning, Inc. c/o Fine Line Homes, Inc. R. R. 1, Box 307 Hazleton, PA 18201 | Unnamed tributary to Big Wapwallopen Creek CWF | Luzerne County Conservation District (570) 674-7991 |
| Northampton County Bethlehem Township | PAR10U184 | Bethlehem Centers, LLC c/o Posh Properties Real Estate Services 2216 Willow Park Rd. Bethlehem, PA 18020 | Lehigh River WWF | Northampton County Conservation District (610) 746-1971 |
| South Hanover Township Dauphin County | PAR10I274 | Robert and Sally Stern 21 Oakglade Drive Hummelstown, PA 17036 | Kellock Run | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| Shrewsbury Township York County | PAR10Y595 | Exit 4 Self Storage PA Self Storage LP 300 Bailey Drive Suite 106 Stewartstown, PA 17363 | Deer Creek CWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Windsor and Lower Windsor Townships York County | PAR10Y597 | Charles Rexroth Rexroth Turkey Farm 125 Elfner Road Red Lion, PA 17356 | UNT to Fishing Creek TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Carroll Township York County | PAR10Y591 | Mountain Crest Kevin Anderson 19 N. Baltimore Street Dillsburg, PA 17019 | Dogwood Run CWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Upper Bern Township Berks County | PAR10C382 | Nathan Eby Mt. View Construction 51 E. Texter Mission Road Robesonia, PA 19551 | Wolf Creek CWF | Berks County Conservation District P. O. Box 520 1238 Co. Welfare Road Leesport, PA 19533-0520 (610) 372-4657 |
| Spring Township Berks County | PAR10C419 | Dudley Samuda Pennsylvania Department of Transportation District 5-0 1713 Lehigh Street Allentown, PA 18103 | Tulpehocken Creek Delaware River CWF | Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657 |
| Allegheny County Franklin Park Borough | PAR10A560-1 | Franklin Park Properties LLC 25 Crestview Hills Mall Road Crestview Hills, KY 41017 | Fish Run CWF Bear Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County Collier Township | PAR10A571-1 | Paragon Homes 5945 Steubenville Pike McKees Rocks, PA 15136 | UNT to Thoms Run TSF | Allegheny County Conservation District (412) 241-7645 |
| Allegheny County North Fayette and Robinson Townships | PAR10A595 | Metro Property Developers 300 Park Manor Drive Pittsburgh, PA 15205 | Montour Run TSF | Allegheny County Conservation District (412) 241-7645 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------|
| Fayette County South Union Township | PAR10L080 | Cross Creek Development, Inc. 181 Woodland Drive Pittsburgh, PA 15236 | Redstone Creek WWF | Fayette County Conservation District (724) 438-4497 |
| Washington County Peters Township | PAR10W211 | Alan Clingan 202 Braun Drive McMurray, PA 15317 | Chartiers Creek WWF | Washington County Conservation District (724) 228-6774 |
| <i>General Permit Type—PAG-3</i> | | | | |
| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
| Eddystone Borough Delaware County | PAR900021 | Liberty Electric Power, LLC 1000 Industrial Highway Eddystone, PA 19022 | Crum Creek-3G Watershed | DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Upper Dublin Township Montgomery County | PAR800114 | Federal Express Corporation 3620 Hacks Cross Road Bldg. B, 2nd Floor Memphis, TN 38125 | Sandy Run Creek-3F Watershed | DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| City of Philadelphia Philadelphia County | PAR800113 | Federal Express Corporation 3620 Hacks Cross Rd. Bldg. B, 2nd Floor Memphis, TN 38125 | Schuylkill River 3F Watershed | DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| City of Philadelphia Philadelphia County | PAR120025 | Kraft Foods North America 1200 E. Roosevelt Blvd. Philadelphia, PA 19116 | Walton's Run-3J Watershed | DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131 |
| Luzerne County Wright Township | PAR122202 | Quaker Foods & Beverages Mountaintop Gatorade Facility 750 Oak Hill Road Mountaintop, PA 18707 | Big Wapwal- lopen Creek CWF | DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511) |
| Berks County Heidelberg Township | PAR123552 | Linette Quality Chocolates Route 322 and Hill Road Womelsdorf, PA 19567 | Mill Creek CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Slippery Rock Township Butler County | PAR608340 | Kennedy Diversified, Inc. 3844 William Flynn Highway Slippery Rock, PA 16057 | Unnamed tributary to Long Run | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942 |
| Millcreek Township Erie County | PAR118303 | STERIS Corporation 2424 West 23rd Street Erie, PA 16506 | Cascade Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942 |
| City of New Castle Lawrence County | PAR208362 | New Castle Industries, Inc. P. O. Box 7359 New Castle, PA 16107 | Shenango River | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335- 3481 (814) 332-6942 |

General Permit Type—PAG-4

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---------------------------------------------|-------------------|-----------------------------------------------------------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------|
| York County Lower Windsor Township | PAG043541 | Joel Toner 639 Bull Run Road Wrightsville, PA 17368 | Bull Run WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Pine Grove Township Warren County | PAG048805 | Todd R. Swanson R.R. 2, Box 2618 Russell, PA 16345 | Tributary to Storehouse Run | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Hayfield Township Crawford County | PAG048816 | Scott T. and Kendra S. Durfee 17709 Marshall Road Meadville, PA 16335 | Unnamed tribu- tary to Cussewago Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Conneaut Township Crawford County | PAG048819 | David Jesse 2502 Lester Road Linesville, PA 16424 | Unnamed tribu- tary to Paden Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG-5

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---------------------------------------------|-------------------|-----------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------------------------|
| New Britain Township Bucks County | PAG050035 | Exxon Mobil Corporation P. O. Box 299 Fort Washington, PA 19034 | Tributary of the West Branch of Neshaminy Creek | Southeast Region Water Management (610) 832-6130 |

General Permit Type—PAG-12

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Telephone No.</i> |
|---------------------------------------------|-------------------|--------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------------------|
| Lancaster County Mount Joy Township | PAG123558 | Jay Boll Hidden Valley Farms 180R Cloverleaf Road Mount Joy, PA 17552 | UNT to Little Chickies Creek TSF | DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707 |

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

Permit No. 5102501, Public Water Supply.

Applicant **Philadelphia Water Department**
1101 Market Street
Philadelphia, PA 19107
City of Philadelphia

County **Philadelphia**

Type of Facility PWS

Consulting Engineer BCM Engineer, Inc.
One Plymouth Meeting
Plymouth Meeting, PA 19462

Permit to Construct Issued July 9, 2002

Permit No. 1502502, Public Water Supply.

Applicant **Elverson Water Company**
26 East Main Street
Elverson, PA 19520

Borough Elverson

County **Chester**

Type of Facility PWS

Consulting Engineer Evans Mill Environmental
P. O. Box 735
Uwchlan, PA 19480

Permit to Construct Issued July 9, 2002

Permit No. 1502503, Public Water Supply.

Applicant **Philadelphia Suburban Water Company**
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Township East Marlborough

County **Chester**

Type of Facility PWS

Consulting Engineer Joseph G. Thurwanger
Philadelphia Suburban Water Company
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Permit to Construct Issued July 9, 2002

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

Permit No. 0602509 MA, Minor Amendment, Public Water Supply.

Applicant **Great Oaks Spring Water Company**

Municipality Boyertown Borough

County **Berks**

Type of Facility Relocation and replacement of vended water equipment at the Rader Company, EP 104.

Consulting Engineer Thomas J. Motley, P. E.
Motley Engineering Co. Inc.
1300 New Holland Rd.
Kenhorst, PA 19607

Permit to Construct Issued: July 15, 2002

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

Permit No. 5901503, Public Water Supply.

Applicant **Bruce W. Cooper, Owner**
C & N Mobile Home Park
103 Game Farm Road
Schwenksville, PA 19473

Township Lawrence Township

County **Tioga**

Type of Facility PWS—approval to construct air stripper for methane and ethane removal

Consulting Engineer William S. Bray, P. E.
P. O. Box 535
Wellsboro, PA 16901

Permit to Construct Issued July 12, 2002

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

Permit No. 2501503, Public Water Supply.

Applicant **Wattsburg Borough**
14431 Main Street
Wattsburg, PA 16442

Borough or Township Wattsburg Borough

County **Erie**

Type of Facility New well, treatment building and standpipe for the Borough of Wattsburg.

Consulting Engineer Northwest Engineering, Inc.
P. O. Box Q
Tidioute, PA 16351.

Permit to Construct Issued July 11, 2002

Permit No. 1002501, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033-0888

Borough or Township Oakland Township

County **Butler**

Type of Facility Install an ammonia feed system.

Consulting Engineer Pennsylvania American Water Company
2736 Ellwood Road
New Castle, PA 16101

Permit to Construct Issued July 11, 2002

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require

the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

U. S. Steel Fairless Works, Fairless Works Energy Center, Falls Township, **Bucks County**. Kathleen M. Mayher, Corrective Action Manager, United States Steel, 600 Grant St., Pittsburgh, PA 15219-2749, on behalf of United States Steel Corp., 600 Grant St., Pittsburgh, PA 15219, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, metals, BTEX, PAHs and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

CSX Intermodal—Snyder Avenue Yard Facility, City of Philadelphia, **Philadelphia County**. Gary A. Rozmus, P. E., Gannett Fleming, Inc., 480 Forest Ave., P. O. Box 707, Locust Valley, NY 11560-0707, on behalf of CSX Transportation, Attn: Marshall L. Williams, 301 W. Bay St., Suite 800, Jacksonville, FL 32202, has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, BTEX, PAHs and solvents; and site groundwater contaminated with lead, heavy metals, PAHs and solvents.

Independent Holdings, LLC, City of Philadelphia, **Philadelphia County**. Charlie McGuth, Environmental Maintenance Co., Inc., 1420 E. Mermaid La., Glenside, PA 19038, on behalf of Independent Holdings, LLC, 922 Montgomery Ave., #A1, Bryn Mawr, PA 19010, has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline UST parameters. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following final reports:

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

Feasterville Aamco Transmission, Lower Southampton Township, **Bucks County**. Paul M. Davis, Philip Services Corp., 550 Pinetown Rd., Suite 166, Fort Washington, PA 19034, on behalf of Pete Rancourt, The Bellevue, 200 S. Broad St., Philadelphia, PA 19102, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX, PHCs and PAHs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 25, 2002.

Former Faulkner Toyota, Bensalem Township, **Bucks County**. Christopher M. Kern, P. G., Hafer Environmental Services, Inc., on behalf of Henry Faulkner, III, 2425 Lincoln Highway, Trevose, PA 19053, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, PHCs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 18, 2002.

Dickman Sargeant Energy Corp. (Former) Site, Pennel Borough, **Bucks County**. Charlene R. Drake,

React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, has submitted a Final Report concerning the remediation of site soil contaminated with naphthalene and benzene and groundwater contaminated with naphthalene, benzene, ethylbenzene and MTBE. The Final report demonstrated attainment of Statewide Health, Background and Site-Specific Standards and was approved by the Department on June 21, 2002.

Bloomer Residence, Bristol Township, **Bucks County**. Robert J. Meisner, P. E., Hydro Environmental Technologies, Inc., 1201 Route 37 East, Toms River, NJ 08753, on behalf of Christine Bloomer, 229 Blue Ridge Dr., Levittown, PA, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 1, 2002.

Ashland Chemical (Formerly American National Can), Falls Township, **Bucks County**. Brian I. Fitzpatrick, P. G., Harding ESE, 5205 Militia Hill Rd., Plymouth Meeting, PA 19462, has submitted a combined Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with solvents. The report did not demonstrate attainment of Site-Specific Standards and was disapproved by the Department on June 25, 2002.

Former PPG Industries, Inc. and BASF Corp. Facility, Folcroft Borough, **Delaware County**. Russell D. Devan, P. G., Environmental Resources Management, Inc., 855 Springdale Dr., Exton, PA 19341, on behalf of Jarden Investments, LP, 1830 Columbia Ave., Folcroft, PA, has submitted a combined Remedial Investigation, Risk Assessment and Final Report concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, solvents and pesticides. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on June 26, 2002.

Sunoco, Inc., #0363-0043, Upper Gwynedd Township, **Montgomery County**. Michael Sarcinello, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Exton, PA 19341, on behalf of Sunoco, Inc., Ten Penn Center, 1802 Market St., Philadelphia, PA 19103, has submitted a Final Report concerning the remediation of site soil and surface water contaminated with BTEX and PHCs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 20, 2002.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

Hazardous Waste Transporter License Issued

Earth Technology II, LLC, 250 Sackett Point Road, North Haven, CT 06473. License No. **PA-AH 0691**. Effective July 10, 2002.

Teris L.L.C., 4460 Singleton Boulevard, Dallas, TX 75212. License No. **PA-AH 0690**. Effective July 10, 2002.

Hazardous Waste Transporter License Renewed

United Oil Recovery, Inc., 14 West Main Street, Meriden, CT 06451. License No. **PA-AH 0378**. Effective July 12, 2002.

Hazardous Waste Transporter License Expired

Superior Special Services, Inc., 1275 Mineral Springs Drive, Port Washington, WI 53074. License No. **PA-AH S197**. Effective July 2, 2002.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

General Permit No. WMGR038SW006. Blackthorne Golf, Inc., 1000 Augusta Drive, Jeannette, PA 15644. Operation for the use of baled waste tires in the construction of tee boxes and bunkers at Blackthorne Golf Course, Blackthorne Drive, Penn Township, **Westmoreland County**. Determination of applicability approved on July 15, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101318. Rosencranse Landfill, John Sexton Sand & Gravel Corp., 1815 S. Wolf Rd., Hillside, IL 60162-2100, Berlin Township, **Wayne County**. A permit allowing the connection of the existing passive landfill gas (LFG) vents to a new active LFG management system including the interconnecting piping, gas blower and flare at this existing, closed municipal waste landfill. The permit was issued by Regional Office on July 10, 2002.

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. 603010. J and D Septic Tank Service, Robert J. Craig, Box 28, Elderton, PA 15736. Operations of a solid waste permit for agricultural utilization of sewage sludge in Plumcreek Township, **Armstrong**

County, expired November 19, 2001, and was not renewed. This facility is covered under General Permit No. PAG096110.

AIR QUALITY

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

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

09-302-082GP: USX Corp. (Fairless Works, Fairless Hills, PA 19030) on July 11, 2002, for a 31.2 mmBtu/hr package boiler in Falls Township, **Bucks County**.

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

45-310-024GP: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for construction and operation of a Hazmag portable stone crushing plant and associated air cleaning device in Pocono Township, **Monroe County**.

45-310-025GP: Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for construction and operation of a Cedar Rapids portable stone crushing plant and associated air cleaning device in Pocono Township, **Monroe County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

36-03138A: Advantage ID Technologies (P. O. Box 10155, Lancaster, PA 17605-0155) on July 12, 2002, for construction of two plastic film printing lines and bench-scale laboratory at its security technologies facility in East Lampeter Township, **Lancaster County**.

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

63-00629A: Better Materials Corp. (P. O. Box 187 Berkeley Springs, WV 25411) on July 11, 2002, for modification to burn No. 4, No. 6 and waste derived liquid fuel as additions to the natural gas and No. 2 fuel oil currently allowed at Dunningville Facility in Somerset Township, **Washington County**.

63-00641D: Regal Industrial Corp. (P. O. Box 291, Donora, PA 15033) on July 12, 2002, for installation of a baghouse to control shot blasting operations at Donora Plant in Donora Borough, **Washington County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02024: Naval Surface Warfare Center (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for the reactivation of a 9.8 mmBtu/hr diesel engine in the City of Philadelphia, **Philadelphia County**.

02025: Naval Surface Warfare Center (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for the installation of two 208 HP diesel pumps and one 150 HP diesel air compressor in the City of Philadelphia, **Philadelphia County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

23-313-046: Norquay Technology, Inc. (800 West Front Street, Chester, PA 19016) on July 8, 2002, for operation of a specialty chemical process in the City of Chester, **Delaware County**.

46-0067: MM SKB Energy, LLC (709 Swedeland Road, Building 32, Swedeland, PA 19406) on July 8, 2002, for operation of diesel engines in Upper Merion Township, **Montgomery County**.

23-0063A: Department of Corrections—SCI Chester (500 East 4th Street, Chester, PA 19013) on July 15, 2002, for operation of a boiler in the City of Chester, **Delaware County**.

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

48-399-049: North American Pharmaceutical Packaging MARGO (Wheaton USA, 2400 Baglyos Circle, Bethlehem, PA 18020) on July 8, 2002, for modification of three blister packing lines in Bethlehem Township, **Northampton County**.

54-310-028: Lehigh Asphalt Paving and Construction Co. (P. O. Box 549, Tamaqua, PA 18252) on July 8, 2002, for modification of a stone crushing operation at the Andreas Quarry in West Penn Township, **Schuylkill County**.

48-399-050: Connectiv Bethlehem, Inc. (P. O. Box 6066, Newark, DE 19714-6066) for transfer and use of Emission Reduction Credits (ERCs) from the account of the Bethlehem Steel Corp. The ERCs are for 529.2 tons per year of nitrous oxides and will be utilized at the Connectiv facility in Bethlehem and Lower Saucon Township, **Northampton County**.

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

14-0004B: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823) on July 5, 2002, for operation of various pieces of limestone processing equipment and associated air cleaning devices (three fabric collectors) on a temporary basis until November 2, 2002, in Spring Township, **Centre County**. The plan approval was extended.

49-309-002A: Watsontown Brick Co. (P. O. Box 68, Watsontown, PA 17777) on July 5, 2002, for operation of a natural gas-fired brick kiln and associated air cleaning

devices (a two stage lime/sodium bicarbonate injection/reaction system and a fabric collector), as well as various pieces of mixing and grinding, equipment and associated air cleaning devices (cartridge collectors), on a temporary basis until November 2, 2002, in Delaware Township, **Northumberland County**. The plan approval was extended.

19-00004A: Transcontinental Gas Pipe Line Corp. (P. O. Box 1396, Houston, TX 77251) on July 8, 2002, for operation of two 15,000 horsepower natural gas-fired turbines equipped with dry low NOx combustors on a temporary basis until November 5, 2002, at Station 517 in Jackson Township, **Columbia County**. The plan approval was extended.

49-313-032J: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on July 5, 2002, for operation of some air contamination sources (chemical reaction vessels) identified in the respective plan approval on a temporary basis until November 2, 2002, as well as for installation of air cleaning devices (two thermal oxidizers) on various other air contamination sources (chemical reaction vessels) identified in the plan approval in Riverside Borough, **Northumberland County**. The plan approval was extended.

41-317-005: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) on July 9, 2002, for operation of numerous pieces of grain, meal, processing and handling equipment and associated air cleaning devices (nine fabric collectors, a cartridge collector and three high efficiency cyclone collectors) on a temporary basis until November 6, 2002, in Clinton Township, **Lycoming County**. The plan approval was extended.

18-00011A: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on July 12, 2002, for operation of 15 VOC-containing storage tanks on a temporary basis until November 9, 2002, in Bald Eagle Township, **Clinton County**. The 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.

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on July 12, 2002, for construction of two boilers in Monessen City, **Westmoreland County**. This plan approval was extended.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.

02104: Cage Graphics, Inc. (2781 Roberts Avenue, Philadelphia, PA 19129) for operation of a 28.9 square feet MacDermid Flex-Light plate processing unit instead of a DuPont Cyrel plate processor of same capacity, for which the facility was originally permitted in the City of Philadelphia, **Philadelphia County**.

02025: Qwest Communication Corp. (2400 Market Place, Philadelphia, PA 19129) authorized to increase the testing and tuning time of a 1,500 kW emergency generator from 9.5 hrs to 26 hours, in the City of Philadelphia, **Philadelphia County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

32-00281: Edward C. Griffith Quarrying, Inc. (14472 Route 119 North, Rochester Mills, PA 15771) on July 10, 2002, for operation of a portable crushing plant (sandstone) in North Mahoning Township, **Indiana County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

08-313-009A: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848) on July 9, 2002, to delete a requirement that two drying ovens be ducted to a scrubber in North Towanda Township, **Bradford County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.

95-095: Amoroso's Baking Co. (845 South 55th Street, Philadelphia, PA 19143) administratively amended on July 11, 2002, to incorporate Installation Permit Nos. 02058, 02059 and 02068 for a burner change to Oven #3 and for two 200 HP natural gas/no. 2 oil dual-fired boilers in the City of Philadelphia, **Philadelphia County**. The Natural Minor Operating Permit was originally issued on January 10, 2001.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

11010102 and NPDES Permit No. PA0249009, E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722. Commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage, in Reade Township, **Cambria County**, affecting 102.0 acres. Receiving streams: Fal-lentimber Run; Powell Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 17, 2001. Permit issued July 10, 2002.

11960109 and NPDES Permit No. PA0234320. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635. Permit revision to change the post-mining land use from forestland to cropland on a portion of the site and from forestland to pastureland or land occasionally cut for hay in Elder Township, **Cambria County**, affecting 27.0 acres. Receiving streams: unnamed tributary to Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 8, 2002. Permit issued July 10, 2002.

Noncoal Permits Actions

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

58020806. Chester E. Kilmer, Jr. (R. D. 1 Box 1079A, Hop Bottom, PA 18824). Commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County**, affecting 1.0 acre. Receiving stream: East Branch Martin Creek. Application received March 1, 2002. Permit issued July 8, 2002.

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

14022801. Two Rock Stone Company, P. O. Box 496, Port Matilda, PA 16870. Commencement, operation and restoration of a small industrial mineral (sandstone) permit, located in Howard and Marion Townships, **Centre County** affecting 5 acres. Receiving streams: Lick Run and Bald Eagle Creek, tributary to Bald Eagle Creek. Application received February 4, 2002. Permit issued June 18, 2002.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

15024020. Gerlach's Drilling & Blasting, Inc. (172 Bender Mill Road, Lancaster, PA 176030), construction blasting in West Brandywine Township, **Chester County** with an expiration date of January 30, 2003. Permit issued July 9, 2002.

22024007. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Upper Paxton Township, **Dauphin County** with an expiration date of August 30, 2002. Permit issued July 9, 2002.

45024046. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of June 12, 2003. Permit issued July 9, 2002.

39024012. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Upper Macungie Township, **Lehigh County** with an expiration date of October 1, 2002. Permit issued July 9, 2002.

36024068. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting

in Upper Leacock Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued July 9, 2002.

36024069. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Lancaster Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued July 10, 2002.

15024021. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting in Willistown Township, **Chester County** with an expiration date of February 1, 2003. Permit issued July 10, 2002.

39024013. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of July 26, 2007. Permit issued July 10, 2002.

06024033. Schlouch Incorporated (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Maiden Creek Township, **Berks County** with an expiration date of July 31, 2003. Permit issued July 10, 2002.

64024007. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Mt. Pleasant Township, **Wayne County** with an expiration date of June 13, 2003. Permit issued: July 11, 2002.

45024045. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of July 27, 2004. Permit issued July 11, 2002.

45024044. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of June 14, 2003. Permit issued July 11, 2002.

45024043. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of June 15, 2003. Permit issued July 11, 2002.

39024014. Clair Stahley (P. O. Box 526, Orefield, PA 18069-0526) and Austin Powder (P. O. Box 289, Northampton, PA 18067), construction blasting in Upper Saucon Township, **Lehigh County** with an expiration date of October 30, 2002. Permit issued July 11, 2002.

44024002. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Armagh Township, **Mifflin County** with an expiration date of December 31, 2002. Permit issued July 11, 2002.

09024020. American Rock Mechanics (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Milford Township, **Bucks County** with an expiration date of August 1, 2003. Permit issued July 11, 2002.

46024036. American Rock Mechanics (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Lower Pottsgrove Township, **Montgomery County** with an expiration date of August 1, 2004. Permit issued July 11, 2002.

09024021. PACT Construction, Inc. (P. O. Box 74, Ringoes, NJ 08551), construction blasting in Warrington Township, **Bucks County** with an expiration date of November 1, 2002. Permit issued July 11, 2002.

21024036. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower

Allen Township, **Cumberland County** with an expiration date of January 31, 2003. Permit issued July 11, 2002.

36024070. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Penn Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued July 11, 2002.

36024072. Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507), construction blasting in Lampeter Township, **Lancaster County** with expiration date of July 31, 2003. Permit issued July 11, 2002.

52024016. Leeward Construction, Inc. (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Westfall Township, **Pike County** with an expiration date of January 24, 2003. Permit issued July 11, 2002.

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

14024017. Stone Valley Construction Co., Inc., P. O. Box 369, Pine Grove Mills, PA 16868, for construction blasting, located in Spring Township, **Centre County**, with an expected duration of 6 months. Permit issued July 11, 2002. Permit expires: December 31, 2002.

14024018. Ameron Construction Co., Inc., 2501 N. Atherton Street, State College, PA 16803, for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 6 months. Permit issued July 12, 2002. Permit expires: December 31, 2002.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Permits Issued and Actions on 401 Certifications

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-789. Bucks County Board of Commissioners, Bucks County Courthouse, Doylestown, PA 18901, Warrington Township, **Bucks County**, ACOE Philadelphia District.

To remove a single span steel truss bridge which spans over Mill Creek (WWF) and to construct and maintain, in its place, a single span prestressed concrete bridge with a clear span of approximately 63 feet and underclearance of approximately 4.6 feet. The skew angle will also be modified from 71 degrees to 72.35 degrees. This work is associated with the Bucks County Bridge 145 Replacement Project which carries Pickertown Road (T-334) over Mill Creek (Doylestown USGS Quadrangle N: 2.4 inches, W: 8.0 inches).

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

E52-176. Gold Key Country Club, Inc., 2000 Gold Key Estates, Milford, PA 18337. Dingman Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure; to construct and maintain an aluminum plate arch culvert, having a span of 22 feet 9 inches and an underclearance of 8 feet 10 inches, across a narrow portion of Gold Key Lake; and to place fill in a de minimis area of wetlands equal to 0.03 acre. The project is located on Gold Key Road approximately 1.3 miles north of SR 2006 (Edgemere, PA Quadrangle N: 11.7 inches; W: 10.0 inches).

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

E05-302. Pennsylvania Department of Transportation, Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in Hopewell Township, **Bedford County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a two span concrete bridge; each span is 75.5 feet with an average underclearance of 6.2 feet across the Yellow Creek (HQ-CWF) on SR 0036, Section 005, Segment 004, Offset 0023 located in Little Jack Corners. The new bridge construction will fill in 0.211 acre of wetlands and will be located approximately 151 feet downstream of the existing bridge to realign the roadway (Hopewell, PA Quadrangle N: 5.7 inches; W: 14.75 inches) in Hopewell Township, Bedford County. Project will replace .211 acre of wetland impact at the Huntingdon County advanced wetland replacement.

E06-559. David Coult, Trout Unlimited Tulpehocken Chapter, 446 Main Street, Virginville, PA 19564 in Pike Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a stream restoration project within the Pine Creek (EV-Wild Trout) watershed for the purposes of: stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes, J-hooks and riprap, placement of random boulders, root wads and log spurs, ford improvements and cattle crossing installations. The initial phase of the project is located on the David G. Coult property and consists of a 500 foot segment of Pine Creek and a 600 foot segment of an unnamed tributary to Pine Creek beginning at a point along Heilig School Road at the intersection of Long Lane and proceeding southward (Manatawny, PA Quadrangle N: 8.4 inches; W: 11.6 inches) in Pike Township, Berks County. The applicant is proposing bank stabilization using riprap, coir matting, bio-logs and plantings of native grasses, trees and shrubs; in addition, random boulders will be placed within the channel to enhance fish habitat. A single span (20 feet long by 6 feet wide) footbridge with concrete "stub abutments" will be constructed across the unnamed tributary.

E07-355. PA Investor Enterprises, LLC, 5506 6th Avenue, Rear, Altoona, PA 16602 in Allegheny and Huston Townships, **Blair County**, ACOE Baltimore District.

To construct and maintain: (1) a 740-foot stream relocation, five 15-inch stormwater outfalls and a 255-foot long, 9-foot by 2.5-foot concrete box culvert stream enclosure

on an unnamed tributary to Burgoon Run (WWF); and (2) two 15-inch stormwater outfalls and one 18-inch stormwater outfall on Burgoon Run (WWF) at a point between SR 0764 and California Avenue for the purpose of constructing a shopping plaza (Hollidaysburg, PA Quadrangle N: 15.75 inches; W: 7.0 inches) in Allegheny Township, Blair County. The stream impacts associated with the project will be mitigated through a 1,030-foot stream enhancement project on Clover Creek previously authorized under GP-01-07-02-102 (Entriiken, PA Quadrangle N: 1.5 inches; W: 15.7 inches) in Huston Township, Blair County.

E28-297. Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Quincy Township, **Franklin County**, ACOE Baltimore District.

To remove the existing arch culvert and to construct and maintain a 5-foot by 5-foot concrete box culvert at the channel of an unnamed tributary to West Branch Antietam Creek (CWF) on SR 2018, Segment 0010, Offset 1613 (Manheim Road) located near its intersection with Buttermilk Road (Waynesboro, PA Quadrangle N: 13.38 inches; W: 13.81 inches) in Quincy Township, Franklin County.

E28-298. Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Antrim Township, **Franklin County**, ACOE Baltimore District.

To remove the existing arch bridge and to construct and maintain a 16-foot by 7.5-foot concrete box culvert at the channel of an unnamed tributary to Conococheague Creek (WWF) on SR 3005, Segment 0040, Offset 0000 (Worleytown Road) located about 0.5 mile northwest of Worleytown Village (Mason-Dixon, MD-PA Quadrangle N: 22.3 inches; W: 4.95 inches) in Antrim Township, Franklin County.

E36-725. Robert Navitski, Lancaster County Commissioners, 50 North Duke Street, Lancaster, PA 17608 in Manor Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing 46-foot span concrete through girder bridge and construct and maintain a 72-foot 6-inches span prestressed concrete box beam replacement bridge across the Little Conestoga Creek (WWF) at a point along Owl Bridge Road (T-583) approximately 1,800 feet northeast of the intersection of Sheep Lane and Owl Bridge Road along Owl Bridge Road (Safe Harbor, PA Quadrangle N: 19.8 inches; W: 0.4 inch) in Manor Township, Lancaster County.

E36-728. Nissin Foods USA Co., Incorporated, 2901 Hempland Road, Lancaster, PA 17601 in East Hempfield Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing stormwater collection system/stream enclosure within Brubaker Run (WWF) consisting of a system of corrugated metal pipes and to construct and maintain a new stormwater collection system consisting of reinforced concrete pipes and a precast concrete box culvert 4 foot by 11 foot, a concrete wall, a utility line crossing and two road crossings at a points within the existing Nissin Foods USA Company, Incorporated property boundaries located at 2901 Hempland Road (Columbia East, PA Quadrangle N: 9.0 inches; W: 1.0 inch) in East Hempfield Township, Lancaster County.

E36-735. Barry Hoffman, P. E., Pennsylvania Department of Transportation, District 8-0, 2140 Herr

Street, Harrisburg, PA 17103 in Clay and Elizabeth Townships, **Lancaster County**, ACOE Baltimore District.

To remove the existing culvert and to construct and maintain a 7-foot by 5-foot box culvert at the channel of an unnamed tributary to Middle Creek (WWF) on SR 1035, Segment 0110, Offset 1935 (Clay Road) located about 0.3 mile south from its intersection with US 322 (Lititz, PA Quadrangle N: 16.21 inches; W: 0.905 inch) in Clay and Elizabeth Townships, Lancaster County.

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

E08-388. Jane Wilbur, 70 South Landon Avenue, Kingston, PA 18704. Bridge, in Canton Township, **Bradford County**, ACOE Baltimore District (Grover, PA Quadrangle N: 22.1 inches; W: 8.85 inches).

To construct and maintain a single span steel beam with a heavy weld 12 foot by 12 foot 10 inch long bar grating deck with 4 inch by 2 inch by 1/4 inch guide rail posts on reinforced concrete abutments with wing walls and a waterway opening of 54 square feet over Beech Flats Creek on Route 154 3 miles south of Canton in Canton Township, Bradford County. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E53-373. Maxton Gas Corporation, R. R. 1, Box 364, Shinglehouse, PA 16748. Maxton Gas Corporation production and supply lines, in Sharon Township, **Potter County**, ACOE Pittsburgh District (Oswayo, PA Quadrangle N: 10.25 inches; W: 0.25 inch).

To construct, operate and maintain 2,500 linear feet of gas production and transmission lines crossing Walman Nichlos Hollow Run and wetlands associated to the same waterway and Wildcat Creek for the transmission of natural gas. Since Walman Nichlos Hollow Run and Wildcat Creek are wild trout streams, no gas line maintenance work will be conducted in or along the stream channels between October 1 and April 1 without the prior written authorization from the Fish and Boat Commission. Any excavations for maintenance of the gas transmission lines through the wetlands and waterways shall be completed with rubber tire equipment. The project is located along the western right-of-way of SR 0044 approximately 1.1 miles north of SR 0044 and T-329 intersection.

E53-375. Department of Conservation and Natural Resources, R. R. 4, Box 212, Emporium, PA 15834. Denton Hill State Park Wastewater Treatment Facility and Outfall, in Ulysses Township, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle N: 4.55 inches; W: 11.5 inches).

To construct, operate and maintain 50 feet of treated effluent conveyance in the floodway and an outfall structure along the channel of Nine Mile Run for the operation of the Denton Hill State Park sanitary sewage facility. The outfall shall be constructed of precast concrete structure and a minimum of R-4 rock for stream bank protection. The outfall structure shall be installed during stream low flow and dry work conditions by dams and pumping or fluming stream flow around the work area. Since Nine Mile Run is a wild trout stream, no construction or future repair work shall be conducted in or along the stream channel between October 1 and April 1 without prior written permission from the Fish and Boat Commission. The project is located along the southern right-of-way of SR 0006 approximately 1 mile west of Thompson Road and SR 006 intersection. This permit

also authorizes the construction, operation maintenance and removal of temporary cofferdams and/or rock channel diversions. All temporary structures shall be constructed with clean rock free of fines. Upon completion of the outfall structure construction and R-4 rock installation, all temporary structures shall be removed with all disturbed areas restored to original contours, elevations and stabilized. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

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

E03-408. Borough of North Apollo, 1624 Sixteenth Street, North Apollo, PA 15673. North Apollo Borough, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 60-inch RCP storm sewer outfall with rock protection along the Kiskiminetas River (WWF) as part of the North Apollo Sanitary Sewer Separation/Extension Project. The outfall is located off the intersection of SR 0056 and Third Street (Vandergrift, PA Quadrangle N: 17.7 inches; W: 8.0 inches).

E26-294. Fayette County Commissioners, Court House, 61 East Main Street, Uniontown, PA 15401. Henry Clay Township, **Fayette County**, ACOE Pittsburgh District.

To rehabilitate and maintain the Fayette County Bridge No. 174 having a normal clear span of 20 feet and an underclearance of 3.5 feet across Beaver Creek (HQ-CWF). The rehabilitation consists of replacement of the bridge deck. The project is located on T-381 approximately 1.3 miles west of its intersection with T-873 (Ohiopyle, PA Quadrangle N: 7.85 inches; W: 15.35 inches).

E56-314. Somerset County Planning Commission, 300 North Center Avenue, Somerset, PA 15501. Summit Township, **Somerset County**, ACOE Pittsburgh District.

To rehabilitate a nine-span steel truss and plate girder bridge (Keystone Viaduct) by removing three girder spans and two concrete piers, constructing a new single girder span and therefore maintaining a seven span steel truss and plate girder bridge having spans of 245.3 feet, 80.8 feet, 241.5 feet, 100.5 feet, 80.5 feet, 80.5 feet and 80.8 feet and an underclearance of 48.0 feet over Flaugherty Creek (CWF). Also to place and maintain R-6 rock scour protection at existing concrete piers #5 and #6 and to construct fish habitat enhancement in Flaugherty Creek (SWF). During construction, to construct and maintain a temporary diversion and a temporary R-6 rock access platform in Flaugherty Creek (CWF). The project is located on the Allegheny Highlands Trail where it crosses SR 2006 (Wittenberg, PA Quadrangle N: 10.9 inches; W: 16.9 inches).

E63-520. Washington County Planning Commission, 100 West Beau Street, Suite 701, Washington, PA 15301. Morris Township, **Washington County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain the Day Bridge having a span of 37.7 feet with a minimum underclearance of 5.0 feet across Short Creek (TSF) for the purpose of improving highway safety. The bridge is located on T-339, approximately 100 feet south from the intersection of SR 0018 and T-339 (Prosperity, PA Quadrangle N: 5.3 inches; W: 6.0 inches) in Morris Township, Washington County.

E63-521. Washington County Planning Commission, 100 West Beau Street, Suite 701, Washington, PA 15301. Hanover Township, **Washington County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain the existing Jackson Mill Bridge (T-853) having a span of 44.3 feet with a minimum underclearance of 10.0 feet across Kings Creek (CWF) for the purpose of restoring the existing bridge and improving highway safety. The bridge is located on T-853 (Kings Creek Road), just south from the intersection of Kings Creek Road (T-853) and T-352. This permit also authorizes the construction and maintenance of temporary cofferdams (Burgettstown, PA Quadrangle N: 8.9 inches: W: 15.9 inches).

ENVIRONMENTAL ASSESSMENTS

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

D13-001A. Lake Hauto Club, 140 Maple Terrace Road, Nesquehoning, PA 18240. Nesquehoning Borough, **Carbon County**, ACOE Philadelphia District.

Project proposes to construct improvements to the Lake Hauto Dam including armoring the dam crest and downstream slope and renovating the spillway channel. Improvements will not change the normal pool elevation of the reservoir. The improvements will directly impact approximately 0.37 acre of wetlands (PEM). The dam is located across Nesquehoning Creek (HQ-WWF) (Tamaqua, PA Quadrangle, N: 17.45 inches, W: 3.40 inches).

[Pa.B. Doc. No. 02-1310. Filed for public inspection July 26, 2002, 9:00 a.m.]

Acceptance of Applications for New and Innovative Technology Grants Through the Growing Greener Program

As part of the fourth year of the Department of Environmental Protection's (Department) Growing Greener Program, applications are now being accepted for new and innovative technology grants. The Department is targeting this year's New and Innovative Water/Wastewater Technology Growing Greener Grants to promote the installation of technologies to reduce nutrient discharges from publicly owned treatment plants in the Chesapeake Bay drainage area to help fulfill the Commonwealth's commitment to the Chesapeake Bay 2000 Agreement.

This program would actively incorporate the use of innovative technologies and pollution prevention techniques into the effort to address the restoration of Commonwealth surface waters and the Chesapeake Bay that are degraded by point source nutrient discharges.

The Environmental Stewardship Fund allows the Department to provide 10% of Growing Greener funds to improve existing drinking water and sewage treatment facilities through the use of new or innovative technology. This grant program will be used to encourage projects designed to increase nutrient removal from point source wastewater discharges. The funds will be used to provide grants to municipalities and sewer authorities in the Chesapeake Bay watershed to reduce the local cost for the nutrient reduction portion of the project. The applicant municipalities will be eligible for up to 80% of the

local design and construction costs of the nutrient reduction technology portion of any project. Planning cost for upgrades will not be eligible but are eligible for grants under the Sewage Facilities Act Planning Program (Act 537) in accordance with existing guidelines and allocations.

Eligible proposals will address substantial nutrient pollution sources from sewage treatment systems that discharge into the Chesapeake Bay Watershed and fit into one of the following categories: construction, replacement and/or installation of sewage treatment facilities.

The deadline for submitting new and innovative technology grant applications to the Department Grants Center is September 6, 2002.

To request an application or to obtain more information concerning the new and innovative technology grants, visit the Growing Greener website at <http://www.growinggreener.org>, e-mail GrowingGreener@state.pa.us or contact the Department of Environmental Protection, Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776, (877) PAGREEN or (717) 705-5400.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1311. Filed for public inspection July 26, 2002, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Meeting Cancellation

The Cleanup Standards Scientific Advisory Board meeting scheduled for August 22, 2002, has been cancelled. Questions concerning this meeting should be directed to Marilyn Wooding, (717) 783-7509 or e-mail mwooding@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1312. Filed for public inspection July 26, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of The Midwife Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Midwife Center has requested an exception to the requirements of 28 Pa. Code § 501.81(a)(2) (relating to safety from fire).

This request is on file with the Department. Persons may receive a copy of this request for exception by requesting a copy from the Department of Health, Division of Safety Inspection, Room 922, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1911, fax: (717) 787-1491, e-mail ra-paexcept@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 address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact the Director, Division of Safety Inspection at (717) 787-1911, V/TT (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1313. Filed for public inspection July 26, 2002, 9:00 a.m.]

Patient Safety Authority Meeting

The Patient Safety Authority will hold a meeting on Tuesday, August 13, 2002, from 9:30 a.m. to 4 p.m. at Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

For additional information, contact Stacey Schwartz, Office of Physician General, (717) 783-8770. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should call V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1314. Filed for public inspection July 26, 2002, 9:00 a.m.]

Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant Advisory Committee will hold a public meeting on Thursday, August 15, 2002, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 1000, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, contact Emilie M. Tierney, Director, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Terry L. Walker, Administrative Officer, (717) 787-6214, V/TT (717) 783-6514 for speech and/or hearing-impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1315. Filed for public inspection July 26, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Expansion of the Long-Term Care Capitated Assistance Program; Request for Information

The Long-Term Care Capitated Assistance Program (LTCCAP) is the Commonwealth's replication of the Program of All-inclusive Care for the Elderly (PACE) Model. Under this request for information, the Department of Public Welfare (Department) is asking organizations interested in participating as an LTCCAP provider to contact the Department. Providers will be responsible to provide a specific package of services to individuals enrolled in the program, who are eligible for Medical Assistance (MA) and have been determined to require nursing facility services. To be considered for an LTCCAP site, organizations must be enrolled in the MA Program, meet the requirements included in the PACE Protocol and LTCCAP Provider Agreement and have a completed feasibility study through a PACE Technical Assistance Center.

The Department will consider, among other things, the following factors when determining site selection for LTCCAP:

- MA service need
- MA service availability (availability of nursing facility services, home and community based services, and the like)
- Project location (suburban v. urban, existing project sites, and the like)
- Uniqueness of project design (closing existing nursing facility beds, collaboration efforts, and the like)

Questions regarding the PACE Protocol or the feasibility study through a PACE Technical Assistance Center should be directed to Cindy M. Proper at (717) 772-2525.

Organizations that feel they meet the criteria listed in this notice and are interested in being considered to provide services under LTCCAP should submit a letter of interest, along with a copy of their completed feasibility study within 30 days from the date of this publication to LTCCAP, Division of LTC Client Services, Department of Public Welfare, 6th Floor Bertolino Building, P. O. Box 2675, Harrisburg, PA 17105.

Current LTCCAP providers interested in expanding beyond their designated zip code area are also invited to respond to this request. Response should be directed to the previous address and include a letter of interest, along with a market analysis of the area of interest.

FEATHER O. HOUSTON,
Secretary

[Pa.B. Doc. No. 02-1316. Filed for public inspection July 26, 2002, 9:00 a.m.]

Hospital Uncompensated Care Program Uniform Reporting Requirements

The purpose of this notice is to provide public notice of the uniform reporting requirements for the Hospital Uncompensated Care Program (Program) as required by section 1103(d) of the Tobacco Settlement Act (act) (35 P. S. § 5701.1103(d)).

Background

The act, signed into law by Governor Tom Ridge on June 26, 2001, created the Program to be administered by the Department of Public Welfare (Department). The Program provides for the disbursement of appropriations from the Tobacco Settlement Fund, as established in section 303(a) of the act (35 P.S. § 5701.303(a)), to annually compensate hospitals for a portion of the uncompensated care they provide to uninsured and underinsured patients.

The Department, in consultation with the Health Care Cost Containment Council (Council), established an Advisory Committee to assist the Department and the Council in improving the information collected and used to determine payments to hospitals under the Program. The Committee members included individuals with expertise in hospital administration, finance and reimbursement, hospital patient account management and representatives of the Department and the Council.

The Department is required to provide public notice of the uniform reporting requirements for the Program. The Advisory Committee's recommendations have been incorporated into these requirements.

Procedure

For hospital fiscal years beginning on or after January 1, 2002, hospitals shall report uncompensated care information to the Council and the Department as set forth in this notice and sections 1103—1105 of the act (35 P.S. §§ 5701.1103—5701.1105). As delineated by section 1104(b)(6) of the act, hospitals must submit the required data to be eligible for the Program.

Hospitals shall submit the uncompensated care data outlined in Section A of this notice to the Council as part of the Council's annual financial filing process. The Council's annual filing deadline will be November 30, unless extended by the Council.

The Department will require that hospitals submit an annual attestation of their compliance with the Program requirements of the act to the Office of Medical Assistance Programs, Bureau of Fee-for-Service Programs, in a manner prescribed by the Department.

A. Reporting of Uncompensated Care

Consistent with industry practice, the Council relies on the prevailing *AICPA Audit and Accounting Guide—Health Care Organizations* and the Health Care Management Association, Principals and Practice Board's "Valuation & Financial Statement Presentation of Charity Care Service & Bad Debts by Institutional Healthcare Providers" as the guidelines for reporting bad debt and charity care. As a part of its annual financial filing requirements, the Council has established a few additional standards to ensure uniform reporting among hospitals in this Commonwealth. To facilitate an equitable implementation of the act, the Advisory Committee has recommended a few amendments to the Council's reporting requirements.

1. Charity Care

Section 1102 of the act (35 P.S. § 5701.1102) defines charity care expense as "[t]he cost of care for which a hospital ordinarily charges a fee but which is provided free or at a reduced rate to patients who cannot afford to pay but who are not eligible for public programs and from whom the hospital did not expect payment in accordance with the hospital's charity care policy."

The Council's current reporting requirements for charity care expenses are consistent with the act's provisions,

and there are no changes in the way hospitals report annual expenses for charity care.

Charity care shall be recorded as the foregone charges for unreimbursed care consistent with the hospital's charity care policy and established schedule of fees.

Shortfalls between third-party reimbursements and a hospital's charges are not included in charity care. If a patient's third-party insurance does not provide any reimbursement for specific services, these uncovered services are eligible to be included as charity care.

If a hospital waives or reduces a copayment or deductible, those foregone fees may not be included in charity care. A patient's inability to pay a copayment or deductible is eligible for charity care.

Hospitals may not include community service unless the service involves a medical service for which a fee is charged to the general patient population.

2. Bad Debt

Section 1102 of the act defines "bad debt expense" as "[t]he cost of care for which a hospital expected payment from the patient or a third-party payor, but which the hospital subsequently determines to be uncollectible."

The only change in the Council's current reporting requirements for bad debt expense is that all bad debt expense shall be reported as charges. Currently, there is some variation among hospitals in the extent that bad debt is recorded as charges.

Consistent with current Council reporting requirements, reimbursements denied by third-party insurers may only be recognized as bad debt if the services provided were beyond the scope of services covered by the insurer.

B. How the Council will Calculate Uncompensated Care Costs

Consistent with act's definition of uncompensated care (see section 1102 of the act), the Council will add each hospital's charges for bad debt and charity care to generate uncompensated care charges. Since bad debt expenses and charity care expenses will both be reported as charges, variations in individual hospital policies on extending charity care should not have a significant effect on the level of uncompensated care for purposes of payment calculations under the act.

In defining uncompensated care, section 1102 of the act states that "[t]his cost shall be determined by the Council utilizing reported data and the hospital's cost-to-charge ratio." The cost-to-charge ratio is the ratio of each hospital's total cost of providing patient care to the total charges for patient care.

$$\text{Cost-to-Charge Ratio} = \frac{\text{Annual Patient Care Expenses}}{\text{Annual Patient Charges}}$$

The Council receives total patient care charges from every hospital as part of the hospital's annual financial filing. The Council, however, does not receive data on the annual total cost to provide patient care.

The Advisory Committee considered a variety of means for the Council to capture annual patient care costs including:

- *Expanding the Council's annual filing requirements to include patient care costs.* The problem with this approach is that there are numerous functions in hospi-

tals that transcend patient care and other hospital operations, such as food service, education, maintenance, utilities and real estate. To ensure uniform reporting, the Council would need to develop a complex set of new reporting guidelines, subjecting hospitals to a new and costly set of recordkeeping and reporting requirements. In many cases, the additional costs to track patient care expenses would exceed the potential payment to hospitals under the Program.

- *Utilizing the total operating expenses in lieu of patient care costs.* An analysis of Council data reveals that the ratio of net patient revenue to total operating revenue varies between 65% to nearly 100% of the hospitals in this Commonwealth. Consequently, the extent that hospitals engage in nonpatient care activities varies considerably. If total operating expenses were utilized, hospitals that engage in a larger portion of nonpatient care activities would have an artificially higher cost-to-charge ratio, and consequently their uncompensated care costs would be inflated.

- *Utilizing Medicare and Medical Assistance cost reports.* These reports are not the best source of information for a variety of reasons. For example, the Medical Assistance cost report does not include information on all hospital operations.

The filing deadline for the Medicare cost report was recently extended to April for those hospitals with a fiscal year ending on June 30. The information from the Medicare cost reports may not be available for the Department to distribute funds in a timely manner.

The Medicare cost reports filed by a substantial number of hospitals do not coincide with the financial data hospitals file with the Council because the Medicare cost report covers a different time period and/or a different scope of operations than the "hospital" data filed with the Council. The Council's analysis reveals that variations in the reporting period and scope of operations result in significant differences in the cost-to-charge ratios.

While the Council does not have a source of consistent patient care cost data, it does have consistent audited net patient revenue, total operating revenue and total operating cost data. Consequently, the Committee explored the feasibility of utilizing revenue data to estimate patient care expenses. The Committee ultimately determined that the ratio of net patient revenue to total operating revenue provides a reasonable estimate of the ratio of patient care costs to total operating costs.

$$\frac{\text{Net Patient Revenue}}{\text{Total Operating Revenue}} \approx \frac{\text{Patient Care Costs}}{\text{Total Operating Costs}}$$

Using a sample of hospitals, the Committee compared the cost-to-charge ratio developed using the estimated patient care costs to a cost-to-charge ratio utilizing data from Medicare cost reports. Whenever the revenue and charge data from the Medicare cost report was similar to the annual financial data filed with the Council, the cost-to-charge ratio using the estimated patient care costs was within 1.5% of the cost-to-charge ratio using Medicare data. In some instances, corrections will have to be made for hospitals with certain categories of revenues that do not have associated operating costs such as large retroactive third-party revenue adjustments or when relatively large amounts of contributions or investment income is included in operating revenue.

The Council will annually provide each hospital with documentation on how its individual cost-to-charge ratio

is calculated and hospitals will have an opportunity to address the ratio through the Council's verification process.

C. Plan to Serve the Uninsured and Procedures for Collecting Bad Debt

Section 1104(b) of the act states that to be eligible to apply for payment under the Program, a hospital has to have a plan in place to serve the uninsured and meet the following six specific eligibility requirements listed as follows:

Accepts all individuals, regardless of the ability to pay for emergent medically necessary services within the scope of the hospital's service.

Seeks collection of claims, including collection from an insurer or payment arrangements with the person who is responsible for payment of the care rendered.

Attempts to obtain health care coverage for patients, including assisting patients in applying for Medical Assistance, the Children's Health Insurance Program or the Adult Basic Coverage Insurance Program.

Ensures that an emergency admission or treatment is not delayed or denied pending determination of coverage or requirement for prepayment or deposit.

Posts adequate notice of the availability of medical services and the obligation of a hospital to provide free services.

Provides necessary data to Council.

To qualify for funding, a hospital will be required to annually complete a form supplied by the Department that will attest to the hospital's compliance with these requirements.

D. Upper Limit on Payments

In compliance with Federal law and the act, the Department adheres to the hospital-specific disproportionate share payment (DSH) upper limit which limits DSH payments to no more than 100% of costs related to caring for Medical Assistance patients and/or uncompensated costs related to caring for indigent patients.

The Department, in accordance with the upper limit assurances in Federal law and section 1104 of the act, may withhold payments under the Program to a hospital that exceeds the hospital's specific DSH upper limit. Furthermore, section 1106 of the act (35 P. S. § 5701.1106) requires that the total amount of funds received by a hospital shall not exceed the uncompensated care amount derived by the Council. Accordingly, the Department will limit a hospital's payments under the Program to this amount.

The Department will request the necessary data to determine hospital specific DSH upper payment limits. The Department will amend the Pennsylvania Medical Assistance Hospital Cost Report (MA 336) for the Fiscal Year 2001-2002 reporting period.

Contact Person

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, Bureau of Fee-for-Service Programs, Attention William T. Miller Jr., P. O. Box 8047, Harrisburg, PA 17105-8047.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 02-1317. Filed for public inspection July 26, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Cigarette Tax Notice

Under section 227-A of the Fiscal Code (72 P. S. § 227-A), the Department of Revenue (Department) hereby announces the lowest cost of the stamping agent, wholesaler and retailer, respectively, effective July 15, 2002, as follows:

| | <i>Premium Brands (a.k.a. Kings and Regulars)</i> | <i>Generic Brands</i> |
|----------------------------------------------------------|---------------------------------------------------------------|---------------------------|
| Cost of the Stamping Agent (for sales to wholesalers) | \$37.64 | \$34.94 |
| Cost of the Wholesaler (for sales to retailers) | \$39.15 | \$36.34 |
| Cost of the Retailer (for sales to retail customers) | \$41.50 | \$38.52 |

The Department considers these costs as presumptive minimum costs. Cigarette stamping agents, wholesalers and retailers are prohibited from selling cigarettes at a price lower than their respective presumptive minimum costs. These costs are listed on a per carton basis, 10 packs of cigarettes per carton, 20 cigarettes per pack. To determine the presumptive minimum price per pack of cigarettes, one should divide the costs listed by ten and round to the nearest hundredth of a percent. For example, the presumptive minimum price of a pack of cigarettes sold by a retailer to a consumer is \$4.15 for premium brands (\$41.50/10), \$3.86 for generic brands (\$38.52/10). Cigarette dealers who either sell cigarettes under a different packaging setup (that is, eight packs per carton) or sell cigarettes that do not qualify as premium or generic brands (that is, subgeneric, foreign or specialty cigarettes) as described are prohibited from selling cigarettes at a price lower than the cost of the stamping agent, cost of the wholesaler or cost of the retailer, respectively, as further defined and explained in the Department's cigarette tax regulations, 61 Pa. Code Part I, Subpart B, Article III (relating to cigarette and beverage taxes).

Cigarette dealers wishing to prove a cost different from the Department's presumptive costs must follow the procedures listed under 61 Pa. Code Chapter 76 (relating to unfair sales of cigarettes).

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1318. Filed for public inspection July 26, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Elton R. Duvall v. DEP and Dublin Township Supervisors, Permittee; EHB Doc. No. 2002-162-L

Elton R. Duvall has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Dublin Township Supervisors for a facility in Dublin Township, Fulton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-1319. Filed for public inspection July 26, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 11, 2002, and took the following action:

Regulation Approved:

Environmental Quality Board #7-368: Safe Drinking Water (amends 25 Pa. Code Chapter 109)

Approval Order

Public Meeting held
July 11, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson, by phone; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*Environmental Quality Board—Safe Drinking Water;
Regulation No. 7-368*

On August 28, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB).

This rulemaking amends 25 Pa. Code Chapter 109. The proposed regulation was published in the September 8, 2001, *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on June 11, 2002.

This regulation incorporates new provisions contained in three Federal rulemakings. The amendments are needed for the Department of Environmental Protection to retain primary enforcement authority of drinking water. This regulation makes changes in four areas. First, it requires community water systems to provide their customers an annual consumer confidence report on the quality of their drinking water. Second, it changes the public notification requirements used to alert consumers to potential health risks from violations of drinking water standards. Third, it reduces the regulatory burden of community and nontransient noncommunity water systems regarding lead and copper. Finally, it corrects minor deficiencies to satisfy outstanding primacy issues of the Environmental Protection Agency.

We have determined this regulation is consistent with the statutory authority of the EQB (Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.4(a) and sections 1917-A and 1920-A of the Administrative Code of 1929, 71 P.S. §§ 510-7 and 510-20(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commissioner:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1320. Filed for public inspection July 26, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

State Farm Fire and Casualty Company; Homeowners Rate Revision

On July 15, 2002, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for homeowners insurance.

The company requests an overall 20.5% increase amounting to \$49,569,610 annually, to be effective November 1, 2002, for new business and January 1, 2003, for renewal business.

Unless formal administrative action is taken prior to September 13, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg,

PA 17120, e-mail mburkett@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1321. Filed for public inspection July 26, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Order

Public Meeting held
July 11, 2002

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

Emergency Petition of Charles Crafa for Declaratory Order for Waiver of Application of 66 Pa.C.S. § 2403; Doc. No. P-00021948

Order

By the Commission:

On March 18, 2002, Petitioner, Charles Crafa, filed an Emergency Petition for Immediate Relief from the Application and Interpretation of 66 Pa.C.S. § 2403 (Petition). Specifically, the petition requested the Commission to allow Mr. Crafa to acquire an encumbered medallion without satisfying a junior lienholder, who had properly filed a Notice of Lien with the Commission. More importantly, the petition requested the Commission to determine that when a foreclosure of medallion occurs through a validly executed sheriff sale, all junior liens on the medallion are discharged by operation of law.

Under 52 Pa. Code § 5.42, on May 30, 2002, a copy of the Petition was served upon the Office of Consumer Advocate, the Office of Trial Staff, and the Office of Small Business Advocate. No answers were filed to the Petition.¹

Standards for Declaratory Orders

The Public Utility Code authorizes the Commission to issue a declaratory order to terminate an actual controversy or remove uncertainty. 66 Pa.C.S. § 331(f). *Re Duquesne Light Co.*, 61 Pa. PUC 507 (1986). To this end, it has frequently been stated that the issuance of a declaratory order is discretionary and limited to instances where the controversy is based on existing rights, status or legal relations. *Pennsylvania Independent Petroleum Producers v. Department of Environmental Resources*, 525 A.2d 829 (Pa. Cmwlth. 1988), affirmed, 550 A.2d 195 (Pa. 1989), cert. denied, 489 U.S. 1096 (1989). Thus, declaratory relief has never been appropriate to determine rights in anticipation of events which may never occur. *Chester Upland School District v. Commonwealth of Pa.*, 495 A.2d 981 (Pa. Cmwlth. 1985); see *South Whitehall Township v. Pa. Dept. of Transportation*, 475 A.2d 166 (Pa. Cmwlth. 1984). In this regard, in *South Whitehall Township*, the plaintiff's request for declaratory judgment was denied due to the remoteness of an actual conflict. Similarly, in *Doe v. Johns-Manville Corp.*, 471 A.2d 1952 (Pa. Super.

¹A copy of the petition was properly served on Tomorrow's Financing Inc., the junior lien holder, as evidenced by an Affidavit of Service dated March 14, 2002.

1984), the Superior Court concluded that a declaratory judgment cannot be used simply to search out a new legal doctrine.

The requirements for petitions for declaratory orders are set forth at 52 Pa. Code § 5.42(a) as follows:

(a) Petitions for the issuance of a declaratory order to terminate a controversy or remove uncertainty shall state clearly and concisely the controversy or uncertainty which is the subject of the petition, shall cite the statutory provision or other authority involved and shall include a complete statement of facts and grounds prompting the petition, together with a full disclosure of the interest of the petitioner.

Although there has been little interpretation of declaratory orders by administrative agencies in Pennsylvania such orders are akin to the declaratory judgments issued by courts to declare rights, status, and other legal relations between parties. See Declaratory Judgments Act, 42 Pa.C.S. §§ 7531, et seq. There, as in 66 Pa.C.S. § 331(f), declaratory judgments are discretionary, not a matter of right. *Presbyterian University of Pennsylvania Medical Center v. Keystone Insurance Co.*, 380 A.2d 381 (Pa. Super. 1977); *Greenburg v. Blumberg*, 206 A.2d 16 (Pa. 1965); *State Farm Mutual Auto Insurance Co. v. Semple*, 180 A.2d 925 (Pa. 1962).

Background

On September 28, 2001, Metran Funding of Philadelphia, Inc. (Metran), confessed judgment under Pa.R.C.P. No. 2951, against N & Dohou Corp. and Narcisse Dahou (Defendants) in the amount of \$83,550.00 as a result of the default in a judgment note. The case was captioned at *Philadelphia Court of Common Pleas, September Term, 2001, No. 003642*. A copy of the Complaint is attached to the Petition.

As stated in the petition, the Confession of Judgment arose as a result of an unpaid loan Metran extended to the Defendants for the purchase of Philadelphia Taxicab Medallion P-667. As a result of the Confession of Judgment and the Defendants' failure to respond thereto, a Writ of Execution was issued by the Philadelphia Sheriff on November 16, 2001, against Taxicab Medallion P-667. A copy of the Notice and the Writ of Execution are attached to the Petition. After the seizure, the medallion was surrendered to the Commission. On December 5, 2001, a sheriff's sale was scheduled for P-667 as property of the Defendants, N & Dohou Corp. and Narcisse Dohou. A copy of the Sheriff's Sale Notice is attached to the petition.

At the sheriff's sale, Petitioner Charles Crafa purchased medallion P-667 for the sum of \$70,000. Metran has received the proceeds of the sale, and Mr. Crafa now desires to operate taxicab medallion P-667. However, the Petitioner has been informed that the existence of a junior lienholder, who did not bid or participate in the sheriff's sale, may prevent Commission approval of the sale under 66 Pa.C.S. § 2403 unless the junior lienholder is satisfied from the proceeds. Petitioner was advised to file the instant petition as the medallion remains in the possession of the PUC.

Discussion

Section 2403(a) of the Public Utility Code, 66 Pa.C.S. § 2403(a) states, in pertinent part:

Medallions may be pledged to lenders or creditors as security on debt. All lenders or creditors who accept a medallion as security shall file with the commission a notice of lien which describes the loan

transaction. A lien on a medallion is void by operation of law unless notice of lien is filed with the commission. *The Commission may not permit a sale of a medallion until the lien is removed or unless the commission is notified by the lienholder that the lien will be satisfied from the proceeds of the sale.* 66 Pa.C.S. § 24e3(a) (Emphasis added).

Further guidance as to the Commission's filing requirement is found at 52 Pa. Code § 30.13(a) wherein it states that "a lender or creditor who accepts a medallion as security shall file an original and two copies of a Notice of Lien with the Secretary of the Commission . . . within 30 days of the date of the loan transaction. . . ."

Important to the averments of the instant Petition, which are premised upon the implications of the Pennsylvania Uniform Commercial Code (UCC) and the rights of secured parties to dispose of collateral after default (13 Pa.C.S. §§ 1101 et seq.), Commission regulations acknowledge the perfection requirements of the UCC. Specifically, 52 Pa. Code § 30.13(b)(c) and (d) state:

(b) The filing of a Notice of Lien with the Commission does not relieve a lender or creditor of filing its lien, for the purpose of perfection, in accordance with 13 Pa.C.S. Chapter 94 (relating to filings).

(c) If the lender or creditor files a Notice of Lien with the Commission within 30 days of the date of the loan transaction, the date of its compliance with Commission regulations has no effect on a determination as to priority of liens, which is governed by 13 Pa.C.S. Chapter 93 (relating to rights of third parties; perfected and unperfected security interests; rules of priority).

(d) If the lender or creditor fails to file a Notice of Lien with the Commission within 30 days of the date of the loan transaction, the lien is void by operation of law.

Clearly provided in the Public Utility Code and the aforementioned regulations is the requirement that a lender or creditor must file a Notice of Lien with the Commission. This is critical to our disposition herein because the aforementioned Section 2403(a) states that the Commission cannot permit a sale of a medallion until the lien is removed. Thus, the novel issue presented by this Petition is whether or not a sheriff's sale "removes" the lien, in particular, a junior lien that has been properly filed with the Commission.

Although the Public Utility Code and Commission regulations are silent on this precise issue, it is well settled in Pennsylvania case law that a sheriff's sale of property divests all junior liens on that property. *Unity Savings Association v. American Urban Sciences Foundation, Inc.*, 487 A. 2d 356 (Pa. Super. 1984). To this end, it has been frequently stated that a sheriff's sale discharges that lien and all subsequent junior liens on the property and that the purchaser at a sheriff's sale acquires free and clear title to the property. *Dauphin Deposit Bank v. Howard O. Stouffer, Inc.*, 426 A.2d 1164, (Pa. Super. 1981); *Albert J. Grosser v. Rosen*, 259 A.2d 679, (Pa. 1969).

Generally, where a junior lienholder has notice of a sheriff's sale, he may attempt to protect his interest by bidding on the property at the sheriff's sale or by presenting legal or equitable arguments at a hearing as to why the lien should not be divested. *Boyer v. Walker*, 714 A.2d 458 (Pa. Super. 1998); *City of McKeesport v. Delmar Leasing Corporation*, 656 A.2d 180 (Pa. Cmwlth. 1995).

In the case subjudice, it appears as if the junior lienholder, Tomorrow's Financing, Inc. (TFI), was provided constructive notice of the sheriff's sale, under Pa.R.C.P. 3128(a) which requires the sheriff to provide notice of a sheriff's sale of personal property.² Moreover, Pa.R.C.P. 3128(b) requires the sheriff to file a proposed schedule of distribution of the proceeds in the sheriff's office not later than five days after the sale and that persons having a claim against the proceeds shall file Exceptions within ten days. No claims or Exceptions were filed by the junior lienholder, TFI. On this point, it should be emphasized that although TFI was served a copy of the instant Petition, which requests the Commission to allow the sale of a medallion on which TFI had a lien, no response has been filed by TFI.

In addition to the fundamental principle that a sheriff's sale of property discharges all junior liens by operation of law, we are cognizant of the fact that medallions are sold so that taxicabs can be operated in cities of the first class. Clearly, the legislature did not intend to protect junior lienholders in a fashion that contravenes Pennsylvania case law and the UCC. We are also cognizant of the fact that a sheriff's sale of a medallion would be rendered meaningless if the Commission were precluded from approving the sale of a medallion under Section 2403, without satisfaction of the junior lien. By recognizing lien priority under the UCC (that is, the date in which a lien is perfected establishes lien priority) and the ramifications of a valid sheriff's sale, the Commission can approve the sale of a medallion because the "lien has been removed" by operation of law; *Therefore*,

It is Ordered That:

1. The Commission shall exercise its discretion by issuing a Declaratory Order.
2. Upon the submission of substantive information that a validly executed sheriff's sale of a medallion has been conducted by the sheriff's office, all junior liens on file with the Commission are discharged upon verification by the Commission.
3. A copy of this order be served on Tomorrow's Financing, Inc.
4. A copy of this order be published in the *Pennsylvania Bulletin*.
5. The docket at P-00021948 be closed.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1322. Filed for public inspection July 26, 2002, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before August 19, 2002, as set forth at 52 Pa. Code § 3.381 (relating to applications for trans-

²Commission staff has been informed by a TFI representative that TFI was in attendance at the sheriff's sale of Taxicab Medallion P-667.

portation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-00119044. Kim Turner t/d/b/a Turner Limousine (1301 Mifflin Street, Homestead, Allegheny County, PA 15120)—persons in limousine service, between points in Allegheny County.

A-00119113. Health Support Ambulance, Inc., t/d/b/a Community Coach (1313 Easton Road, Willow Grove, Montgomery County, PA 19090), a Pennsylvania corporation—persons in paratransit service, between points in the county of Montgomery, and from points in said county, to points in Pennsylvania, and return. *Attorney:* Christina Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

Applications of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under each application.

A-00118268, Folder 1, Am-A. William Matthew Sullivan t/d/b/a Casual Executive Car Service (18 Lunar Lane, Moon Township, Allegheny County, PA 15108)—persons in limousine service, between points in Pennsylvania: *So as to Permit* the transportation of persons in limousine service between points in Allegheny County.

A-00116364, Folder 1, Am-B. Pegasus Transportation Holdings, Inc., t/d/b/a Pegasus Chauffeured Motor Car (6030 Bunker Hill, Pittsburgh, Allegheny County, PA 15206-1156), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania: *So as to Permit* the transportation of persons in limousine service, between points in Allegheny County. *Attorney:* William A. Gray, 2310 Grant Building, 310 Grant Street, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1323. Filed for public inspection July 26, 2002, 9:00 a.m.]

Telecommunications

A-311139F7000. Verizon Pennsylvania Inc. and Citizens Telecom Solutions, LLC. Joint Petition of Verizon Pennsylvania Inc. and Citizens Telecom Solutions, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Citizens Telecom Solutions, LLC, by its counsel, filed on July 8, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Citizens Telecom Solu-

tions, LLC Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1324. Filed for public inspection July 26, 2002, 9:00 a.m.]

TREASURY DEPARTMENT

Auditing Estimations Performed under the Abandoned Property Act

Under 72 P. S. § 1301.26(b), the Treasury Department gives notice that in the absence of adequate holder records, estimation methodologies as delineated under GAAP, SAS 57 and GAAS, AU 350, Audit Sampling and AU 329, Analytical Procedures, as promulgated by the AICPA Professional Standards, will be used to determine the amount of abandoned property when auditing under the Abandoned Property Act.

BARBARA HAFER,
State Treasurer

[Pa.B. Doc. No. 02-1325. Filed for public inspection July 26, 2002, 9:00 a.m.]
