

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Temporary Order Designating Chronic Wasting Disease a Dangerous Transmissible Disease

The Department of Agriculture (Department) hereby designates Chronic Wasting Disease (CWD) a "dangerous transmissible disease" under authority of section 2322(d) of the Agriculture Code (code) (3 Pa.C.S. § 2322(d)). This designation will facilitate the Department's efforts to detect and contain CWD and will assist this Commonwealth's deer and elk industry in developing control programs for the disease.

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

Recently, several western states instituted import regulations that require deer or elk entering those states be from herds that are participating in a surveillance program and that the state of origin have authority to take action in the event that CWD is diagnosed. To support our deer and elk industry and to keep these markets open, it will be necessary for the Department to assist in the development and oversight of a surveillance program and to take action in the event that a case of CWD is diagnosed. The authority to do so will depend on the designation of CWD as a "dangerous transmissible" disease.

The Department has authority under the Domestic Animal Law (law) (3 Pa.C.S. §§ 2301—2389) to regularly monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases. The Department has authority under the law to declare a particular disease not contained in the original act to be a "dangerous transmissible" disease through issuance of a temporary order.

This order is a temporary order, as required under section 2322(d) of the code. It is a reissuance of an earlier 1-year temporary order published at 32 Pa.B. 316 (Janu-

ary 19, 2002). This order shall take effect as of January 4, 2003, and shall remain in effect until no later than January 4, 2004. This Department may: (1) reissue this temporary order to extend the designation beyond January 4, 2004; (2) allow this temporary order to expire on January 4, 2004; (3) supplant this temporary order with a formal regulation designating CWD a "dangerous transmissible disease"; or (4) modify this temporary order.

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

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 03-58. Filed for public inspection January 10, 2003, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 22, 2003, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 03-59. Filed for public inspection January 10, 2003, 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 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

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

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0054771	Peter and Mary Paul R. D. 3, 2614 Bean Road Norristown, PA 19403	Worcester Township Montgomery County	UNT to Stony Creek	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.*

**PA0058564**, Sewage, **Girl Scouts of Freedom Valley**, 100 Juliette Low Way, Valley Forge, PA 19482-0814. This application is for issuance of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Camp Tohikane in Haycock and East Rockhill Townships, **Bucks County**. This is a new discharge to unnamed tributary of Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.015 mgd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10	
Suspended Solids	10	
Ammonia (as N)		
(5-1 to 10-31)	1.5	
(11-1 to 4-30)	3.0	
Nitrate and Nitrite (as N)	10	
Phosphorus (as P)	1.0	
Total Residual Chlorine	Nondetect	
Fecal Coliform	500 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions: The first downstream potable water intake is Bradshaw Reservoir intake located on the Delaware River.

The EPA Waiver is in effect.

**PA0012815**, Industrial Waste, **Sonoco Products Company**, 300 South Brandywine Avenue, Downingtown, PA 19335. This application is for renewal of an NPDES permit to discharge treated process wastewater and noncontact cooling water from Sonoco Products Company in Downingtown Borough, **Chester County**. This is an existing discharge to the East Branch of Brandywine Creek.

The receiving stream is classified for WWF, CWF, TSF, HQ-TSF, HQ-WWF, HQ-CWF, EV, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 1.028 MGD and Outfall 002, based on an average flow of 0.657 MGD are as follows:

*Outfall 001:* Effective from permit issuance lasting through completion of 18 months of permit issuance.

<i>Discharge Parameter</i>	<i>Effluent Limitations</i>					
	<i>Mass Units (lbs/day)<sup>(1)</sup></i>			<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum<sup>(2)</sup></i>
CBOD <sub>5</sub>	287	574		34	68	85
Total Suspended Solids	417	834		50	100	125
Ammonia Nitrogen	50	100		6.0	12.0	18.0
Phosphorus as P (4-1 to 10-31)	8.3	17.0		1.0	2.0	2.5
Total Dissolved Solids	8,340	16,680		1,000	2,000	2,500
Dissolved Oxygen			Monitor and Report			
Temperature						110°F
Color (Pt-co)						75
Oil and Grease				15		30
pH (Standard Units)			6.0			9.0
Total Residual Chlorine				Monitor and Report		
E. Coli (#/100 ml)				Monitor and Report		

Effective from completion of 18 months of permit issuance lasting through expiration.

<i>Discharge Parameter</i>	<i>Effluent Limitations</i>					
	<i>Mass Units (lbs/day)<sup>(1)</sup></i>			<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum<sup>(2)</sup></i>
Flow (MGD)						
CBOD <sub>5</sub> *	209	419		24	49	61
Total Suspended Solids	417	834		50	100	125
Ammonia Nitrogen*	37	74		4.3	8.6	10.8
Phosphorus as P * (4-1 to 10-31)	6.2	12.4		0.72	1.44	1.80
Total Dissolved Solids	8,340	16,680		1,000	2,000	2,500
Dissolved Oxygen			Monitor and Report			
Temperature						110°F
Color (Pt-co)						75
Oil and Grease				15		30
pH (Standard Units)			6.0			9.0
Total Residual Chlorine				0.5		1.2
E. Coli (#/100 ml)				Monitor and Report		

\* These limitations are based on Revised Christina River Basin Total Maximum Discharge Load allocation dated October 8, 2002.

*Outfall 002:*

<i>Parameter</i>	<i>Effluent Limitations (Mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Temperature		110°F
pH (STD Units)	Within limits of 6—9 Std Units	
Oil and Grease	15	30

Other Conditions: Conditions for future permit modification; E-Coli monitoring/disinfection requirements.

The EPA Waiver is not in effect.

**PA0058475**, Sewage, **Plumstead Township**, 5186 Stump Road, P. O. Box 387, Plumsteadville, PA 18949. This application is for issuance of an NPDES permit to discharge treated sewage from a sewage treatment plant serving 62 residential homes in Plumstead Township, **Bucks County**. This is a new discharge to wetlands to Geddes Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.016275 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10		
Suspended Solids	10		
Ammonia (as N)			
(5-1 to 10-31)	1.5		
(11-1 to 4-30)	3.0		
Nitrate and Nitrite (as N)	10		
Phosphorus (as P)	1.0		
Fecal Coliform		50 colonies/100 ml as a geometric average	
Dissolved Oxygen		minimum of 6 mg/l at all times	
pH		Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions: The first downstream potable water intake is Bradshaw Reservoir intake located on the Delaware River.

The EPA Waiver is in effect.

**PA0054917**, Sewage, **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341-1940. This application is for renewal of an NPDES permit to discharge treated sewage from Uwchlan Township's Eagleview wastewater treatment plant in Uwchlan Township, **Chester County**. This is an existing discharge to Shamona Creek from wetlands.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.15 MGD, before expansion of STP, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	7.0	10.5	14.0
(11-1 to 4-30)	14.0	21.0	28.0
Suspended Solids	20	30	40
Ammonia (as N)			
(5-1 to 10-31)	1.0		2.0
(11-1 to 4-30)	3.0		6.0
Phosphorus (as P)	1.0		2.0
Fecal Coliform		200 colonies/100 ml as a geometric average	
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
pH		Within limits of 6.0—9.0 Standard Units at all times	

The proposed effluent limits for Outfall 001, based on an average flow of 0.475 MGD, after expansion of STP, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/lbs)</i>	<i>Average Weekly (mg/lbs)</i>	<i>Instantaneous Maximum (mg/lbs)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	6.0/23.4*	9.0/35.0	12.0
(11-1 to 4-30)	12.0/46.8	18.0/70.0	24.0
Suspended Solids	20/79.2	30/118.8	40
Ammonia (as N)			
(5-1 to 10-31)	0.8/3.1*		1.6
(11-1 to 4-30)	2.4/9.3		4.7
Phosphorus as P	0.8/3.1*		1.6
Fecal Coliform		200#/100 ml as a geometric average	
Dissolved Oxygen		Minimum of 6.0 mg/l at all times	
pH		Within limits of 6.0 of 9.0 STD at all times	

\* These are the limits based on Christina River Basin TMDL.

Other Conditions: Conditions for future permit modification; effective disinfection—UV disinfection system.

The EPA Waiver is in effect.

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

**PA0007765 Amendment No. 1**, Industrial Waste and Stormwater, SIC Code 3751, **Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402. This facility is located in Springettsbury Township, **York County**.

Description of activity: The application is for the amendment of an NPDES permit for new discharges of noncontact cooling water and stormwater due to facility expansion.

The receiving streams, unnamed tributary of Codorus Creek and Mill Creek, are in Watershed 7-H and are classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake, Wrightsville Water Supply Company, is located approximately 17 miles downstream on the Susquehanna River. The discharge is not expected to affect the water supply.

The proposed effluent limitations and monitoring requirements for Outfall 002 (NCCW and stormwater) based on an estimated NCCW flow of 0.183 MGD and discharge to an unnamed tributary of Codorus Creek are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S.U.)		From 6.0 to 9.0 inclusive	
Oil and Grease	10	XXX	20
Total Residual Chlorine	Monitor and Report	Monitor and Report	XXX
Temperature	Temperature limits are as follows: January—64°F, February—59°F, March—83°F, April—75°F, May—88°F, June—110°F, July—108°F, August—109°F, September—97°F, October—88°F, November—70°F and December—75°F		

The proposed effluent limitations and monitoring requirements for Outfalls 004 and 006 (NCCW and stormwater) based on estimated average NCCW flows of 0.0004 MGD and 0.0009 MGD, respectively, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S.U.)		Monitor and Report	
Total Residual Chlorine	Monitor and Report	Monitor and Report	XXX
Oil and Grease	XXX	Monitor and Report	XXX
Tetrachloroethylene	XXX	Monitor and Report	XXX
Trichloroethylene	XXX	Monitor and Report	XXX
2-Butanone	XXX	Monitor and Report	XXX
Methyl Isobutyl Ketone	XXX	Monitor and Report	XXX
Total Lead	XXX	Monitor and Report	XXX
Total Nickel	XXX	Monitor and Report	XXX
Hexavalent Chromium	XXX	Monitor and Report	XXX
Total Suspended Solids	XXX	Monitor and Report	XXX

Stormwater Outfalls 005 and 007 are identified in the permit, with proposed annual monitoring requirements for pH, oil and grease, Tetrachloroethylene, Trichloroethylene, 2-Butanone, Methyl Isobutyl Ketone, total lead, total nickel, hexavalent chromium and total suspended solids.

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

The EPA waiver is in effect.

**PA123570**, CAFO, **Wenger's Feed Mill, Inc.**, 101 West Harrisburg Avenue, Rheems, PA 17570. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Activity: The Bridge Valley Farms is an existing egg layer production and egg processing facility with 2,673 AEUs. An estimated quantity of total annual manure production is 11,686 tons. The operation consists of 768,000 layer hens. The facilities consist of seven two-story buildings with the manure being stored beneath the layer cages until it is removed for crop application. All of the 11,686 tons of manure generated on the farm is exported.

The receiving stream, Chickies Creek, is in the State Water Plan watershed 7-G and is classified for WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State narrative water quality standards.

**PA0247022**, CAFO, **David W. Sweigart, III, Ridge View Farms**, 189 Ridge View Road South, Elizabethtown, PA 17022. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Activity: The Ridge View Farm is an existing dairy and swine operation with 1,131 AEUs. The operation consists of two swine production buildings which each utilize and underground, concrete manure storage and a dairy operation which utilizes (1,118,400 gallons) and underground concrete manure storage and a dairy operation which utilizes an aboveground (730,000 gallons), concrete manure storage structure and an above ground steel slurry storage

structure. Manure produced on the farm is used on agricultural crop acres under direct control of Ridge View Farms (184.7 acres). Some manure is exported off the farm to neighboring farmers to be used for agricultural crop production (389.7 acres).

The receiving stream, Conoy Creek, is in the State Water Plan watershed 7G and is classified for TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State narrative water quality standards.

**PA0247031**, CAFO, **Red Knob Farm**, 322 Balance Meeting Road, Peach Bottom, PA 17563. This proposed facility is located in Little Britain Township, **Lancaster County**.

Description of Proposed Activity: The Red Knob Farm is an existing family owned and operated dairy farm with a total of 1,294.85 AEUs. This operation is proposing to continue a steady internal growth but intends to limit that growth to match the capacities of the current housing, milking parlor and manure handling facilities. These include manure solids extractor system, two earthen manure storage ponds and buried irrigation lines that feed hard hose traveling reels and two center pivot irrigation systems. Nutrients are applied to a continuous no-till cropping system of forage grain and corn silage. Application rates have been selected towards phosphorus utilization backed by years of strong data collection. Total acres where nutrients will be applied; 328.5 owned acres and 320.5 rented acres. Total manure equals: 4,568 tons and 19,017,516 gallons.

The receiving stream, Little Conowingo Creek, is in the State Water Plan watershed 7K and is classified for HQ-CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State narrative water quality standards.

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

**PA0000418**, Industrial Waste, SIC, 4941, **Municipal Authority of the Borough of Derry**, 620 North Chestnut Street, Derry, PA 15627. This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from the Derry Borough Water Treatment Plant in Derry Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to McGee Run, 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 Saltsburg Municipal Water Works, located at Saltsburg, 24 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.067 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			2.0		4.0
Total Suspended Solids			20.0		40.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0217689**, Industrial Waste, SIC, 4941, **Municipal Authority of the Borough of West View**, 210 Perry Highway, Pittsburgh, PA 15229. This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the Joseph A. Berkley Water Treatment Plant in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio 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 Robinson Township Municipal Authority, located at Robinson Township, 3.9 miles below the discharge point.

*Outfall 001: existing discharge, 0.084 MGD:*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0

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<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>
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Effluent chlorine minimization.

*Outfall 002:* existing discharge, 0.084 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>
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 011:* existing discharge, intermittent flow:

<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>
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 014:* existing discharge, intermittent flow:

<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>
Total Suspended Solids					60.0
Iron					4.0
Aluminum					8.0
Manganese					2.0
Total Residual Chlorine					1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003—010, 012—013:* existing discharges:

<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>
These discharges shall consist solely of uncontaminated stormwater runoff.					

The EPA waiver is in effect.

**PA0032069**, Sewage, **Saint Francis University**, P. O. Box 600, Loretto, PA 15940-0600. This application is for renewal of an NPDES permit to discharge treated sewage from Saint Francis University STP in Loretto Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Clearfield Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company on the West Branch Susquehanna River.

*Outfall 001:* existing discharge, design flow of 0.318 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	6.4	9.6		12.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,500/100 ml as a geometric mean			
Total Residual Chlorine	0.15			0.48
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0092339**, Sewage, **Bell Acres Municipal Sewage Authority**, 1151 Camp Meeting Road, Sewickley, PA 15143. This application is for renewal of an NPDES permit to discharge treated sewage from Grouse Ridge Sewage Treatment Plant in Bell Acres Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, which lead to an unnamed tributary of Big Sewickley Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority located on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.00665 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096628**, Sewage, **Hamill Manufacturing Company, Inc.**, 500 Pleasant Valley Road, Trafford, PA 15085. This application is for renewal of an NPDES permit to discharge treated sewage from Hamill Manufacturing STP in Penn Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lyons Run, 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 Pennsylvania American Water Company, Becks Run Intake.

*Outfall 001:* existing discharge, design flow of 0.00196 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
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 an 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).**

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

**Application No. 0402404**, Sewerage, **Gary Regelman**, 142 Wampum Road, Wampum, PA 16157. Application for the construction and operation of a single residence small flow sewage treatment plant to serve the Regelman residence located in Big Beaver 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 PAS10G558**, Stormwater, **Telvil Corporation**, 528 Main Street, Suite 101, Harleysville, PA 19438, has applied to discharge stormwater associated with a construction activity located in East Coventry Township, **Chester County** to unnamed tributary to Schuylkill River (HQ-TSF).

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS101327	Vacation Charters Ltd. Jack W. Kalins P. O. Box 592 Lake Harmony, PA 18624-0592	Carbon County Kidder Township	Black Creek HQ-CWF

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

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

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

**Permit Application No. 100945. Community Refuse Service Inc.**, 620 Newville Road, Newburg, PA 17240, Hopewell and North Newton Townships, **Cumberland County**. The application is for leachate recirculation for Cumberland County Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on December 5, 2002.

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

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

**Permit Application No. 101532. Weavertown Transport Leasing, Inc.**, 201 South Johnson Road, Houston, PA 15342. Weavertown Industrial Park, Route 50, Cecil, PA 15321. A major modification application for a Radiation Protection Plan for a municipal waste transfer facility in Cecil Township, **Washington County**, was received in the Regional Office on December 20, 2002.

**Permit Application No. 101565. Waste Management of Pennsylvania, Inc.**, 2197 Duss Avenue, Ambridge, PA 15003. Ambridge Transfer Station, 2197 Duss Avenue, Ambridge, PA 15003. A major modification application for a Radiation Protection Plan for a municipal waste transfer facility in Ambridge Borough, **Beaver County**, was received in the Regional Office on December 24, 2002.

Comments or information concerning an application should be directed to Michael Forbeck, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101603. Onyx Waste Service Inc.**, Route 219N, R. R. 2, Box 0, Brockway, PA 15824, Pittsfield Township, **Warren County**. Major modification for Radiation Protection Plan at the Warren County Transfer Station. The application was received by the Northwest Regional Office on December 23, 2002.

**Permit Application No. 101449. Waste Management of Greenville**, 88 Ohl Street, P. O. Box 609, Greenville, PA 16125-0609, Greenville Borough, **Mercer**

**County**. Major modification for Radiation Protection Plan at the municipal waste transfer facility. The application was received by the Northwest Regional Office on December 23, 2002.

**Permit Application No. 100691. Waste Management PA Inc.**, 1550 Coraopolis Heights Road, Moon Township, PA 15108, Erie City, **Erie County**. Major modification for Radiation Protection Plan at the Greater Erie Transfer Station. The application was received by the Northwest Regional Office on December 23, 2002.

**Permit Application No. 101646. World Resource Recovery Systems, Inc.**, 1631 East Avenue, Erie, PA 16503-2365, Erie City, **Erie County**. Major modification for Radiation Protection Plan at the World Resource Recovery Systems Transfer Station. The application was received by the Northwest Regional Office on December 24, 2002.

Comments concerning an application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

### INTENT TO ISSUE PLAN APPROVALS AND OPERATING PERMITS

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 and intends to issue plan approvals and/or operating permits to the following facilities.

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

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The comments should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. If a hearing is scheduled, notice will be provided to each applicant, protestant, or other participants in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, except where the

Department determines that notification by telephone will be sufficient. Notice will also be provided to anyone who requests in writing to be notified concerning the scheduling of a hearing.

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 Wejksznier, Acting New Source Review Chief, (570) 826-2531.*

**40-303-014A: Barletta Materials and Construction Inc.** (East Broad Street, P. O. Box 550, Tamaqua, PA 118252) for modification of a batch asphalt plant to utilize reclaimed asphalt pavement in Nescopeck Township, **Luzerne County**.

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

**32-000354B: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) for installation of coal a prep plant at Ernest No. 5 Mine, Rayne Township, **Indiana County**.

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

**37-027A: IA Construction Corp.** (158 Lindsay Road, Zelenople, PA 16063) to modify existing permit to burn alternative fuels: reprocessed fuel no. 5, no. 2 fuel oil and natural gas at the West Pittsburgh Plant in Taylor Township, **Lawrence County**.

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

**AMS 02253: Naval Surface Warfare Center** (5001 South Broad Street, Code 357, Philadelphia, PA 19112) for installation of a marine gas turbine test cell in 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.**

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

**54-305-020: WPS Westwood Generation, LLC** (1088 Springhurst Drive, Green Bay, WI 54304-5495) for installation of a new fuel (coal) crusher in Frailey and Porter Townships, **Schuylkill County**. The new crusher will have spray bars to control fugitive emissions. The Plan Approval and Operating permit will contain additional

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title-V Operating Permit 54-00006.

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

**02109: AT&T Corp.** (500 South 27th Street, Philadelphia, PA 19146) for permitting six 750 kW kerosene fired Solar KS 15992 peak shaving gas turbine generators for 200 hours operation each. The facility potential NOx emissions will be 6.83 tons per rolling 12-month period. 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.**

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

**63-00074: Eljer Plumbingware, Inc.** (1301 Eljer Way, Ford City, PA 16226) for the operation of a vitreous ceramic plumbing fixture manufacturing facility in Ford City, **Armstrong County**. The facility's major emission sources are 11 natural gas-fired kilns that emit quantities of NOx over the major source threshold. The facility will be limited to 469 tons per year of NOx emissions.

**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.*

**46-00227: W. A. Schmidt, Inc.** (38 Souderton Road, Franconia, PA 18964) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Franconia Township, **Montgomery County**. W. A. Schmidt, Inc. fabricates structural metal products for use in industry. Two spray paint booths, used in the surface-coating aspect of their operation, comprise the list of sources at the facility. The main pollutants emitted from the spray paint booths are VOCs, some of which are also considered hazardous air pollutants. From their plan approval, the facility is subject to an emissions limit of 22 TPY for VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00058: Haverford College** (370 Lancaster Ave., Haverford, PA 19041-1392) for operation of a college in Haverford Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility's main sources include: three 1,00 kW peak-shaving generators and five dual-fired (natural gas, No. 2 fuel oil) boilers. The hospital has the potential to emit NOx emissions greater 24.9 TPY. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**63-00872: RTS Packaging, LLC** (P. O. Box 116, Charleroi, PA 15022) a renewal for operation of a paper-board partition plant in Charleroi Borough, **Washington County**.

**65-0499: St. George Crystal Ltd.** (P. O. Box 709, Jeannette, PA 15644) a renewal for operation of a glass pressing and blowing plant in Jeannette, **Westmoreland County**.

**04-00570: Kathryn I. Paumier** (303 A. Smithe Ferry Road, Midland, PA 15059) a renewal for operation of a slag processing plant in Ohioville Borough, **Beaver County**.

### PUBLIC HEARINGS

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

**AR-63-00014: Orion Power MidWest, LP** (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) to receive comments on the proposed Phase II Acid Rain Permit Renewal for their Elrama facility in Union Township, **Washington County**.

The proposed Acid Rain Permit will renew the requirements of the existing Acid Rain Permit. No expansion, additional capacity or emission increase is being approved in this action. The facility has four combustion units that are subject to the requirements of Title IV of the Federal Clean Air Act and the Acid Rain Program (40 CFR Parts 72—78). Orion Power MidWest, LP has applied for an Acid Rain Permit Renewal as required by 40 CFR 72.30(c).

The public hearing will be held on February 12, 2003, at 7 p.m. at the Elrama Fire Hall, 17 Elrama Road, Elrama, PA, Union Township, Washington County.

Persons wishing to present testimony at the hearings should contact Betsy Mallison at (412) 442-4182 by February 10, 2003. Oral testimony will be limited to a maximum of 10 minutes and a written copy of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Those unable to attend the hearings, but wishing to comment, should provide written comments to Mark Wayner, Acting, Regional Air Quality Program Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Comments should be submitted within 30 days of the date of this publication notice.

### MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Envi-

ronmental 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, objections should contain the name, address and telephone number of persons submitting comments, 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.*

**17870129 and NPDES Permit No. PA0116190. Sky Haven Coal, Inc.**, R. D. 1, Box 180, Penfield, PA 15849. Renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County** affecting 498.3 acres. Receiving streams: Emigh Run and an unnamed tributary to Laurel Run, both tributaries of Moshannon Creek. Application received December 16, 2002.

**17010112 and NPDES Permit No. PA0243159. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Transfer of an existing bituminous surface mine permit from K & J Coal Co., Inc. The permit is located in Chest Township, **Clearfield County** and affects 147 acres. Receiving streams: Spring Run and unnamed tributaries, Chest Creek, Kings Run. Application received December 20, 2002.

**17980126 and NPDES Permit No. PA0238198. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Transfer of an existing bituminous surface mine-auger permit from K & J Coal Co., Inc. The permit is located in Chest Township, **Clearfield County** and affects 146 acres. Receiving streams: Kings Run, Chest Creek and unnamed tributaries. Application received December 20, 2002.

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

**11920102 and NPDES Permit No. PA0599425. L & J Energy Company, Inc.**, P. O. Box I, Grampian, PA 16838, permit renewal for reclamation only and continued restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Susquehanna Township, **Cambria County**, affecting 113.3 acres. Receiving streams: unnamed tributaries to Moss Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 17, 2002.

**32980101 and NPDES Permit No. PA0234656. M. B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717-7961, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Brushvalley and Center Townships, **Indiana County**, affecting 140.0 acres. Receiving streams: unnamed tributary to Brush Creek and unnamed tributary to Yellow Creek classified for CWF. The first downstream potable water supply intake from the point of discharge is the Indiana County Water Authority Yellow Creek water intake. Application received December 18, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**30921301. NPDES Permit PA0213900, RAG River Processing Corp.** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to renew the permit for the Monongahela Resource Mine in Jefferson Township, **Greene County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional charges. The first downstream potable water supply intake from the point of discharge is N/A. Application received November 22, 2002.

#### *Noncoal Applications Received*

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

**7975SM2A1C5 and NPDES Permit PA0613151. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for the existing discharge of treated mine drainage in Plumstead Township, **Bucks County**, receiving stream: Geddes Run. Classified for CWF. The first downstream potable water supply intake from the point of discharge is North Penn and North Wales Forest Park Service. Application received December 20, 2002.

**40980301C and NPDES Permit PA0223867. Bordaric Excavating, Inc.** (913 Mille Street, Luzerne, PA 18709), renewal of NPDES Permit for the existing discharge of treated mine drainage in Kingston Township, **Luzerne County**, receiving stream: mine pool to Susquehanna River. Classified for WWF. Application received December 23, 2002.

**45950301C3 and NPDES Permit PA0223506. Bill Barry Excavating, Inc.** (R. R. 3 Box 3271, Cresco, PA

18326), renewal of NPDES Permit for the existing discharge of treated mine drainage in Barrett Township, **Monroe County**, receiving stream: unnamed tributary to Cranberry Creek. Application received December 24, 2002.

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

**59020801. Richard Barlow**, R. R. 1, Box A79, Covington, PA 16917. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Covington Township, **Tioga County** affecting 5 acres. Receiving streams: Canoe Camp Creek, tributary to Tioga River. Application received December 13, 2002.

**41022802. Glenn O. Hawbaker, Inc.**, 2801 Canfield Land, Montoursville, PA 17754. Commencement, operation and restoration of a Small Industrial Minerals (Soil Borrow Material) permit in Fairfield Township, **Lycoming County** affecting 1.53 acres. Receiving streams: Bennetts Run, tributary to West Branch Susquehanna River. Application received December 17, 2002.

#### **ABANDONED MINE RECLAMATION**

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

Project No. BF 492, Beccaria Township, Clearfield County, 51 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on February 10, 2003, to be considered. Telephone inquiries shall be directed to Chuck Lonkart, Division of Mine Hazards, (717) 787-3448.

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

Project No. BF 494, South Huntingdon Township, Westmoreland County, 58 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on February 10, 2003, to be considered. Telephone inquiries shall be directed to Ron Henry, Division of Mine Hazards, (717) 783-0473.

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

Project No. BF 495, Carbondale Township, Lackawanna County, 8 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on February 10, 2003, to be considered. Telephone inquiries shall be directed to Brian Bradley, Division of Mine Hazards, (717) 783-7747.

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

Project No. BF 496, Cherry Township, Sullivan County, 163 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on February 10, 2003, to be considered. Telephone inquiries shall be directed to Robert A. Deardorff, Division of Mine Hazards, (717) 787-9893.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

**E07-365. New Pig Corporation**, Three Pork Avenue, Tipton, PA 16684 in Antis Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a manufacturing and warehouse facility in 0.39 acre of palustrine and scrub shrub wetlands at the existing New Pig Corporation Headquarters in the Ardie J. Dillen Industrial Park along the Little Juniata River (TSF) (Tipton, PA Quadrangle N: 0.81 inch; W: 7.2 inches) in Antis Township, Blair County. An existing wetland at the site will be enhanced and 0.39 acre of palustrine emergent and scrub shrub wetlands will be created contiguous with existing onsite wetland. The requirements for a permit have been waived under 105.12(a)(6) for impacts to 0.06 acre of palustrine emergent wetlands.

**E67-731. Larry Gross, Manchester Township**, 3200 Farmrail Road, York, PA 17402 in Manchester Township, **York County**, ACOE Baltimore District.

To remove an existing twin 44-inch by 30-inch concrete pipe culvert and then construct and maintain a 4-foot by 10-foot reinforced concrete box culvert in an unnamed tributary to the Codorus Creek (WWF) (York Haven, PA Quadrangle N: 2.5 inches; W: 14.4 inches) in Manchester Township, York County.

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

**E65-812. Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15668. Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 60-inch SLCPP culvert in an unnamed tributary to Haymakers Run (HQ-CWF) on a new alignment located on Bear Hollow Trail off of Sardis Road (Murrysville, PA Quadrangle N: 11.4 inches; W: 9.63 inches).

**E65-813. Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15668. Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a single cell 16.0-foot by 7.0-foot reinforced concrete box culvert in Pucketa Creek (TSF) located on Ludwig Road (Murrysville, PA Quadrangle N: 22.1 inches; W: 4.87 inches).

**E65-814. Municipality of Murrysville**, 4100 Sardis Road, Murrysville, PA 15668. Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 16.0-foot by 7.0-foot reinforced concrete box culvert in Pucketa Creek (TSF) located on Saddle Pack Trail, 300 feet south of Route 366 (Murrysville, PA Quadrangle N: 21.4 inches; W: 3.4 inches).

#### WATER QUALITY CERTIFICATIONS REQUESTS

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**PPL Holtwood, LCC**, Two North Ninth Street, Allentown, PA 18101. Wallenpaupack Hydroelectric Project (FERC Project No. 487), on Lake Wallenpaupack, in Hawley Borough, **Wayne and Pike Counties**, ACOE Philadelphia District (Hawley Quadrangle N: 16.25 inches; W: 0.75 inch) (discharge), source water (Lake Wallenpaupack) is approximately 3.5 miles up-stream.

Project Description: PPL Holtwood, LCC has requested a Section 401 State Water Quality Certification for the operation of the Wallenpaupack Hydroelectric Project near Hawley Borough in Wayne and Pike Counties. The project is used primarily to meet the peak demands within PA-NJ-MD Interconnection, with limitations on generation set by both natural inflows to the lake and

seasonal recreational demands. The project operates on an annual storage basis, which is achieved through the use of seasonal "target" lake elevations that are at times specifically constrained by the license terms and conditions. With both generator units, a total outflow ranging up to 1,800 cfs were typically started and shut down simultaneously and were operated at a relatively fixed generation level over the course of the day. PPL Holtwood, LCC expects to continue to operate the project under its current peaking mode of operation, to continue to provide ancillary power services as previous and to continue to operate for recreational, environmental, drought and flood control needs with certain modifications and enhancements; implementation of a new monthly lake elevation target schedule during normal nondrought periods; implementation of a revised drought operation plan; implementation of a deferred trout temperature regulation program for the Lackawaxen River (from river mile 4 through 10 not to exceed a maximum of 77°F); implementation of restricted weekend generation during the spring trout seasons; implementing operation and testing of recently installed turbine draft tube aeration system for downstream dissolved oxygen; curbing the range of area regulation operations during 6 summer weekdays to enhance weekday whitewater boating opportunities; and scheduling of two weekend whitewater boating flow releases.

## 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. The actions are listed in two categories. Section I lists all municipal and industrial permits and section II lists oil and gas related permits.

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 (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. PA0057193**, Sewage, **Michael A. Proger**, 34 South Ryanford Road, Schwenksville, PA 19473. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge into a tributary to Mine Run-3E.

**NPDES Permit No. PA0020460**, Sewage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960-0031. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment to expand the capacity of the sewage treatment plant.

**WQM Permit No. 0900421**, Sewerage, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960-0031. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to amend the existing permit to reflect maximum monthly hydraulic capacity.

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

**NPDES Permit No. PA0062103**, Sewage, **Spring Brook Township Sewer Authority**, P. O. Box 1100, Moscow, PA 18444. This proposed facility is located in Roaring Brook Township, **Lackawanna County** and discharges to Green Run.

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

**NPDES Permit No. PAS802213**, Stormwater, **United Parcel Service, Inc.**, 1821 South 19th Street, Harrisburg, PA 17104. This proposed facility is located in Stroud Township, **Monroe County** and discharge stormwater from Outfall 001 to an unnamed tributary of McMichaels Creek.

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

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

**NPDES Permit No. PA0081825**, Sewage, **Betty P. Nelson, Nelson Mobile Home Park**, 16 Betty Nelson Court, Carlisle, PA 17013. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

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

**NPDES Permit No. PA0246999 and WQM Permit No. 2802402**, Sewage, **Gregg and Karen Brady**, 7886



Lincoln Way West, Saint Thomas, PA 17252. This proposed facility is located in Saint Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for discharge to UNT Campbell Run and construction/operation of a Micro Sep Tec Enviroserver aerobic treatment system to serve a their residence and chiropractic office in Watershed 13-C.

**NPDES Permit No. PAS803501**, Industrial Waste, **Susquehanna Area Regional Airport Authority (including 21 copermittees), Harrisburg International Airport**, 208 Airport Drive, Middletown, PA 17057. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River and Post Run in Watershed 7-C.

**NPDES Permit No. PA0010251**, Industrial Waste, **United States Army Carlisle Barracks, Carlisle Army War College**, 330 Engineer Avenue, Carlisle, PA 17013-5020. This proposed facility is located in Carlisle Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Letort Spring Run in Watershed 7-B.

**NPDES Permit No. PA0246905**, CAFO, **Lauden Farms**, 2248 Back Road, Halifax, PA 17032. This proposed facility is located in Wayne Township, **Dauphin County**.

Description of Size and Scope of Proposed Operation/Activity: Operation of a 1,493.3 AEU Dairy Cattle Concentrated Animal Feeding Operation in Watershed 6-C.

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

**NPDES Permit No. PA0097098**, Sewage, **United States Army Support Command—Site 63**, 99 Soldiers Lane, Coraopolis, PA 15108-2550 is authorized to discharge from a facility located at United States Army Support Command—Site 63, South Fayette Township, **Allegheny County** to receiving waters named unnamed tributary of Millers Run.

**NPDES Permit No. PA0219347**, Sewage, **Patricia Iams**, 4124 Elrama Road, Finleyville, PA 15332 is authorized to discharge from a facility located at Iams Property, Union Township, **Washington County** to receiving waters named Lobbs Run.

**Permit No. 3202404**, Sewerage, **Robert J. and Anna M. Immekus**, 4792 Route 286 Highway East, Indiana, PA 15701. Construction of 500 GPD small flow treatment facility to serve a proposed four bedroom dwelling located in Rayne Township, **Indiana County** to serve Immekus Property STP.

**Permit No. 465S81-A2**, Sewerage, **Connellsville Area School District**, North 7th Street, Connellsville, PA 15425. Construction of sewage treatment plant replacement located in Springfield Township, **Fayette County** to serve Springfield Township Elementary School Sewage Treatment Plant.

**Permit No. 6302404**, Sewerage, **Patricia Iams**, 4124 Elrama Road, Finleyville, PA 15332. Construction of 800 GPD domestic wastewater discharge from a small flow sewage treatment plant utilized by two dwellings located in Union Township, **Washington County** to serve Iams property STP.

## II. Oil and Gas Management Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

**NPDES Permit No. PA0091472**, Industrial Waste, **Tunnelton Liquids Company**, 1390 E. Main Street, Suite 2, P. O. Box 667, Clarion, PA 16214. This facility is located in Conemaugh Township, **Indiana County**. This facility is authorized to discharge to Conemaugh River. This is an existing discharge.

*Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA, 17110-8200, (717) 705-4707.*

**PA0080519**, Sewage, **Antrim Township**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225. This facility is located in Antrim Township, **Franklin County**. The NPDES permit was issued on December 31, 2002.

This notice reflects changes from the notice published at 32 Pa.B. 5899 (November 30, 2002).

Parameter	Monthly Average	Weekly Average	Instantaneous Maximum
Total Nitrogen	8.0		16

Total Mercury was removed after evaluation of additional laboratory information.

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

### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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



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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q001-2R-1	Hornstein Enterprises, Inc. 1150 S. Cedar Crest Blvd. Allentown, PA 18103	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q249	Kay Builders, Inc. 5940 Hamilton Blvd. Wescosville, PA 18106	Lehigh	Lower Macungie Township	Cedar Creek HQ-CWF
PAS10R037-2	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne	Lehman Township	Harvey's Creek HQ-CWF
PAS10R043	Reading Materials, Inc. P. O. Box 1467 Skippack, PA 19474	Luzerne	Lehman Township	Pikes Creek HQ-CWF
PAS10S114	LTS Development P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township	Wigwam Run Creek HQ-CWF
PAS10U179	Ron Del Development Corp. 3242 Farmersville Rd. Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAS10U181	Moore Township Bd. of Supervisors 2491 Community Dr. Bath, PA 18014	Northampton	Moore Township	Monocacy Creek HQ-CWF

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

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

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

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

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

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

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

NOTICES

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lower Paxton Township	PAR10I313	Kendale Oaks Corp. P. O. Box 151 Elizabethtown, PA 17022	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Susquehanna Township	PAR10I320	Veterans Park Soccer Field Susquehanna Township 1900 Linglestown Rd. Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Washington Township	PAR10I302-1	Donald L. and Lois M. Miller 1 Dawn Dr. Millersburg, PA 17061	Wiconisco Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Hempfield Township	PAR10O471	Redcay Development 259 Brook Farms Rd. Lancaster, PA 17601	UNT West Branch Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township	PAR10O597	Homestead Village P. O. Box 3227 Lancaster, PA 17604	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Earl Township	PAR10O603	David L. Seibel 445 East Farmersville Rd. New Holland, PA 17557	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
Paradise Township	PAR10O605	Lewis Denlinger/David Nolt 63 Harristown Rd. Paradise, PA 17562	Eshleman Run/Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
East Donegal Township	PAR10O606	Melhorn Development Co. Inc. P. O. Box 157 Mount Joy, PA 17552	Little Chickies Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township	PAR10O607	Frederick W. Steudler, Jr. 7335 River Rd. Conestoga, PA 17516	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361

## NOTICES

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Indiana Borough Indiana County	PAR226122	Schroth Industries P. O. Box 669 Indiana, PA 15701	Fulton Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Youngwood Borough Westmoreland County	PAR236119	BFS Diversified Products LLC 525 Congressional Blvd. Carmel, IN 46032-5607	Jack's Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Deemston Borough Washington County	PAR806222	Deemston Borough 1622 Morey Road Fredericktown, PA 15333	UNT to Fishpot Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Darlington Township Beaver County	PAR806223	Nulfco Inc. 365 Taggart Road Darlington, PA 16115	UNT to Leslie Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Indiana Township Allegheny County	PAR046153	Peter K. Blume 405 Church Lane Allison Park, PA 15101	Shafers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rayne Township Indiana County	PAG046264	Robert J. and Anna M. Immekus 4792 Route 286 Highway E. Indiana, PA 15701	Middle Fork Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Narrowsburg, NY	PAG079901	Lang EnviroVentures, Inc. 60 Lake Street Narrowsburg, NY 12764	Lang EnviroVentures, Inc. 60 Lake Street Narrowsburg, NY 12764	BWSWM (717) 787-8184

*General Permit Type—PAG-8**Facility Location and Municipality**Permit No.**Applicant Name and Address**Contact Office and Telephone No.*Railroad Borough  
York County

PAG083573

New Freedom Borough Authority  
49 East High Street  
New Freedom, PA 17349DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
(717) 705-4707**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

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

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

**Operations Permit** issued to **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032-2598, PWS ID 3390044, Borough of Catasauqua, **Lehigh County**, on December 3, 2002, for the operation of facilities approved under Construction Permit Minor Amendment.

**Operations Permit** issued to **M. B. Boyle's Enterprises, LLC**, 1284 Seidersville Road, Bethlehem, PA 18015, PWS ID 2450097, Tunkhannock Township, **Monroe County**, on December 9, 2002, for the operation of facilities approved under Construction Permit 2450097.

**Operations Permit** issued to **Fieldcrest Water Association**, 625 Park Avenue, Shavertown, PA 18708, PWS ID 2400012, Jackson Township, **Luzerne County**, on December 10, 2002, for the operation of facilities approved under Construction Permit 4097507.

**Operations Permit** issued to **Maple Rock Trailer Court**, R. R. 1, Box 122, Henryville, PA 19332, PWS ID 2450006, Pocono Township, **Monroe County** on December 16, 2002, for the operation of facilities approved under Construction Permit 4589523.

**HAZARDOUS SITES CLEAN-UP  
UNDER THE ACT OF OCTOBER 18,  
1988****Prompt Interim Response****Superior Cleaners Site, Trafford,  
Westmoreland County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), has initiated a prompt interim response at the Superior Cleaners Site (Site), 215 Cavitt Avenue, Trafford, Westmoreland County. This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Site includes two buildings that are abandoned and have been unused for approximately 20 months.

Superior Cleaners operated as a dry cleaning facility; the owners of the facility are deceased. When business operations ceased, the contents of the buildings were abandoned, leaving hazardous substances and hazardous waste on the Site. The buildings were not secure and the Site is in a residential area with the nearest residence less than 100 feet away. Old, potentially leaking, underground storage tanks also remained on the property that contained hazardous substances. Soil contaminated from the leaking of previously removed underground storage tanks was also found on the site.

Because Site conditions presented a direct contact and inhalation threat to the public as well as a risk of explosion and fire, response action could not be delayed and a prompt interim response was initiated to address the threats. The scope of the response action included evaluation and proper containment of the hazardous substances and disposal of these substances off-Site.

The following alternatives were analyzed:

*Alternative 1. No action*—This alternative would require no action by the Department at this time. Hazardous substances and waste would remain on Site and the threat would remain.

*Alternative 2. Characterization, removal and disposal*—Under this alternative, chemicals, solvents and waste found at the Site are sampled and characterized for appropriate off-Site disposal and/or recycling/reuse. Leaking containers are over-packed and removed off-Site for proper handling. Underground storage tanks are removed and the contents properly characterized and removed off-Site for disposal. Contaminated soil encountered during excavation of storage tanks or contaminated soil remaining from tanks previously removed are excavated and disposed of off-Site.

The Department has determined that Alternative 2 is the most appropriate response to address the threats associated with this Site. This alternative is more protective of human health and the environment than Alternative 1 and is cost effective. The Department mobilized its contractor on August 19, 2002, and has characterized and containerized the hazardous substances and waste abandoned on the Site. The old underground storage tanks have been removed, their contents characterized, containerized and disposed of off-Site. Soil contaminated from leaking underground storage tanks has been excavated and removed. The remaining containerized hazardous substances will be removed from the Site for disposal once approval is received from the disposal facility.

This notice is being provided under section 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Regional Office at 400 Waterfront Drive, Pittsburgh, PA and is available for review Monday through Friday from 9 a.m. to 4 p.m.

The administrative record will be open for comment from January 11, 2003, until April, 11, 2003. Persons may submit written comments into the record, during this time only, by sending or delivering them to Terry Goodwald, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing on February 19, 2003, at 7 p.m. in the Trafford Municipal Building Community Room, 400 Duquesne Avenue, Trafford. Persons wishing to present comments must register by February 18, 2003, with Betsy Mallison, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4182.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Administrative Record Reopening**

##### **Smalis Penn Avenue Site, Pittsburgh, Allegheny County**

The Department, under the authority of the HSCA, reopens the administrative record on January 11, 2003, under section 506(b) of the HSCA to provide the public the opportunity to comment on the prompt interim response selected. The public comment period expired on September 9, 2002. The Department closed the administrative record by filing the Statement of Decision and the Response to Public Comments under section 506(e) of the HSCA.

The Department now reopens the administrative record under section 506(g) and (h) of the HSCA to further document the Department's response costs.

The new information is available within the administrative record for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The new information contained in the administrative record will be open for comments until March 11, 2003. Persons may submit written comments regarding the new information entered into the record during this time only,

by sending or delivering them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

If requested, the Department will conduct a public hearing where persons may present oral comments regarding the new information for inclusion in the administrative record. A request for a public hearing must be made in writing and must be post marked by February 10, 2003. The request should be mailed to Betsy Mallison, Community Relations Coordinator, 400 Waterfront Drive, Pittsburgh, PA 15222. A public hearing will not be held if the Department does not receive a written request by the date specified.

## **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 of Environmental Protection 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:

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**PPL—Former Tamaqua Manufactured Gas Plant Facility, Tamaqua Borough, Schuylkill County.** John J. Mahfood, Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017 submitted a Risk Assessment Report (on behalf of PPL Electric Utilities Corp., 2 North Ninth Street, Allentown, PA, 18101) concerning the risk evaluation of site soils and groundwater found or suspected to have been contaminated with polycyclic aromatic hydrocarbons, petroleum hydrocarbons and BTEX constituents as the result of historic manufactured gas plant operations. The report was submitted in partial fulfillment of the Site Specific Standard.

**Highland Group Ind. Sheffield Property, 35 Mill Street, Sheffield, PA 16347, Sheffield Township, Warren**

**County.** Karen E. Souza, Civil & Environmental Consultants (on behalf of Highland Group Ind.) has submitted a Risk Assessment Report concerning remediation of soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standards. Public notice in the *Valley Voice*, edition to be determined.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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**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).**

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office 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 plans and reports:

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Conewago Equities (former Ross Bike, aka former Chain Bike Corp.),** Hanover Township, **Lehigh County.** Andrew C. Thomas, P. G., American Resource Consultants, Inc., 4459 W. Swamp Road, Doylestown, PA 18901 submitted a Final Report for soils (on behalf of Allen Smith, Vice President, Conewago Equities, L. P., 610 Edgegrove Road, Hanover, PA 17331) concerning the remediation of soils found or suspected to have been contaminated with metals, chlorinated solvents and polycyclic aromatic hydrocarbons. The report documented attainment of the Statewide Health Standard and was approved on December 23, 2002.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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**Permits renewed 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.**

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

**Permit No. 100006. Washington Township,** 13013 Welty Road, Waynesboro, PA 17268, Washington Township, **Franklin County.** The application is for permit renewal for the Washington Township Transfer Station. The permit was determined to be administratively complete by the Southcentral Regional Office on December 23, 2002.

**Permit No. 100006. Washington Township,** 13013 Welty Road, Waynesboro, PA 17268, Washington Township, **Franklin County.** The application is for Radiation Monitoring Plan for the Washington Township Transfer Station. The permit was determined to be administratively complete by the Southcentral Regional Office on December 23, 2002.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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**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.**

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

**Permit No. 101648. Genesis Autoclave and Transfer Facility, Genesis Environmental, Ltd.,** 380 Locust Street, McKeesport, PA 15132. Operation of a infectious/chemotherapeutic waste processing facility in the City of McKeesport, **Allegheny County.** This permit modification authorizes implementation of Radiation Protection Action Plan issued in Regional Office on December 23, 2002.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000; TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

### **MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION**

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Amarildo A. Dalbo**, 1600 Cornell Drive, Linden, NJ 07036. Authorization No. WH0640. Effective December 17, 2002.

**Zaja Bajramovic**, 7913 Bay Parkway, Brooklyn, NY 11214. Authorization No. WH0642. Effective December 17, 2002.

**Emerson M. Franco**, 3031 NE 11th Ave., Pompano Beach, FL 33064. Authorization No. WH2429. Effective December 17, 2002.

**Clean Harbors Environmental Services Inc.**, 1501 Washington St., P. O. Box 859048, Braintree, MA 02185-9048. Authorization No. WH1396. Effective December 17, 2002.

**Smith Truck Service Inc.**, P. O. Box 1329, 1130 Commercial Ave., Steubenville, OH 43952-6329. Authorization No. WH1539. Effective December 17, 2002.

**Miners Oil Co.**, P. O. Box 86, Tremont, PA 17981. Authorization No. WH1570. Effective December 17, 2002.

**Miners Environmental**, P. O. Box 86, 284 SR 209 Highway, Tremont, PA 17981. Authorization No. WH1571. Effective December 17, 2002.

**Safety Kleen Corp.**, 3003 W. Breezewood Lane, Neenah, WI 54957. Authorization No. WH1589. Effective December 17, 2002.

**Fanny M. Coronel-Penafiel**, 277 North 12 Street, Newark, NJ 07107. Authorization No. WH1540. Effective December 19, 2002.

**RI Trucking**, 621 Adams Ave., Elizabeth, NJ 07201. Authorization No. WH1542. Effective December 19, 2002.

**Munoz Trucking**, 138 Overlook Ave., Belleville, NJ 07109. Authorization No. WH1543. Effective December 19, 2002.

**Orlando C. Munoz**, 138 Overlook Ave., Belleville, NJ 07109. Authorization No. WH2300. Effective December 19, 2002.

**Rainbow Transport Corporation**, 167 Stephens Park Road, Hackettstown, NJ 07840-5518. Authorization No. WH1544. Effective December 19, 2002.

**Jose A. Silva**, 344 N. 6 St., Newark, NJ 07107. Authorization No. WH1546. Effective December 19, 2002.

**Samuel C. Vilareal**, 50 John St., Carteret, NJ 07008. Authorization No. WH1547. Effective December 19, 2002.

**TEV Corp.**, 182 Calcutta St., Newark, NJ 07114. Authorization No. WH1548. Effective December 19, 2002.

**Israel Rodriguez**, 3466 Frankford Ave., Philadelphia, PA 19134. Authorization No. WH1549. Effective December 19, 2002.

**Oscar Montesdeoca**, 117 20th St., Union City, NJ 07087. Authorization Nos. WH1550 and WH1522. Effective December 19, 2002.

**Mario Montesdeoca**, Apt. 20, 256 South 4 St., Brooklyn, NY 11211. Authorization No. WH1551. Effective December 19, 2002.

**Burnel Jones**, 1525 E. Tulpehocken St., Philadelphia, PA 19138. Authorization No. WH1554. Effective December 19, 2002.

**Filiberto Calzadilla**, 1215 June Road, Huntington Valley, PA 19006. Authorization No. WH1555. Effective December 19, 2002.

**Alfonso Jaquez Reyes**, P. O. Box 12265, 351 N. 10 St., Reading, PA 19612. Authorization No. WH1556. Effective December 19, 2002.

**Yvonne Johnson**, 5940 Irving St., Philadelphia, PA 19139. Authorization No. WH1558. Effective December 19, 2002.

**Ezequais Lima**, 571, 3300 Neshaminy Blvd., Bensalem, PA 19020. Authorization No. WH1559. Effective December 19, 2002.

**Paulo C. Menezes**, 1216 Allen Grove St., Philadelphia, PA 19124. Authorization No. WH1560. Effective December 19, 2002.

**Kastriot Isai**, 5479 Rinker Circle, Doylestown, PA 18901. Authorization No. WH1561. Effective December 19, 2002.

**Fausto F. Pereira**, 2nd Floor, 8302 Bustleton Ave., Philadelphia, PA 19152. Authorization No. WH1562. Effective December 19, 2002.

**Edson Deoliveira**, Apt. 304, 2401 Hoffnagle St., Philadelphia, PA 19152. Authorization No. WH1563. Effective December 19, 2002.

**Ailson Pina**, 3738 Vader Road, Philadelphia, PA 19154. Authorization No. WH1565. Effective December 19, 2002.

**Vincente P. Tostes**, 9716 Roosevelt Blvd., 1st Fl., Philadelphia, PA 19115. Authorization No. WH1566. Effective December 19, 2002.

**Valmir F. Alves Jr.**, Apt. 1, 3127 Morning Glory Road, Philadelphia, PA 19152. Authorization No. WH1567. Effective December 19, 2002.

**BFI Waste Service of PA LLC**, 820 Quarry Road, Morgantown, PA 19543-0128. Authorization No. WH1386. Effective December 19, 2002.

**Pegaso Transport Inc.**, 294 Boulevard, Passaic, NJ 07055. Authorization No. WH1573. Effective December 20, 2002.

**Pegaso Trucking Corp.**, 294 Boulevard, Passaic, NJ 07055. Authorization No. WH1574. Effective December 20, 2002.

**Ecio G. Aruda**, 1392 Isabella Ave., Union, NJ 07083. Authorization No. WH1575. Effective December 20, 2002.

**Ilma R. Reis**, 221 Old Forge Drive, Bath, PA 18014. Authorization No. WH1576. Effective December 20, 2002.

**Valdeci Marcos**, 582 Madison Ave., Elizabeth, NJ 07201. Authorization No. WH1577. Effective December 20, 2002.

**Edmilton S. Arruda**, 1392 Isabella Ave., Union, NJ 07083. Authorization No. WH1578. Effective December 20, 2002.

**Jose M. Martinez**, 526 Market St., Newark, NJ 07100. Authorization No. WH1579. Effective December 20, 2002.

**Mauricio Vargas**, 582 Madison Ave., Elizabeth, NJ 07201. Authorization No. WH1580. Effective December 20, 2002.

**J G Trucking**, Apt. 57, 311 79th St., North Bergen, NJ 07047. Authorization No. WH1581. Effective December 20, 2002.

**Fredi Martinez**, Apt. 1, 1RR, 526 Market St., Newark, NJ 07100. Authorization No. WH1582. Effective December 20, 2002.

**T & L Transfer Inc.**, P. O. Box 474, 7 Redwood Road, Blakeslee, PA 18610. Authorization No. WH1583. Effective December 20, 2002.

**All Star Trucking & Hauling LLC**, P. O. Box 166, Belleville, NJ 07109. Authorization No. WH1584. Effective December 20, 2002.

**Intek Auto Leasing Inc.**, 372 N. 7 St., Newark, NJ 07107. Authorization No. WH1585. Effective December 20, 2002.

**First Colonial Funding Corp.**, 209 Mt. Prospect Ave., Newark, NJ 07104. Authorization No. WH1586. Effective December 20, 2002.

**First Colonial Funding Corp.**, 209 Mt. Prospect Ave., Newark, NJ 07104. Authorization No. WH1587. Effective December 20, 2002.

**Allserveco Inc.**, 3 Jill Terrace, Fairfield, NJ 07004. Authorization No. WH1588. Effective December 20, 2002.

**Hughes Disposal**, 1545 Orange Street, Berwick, PA 18603. Authorization No. WH1240. Effective December 18, 2002.

**Bangor Borough Authority**, 900 Lower South Main Street, P. O. Box 51, Bangor, PA 18013-0051. Authorization No. WH1239. Effective December 18, 2002.

**Richard Greenwald**, 111 Church Street, Lodi, NJ 07644. Authorization No. WH1238. Effective December 18, 2002.

**Lancaster Oil Company**, 1062 Old Manheim Pike, Lancaster, PA 17601-3177. Authorization No. WH1141. Effective December 18, 2002.

**Tanncor, Inc.**, 11352 Industrial Road, Manassas, VA 20109-3910. Authorization No. WH1246. Effective December 18, 2002.

**Mico Petroleum Company, Inc.**, P. O. Box 550, 1075 Route 22 West, Philipsburg, NJ 08865. Authorization No. WH0760. Effective December 18, 2002.

**Thomas W. Brydon Jr.**, 612 Ridge Road, Hooversville, PA 15936. Authorization No. WH1331. Effective December 18, 2002.

**J. F. Huebner & Son, Inc.**, 13131 R. Townsend Road, Philadelphia, PA 19154. Authorization No. WH1269. Effective December 18, 2002.

**Roll Off Express, Inc.**, P. O. Box 448, 2900 Dede Road, Finksburg, MD 21048. Authorization No. WH0921. Effective December 17, 2002.

**Bailey Trucking, Inc.**, 376 Chestnut St., Newark NJ 07114-2807. Authorization No. WH1122. Effective December 16, 2002.

**Mid State Trading Co.**, P. O. Box 3275, 2525 Trenton Ave., Williamsport, PA 17701. Authorization No. WH1127. Effective December 10, 2002.

**A. W. Long Coal & Co.**, 1203 E. Presqueisle St., Philipsburg, PA 16866-1225. Authorization No. WH1149. Effective December 16, 2002.

**Kenneth D. Starr**, SR 1002, Road 4, Box 37A, Clearfield, PA 16830. Authorization No. WH1150. Effective December 16, 2002.

**James Fidler**, 15 W. Linwood Ave., Maple Shade, NJ 08052. Authorization No. WH1228. Effective December 16, 2002.

**Ricardo Pilotos**, 10029 Ferndale St., Philadelphia, PA 19116. Authorization No. WH1229. Effective December 16, 2002.

**Edwin Correa**, 2509 Bonaffon St., Philadelphia, PA 19142. Authorization No. WH1230. Effective December 16, 2002.

**Mighty Joe Young Trucking**, 4732 Roosevelt Blvd. No. 303, Philadelphia, PA 19124-2338. Authorization No. WH1231. Effective December 16, 2002.

**Albert Buonanno**, 4360 Edgemount St., Philadelphia, PA 19137. Authorization No. WH1232. Effective December 16, 2002.

**Reiss Bros. Hauling LLC**, 1154 Passer Rd., Coopersburg, PA 18036-9631. Authorization No. WH1233. Effective December 16, 2002.

**David Schuck**, 4354 Mountain Rd., Slatington, PA 18080. Authorization No. WH1234. Effective December 19, 2002.

**Onyx PA Waste Services, LLC**, 22 Main St., Mainland, PA 19451. Authorization No. WH1235. Effective December 16, 2002.

**SDS of Olean**, 225 Homer St., Olean, NY 14760-1131. Authorization No. WH1236. Effective December 16, 2002.

**Robert C. Baer & Sons, Inc.**, 2936 Limekiln Rd., Birdsboro, PA 19508. Authorization No. WH1237. Effective December 16, 2002.

**Midway Removal Inc.**, P. O. Box 289, Bartonsville, PA 18344. Authorization No. WH1252. Effective December 17, 2002.

**Classic Haulers Inc.**, 1824 Ardin Drive, Norristown, PA 19403. Authorization No. WH1253. Effective December 17, 2002.

**Obed Olmo**, 3815 N. 7th St., Philadelphia, PA 19140. Authorization No. WH1254. Effective December 17, 2002.

**Monterey Refuse Service**, 480 W. Chrisne Road, Nottingham, PA 19362. Authorization No. WH1255. Effective December 17, 2002.

**Marc Fehr's Hauling**, 31 Old Company Road, Barto, PA 19504. Authorization No. WH1256. Effective December 17, 2002.

**James A. Kriner**, 1123 High St., Williamsport, PA 17701. Authorization No. WH1258. Effective December 17, 2002.

**MSL Oil & Gas Corp.**, P. O. Box 151, Bradford, PA 16701-0151. Authorization No. WH1259. Effective December 17, 2002.

**Driftwood Borough, Clarion County**, P. O. Box 235 Third St., Driftwood, PA 15832. Authorization No. WH1260. Effective December 17, 2002.



**JDR Leasing Inc.**, 480 W. Christine Rd., Nottingham, PA 19362. Authorization No. WH1261. Effective December 17, 2002.

**Lewis Bros.**, 200 Tohickon Ave., Quakertown, PA 18951-1339. Authorization No. WH1262. Effective December 19, 2002.

**L. E. Muthard Inc.**, 600 Linden Avenue, Reading, PA 19605. Authorization No. WH1077. Effective December 17, 2002.

**Gabriel H. Camacho**, 50 Arbutus Lane, P. O. Box 155, Marshalls Creek, PA 18335. Authorization No. WH1080. Effective December 17, 2002.

**Oliveira Everton**, Floor 1, 84 Somme Street, Newark, NJ 07105. Authorization No. WH1081. Effective December 17, 2002.

**Blair County Resource Recovery Facility Inc.**, P. O. Box 929, R. R. 1 Box 938A, Altoona, PA 16603-0929. Authorization No. WH1082. Effective December 17, 2002.

**Lower Merion Township, Montgomery County**, 75 East Lancaster Avenue, Ardmore, PA 19003-2323. Authorization No. WH1083. Effective December 17, 2002.

**Goodwill Industries of North Central Pennsylvania Inc.**, 511 Locust Street, P. O. Box 684, DuBois, PA 15801-0684. Authorization No. WH1084. Effective December 17, 2002.

**IDM Transport**, 610 Supor Boulevard, Harrison, NJ 07029. Authorization No. WH1085. Effective December 17, 2002.

**Ernesto F. Guzman**, 2747 Throop Avenue, Bronx, NY 10469. Authorization No. WH0353. Effective December 18, 2002.

**Pinciotti Rubbish Removal Corporation**, 948 Greenhouse Lane, Secane, PA 19018-3432. Authorization No. WH1116. Effective December 16, 2002.

**D & L Freight Service, Inc.**, Suite 1, 506 Pender Street East, Wilson, NC 27893-4244. Authorization No. WH1143. Effective December 18, 2002.

**Mike Dohner Trucking**, 2475 Cloverleaf Road, Elizabethtown, PA 17022. Authorization No. WH1152. Effective December 20, 2002.

**City of York**, 1 Marketway West, 3rd Floor, York, PA 17401-1231. Authorization No. WH1281. Effective December 20, 2002.

**Renn's Trash Removal, Inc.**, 180 Taylorsville Road, Pitman, PA 17964-9238. Authorization No. WH1285. Effective December 20, 2002.

**Livergood's Disposal**, 2069 Eckard Road, Cogan Station, PA 17728. Authorization No. WH1286. Effective December 20, 2002.

**Weaver's Sanitation Service, Inc.**, 349 East Graceville Road, Breezewood, PA 15533-8017. Authorization No. WH1287. Effective December 20, 2002.

**H.M.H.T.T.C. Response Team, Inc.**, P. O. Box 5215, Parsippany, NJ 07054. Authorization No. WH1288. Effective December 20, 2002.

**Paper Recycling, Inc.**, P. O. Box 7, Boyertown, PA 19512. Authorization No. WH1289. Effective December 20, 2002.

**S & J Recycling, Inc.**, P. O. Box 285, Lock Haven, PA 17745-0285. Authorization No. WH1290. Effective December 20, 2002.

**Eastern Construction Associates, Inc.**, 201 West Clymer Avenue, Sellersville, PA 18960. Authorization No. WH1291. Effective December 20, 2002.

**Town of Phillipsburg**, 675 Corliss Avenue, Phillipsburg, NJ 08865. Authorization No. WH1292. Effective December 20, 2002.

**College Township, Centre County**, 1481 East College Avenue, State College, PA 16801-6815. Authorization No. WH1293. Effective December 20, 2002.

**Young's Bus Lines, Inc.**, 3279 Portico Road, Chambersburg, PA 17201-9573. Authorization No. WH1294. Effective December 20, 2002.

**Heistand Brothers Trucking, Inc.**, 3421 Sunnyside Road, Elizabethtown, PA 17022. Authorization No. WH1296. Effective December 20, 2002.

**Clark's Disposal Service**, R. R. 6, Box 254, Danville, PA 17821-8742. Authorization No. WH1297. Effective December 20, 2002.

**Kreamer Construction, Inc.**, P. O. Box 88, Middleburg, PA 17842. Authorization No. WH1298. Effective December 20, 2002.

**Charles E. Groff & Sons, Inc.**, P. O. Box 84, Mount Joy, PA 17552-8723. Authorization No. WH1299. Effective December 20, 2002.

**Croyle Township, Cambria County**, Box 379, Summerhill, PA 15958. Authorization No. WH1300. Effective December 20, 2002.

**ERG Container Service Inc.**, 85 Old Bloomfield Avenue, Pine Brook, NJ 07058. Authorization No. WH0911. Effective December 16, 2002.

**Pittsburgh Rolloff Service Inc.**, 606 Hargrove Street, Pittsburgh, PA 15226. Authorization No. WH1054. Effective December 16, 2002.

**Mark A. Benton**, 1028 1/2 Caldwell Avenue, Portage, PA 15946. Authorization No. WH1065. Effective December 16, 2002.

**High Country General Hauling Inc.**, 4100 7th Avenue, Temple, PA 19560. Authorization No. WH1242. Effective December 16, 2002.

**Cook & Young Industries Inc.**, P. O. Box 743, Blue Bell, PA 19422. Authorization No. WH1243. Effective December 16, 2002.

**Jose A. Ortiz**, 1443 Elbridge Street, Philadelphia, PA 19149. Authorization No. WH1244. Effective December 16, 2002.

**Randall S. Yothers**, R. R. 1 Box 398, Tyrone, PA 16686. Authorization No. WH1245. Effective December 16, 2002.

**Marcos Decarvalho**, Apt. 1, 61 Marrimac Street, Danbury, CT 06810. Authorization No. WH1012. Effective December 16, 2002.

**Avtar Singh**, 302 Buffalo St., White Haven, PA 18661. Authorization No. WH0843. Effective December 19, 2002.

**Auston Contracting Inc.**, 1202 Pauls Lane, Joppa, MD 21085. Authorization No. WH1241. Effective December 19, 2002.

**Del Basso Trucking Inc.**, R. R. 2 Box 220, Turbotville, PA 17772. Authorization No. WH1247. Effective December 18, 2002.

**A. Mariannis Sons Inc.**, 2942 E. Tioga Street, P. O. Box 26821, Philadelphia, PA 19134. Authorization No. WH1250. Effective December 19, 2002.

**Chiles & Sullivan Inc.**, P. O. Box 287, 1230 Mickley Road, Whitehall, PA 18052. Authorization No. WH1257. Effective December 18, 2002.

**Brent L. Finkbiner**, 65 Lyndell Road, Downingtown, PA 19335. Authorization No. WH1263. Effective December 18, 2002.

**Hartley Township, Union County**, P. O. Box 128, Laurelton, PA 17835-0128. Authorization No. WH1264. Effective December 18, 2002.

**American Asbestos Control Co.**, 60 Progress Ave., Cranberry Township, PA 16066-3512. Authorization No. WH1265. Effective December 18, 2002.

**Paul Doherty**, Route 53, P. O. Box 157, Grassflat, PA 16839. Authorization No. WH1266. Effective December 18, 2002.

**Orlando E. Torres**, 552 E. Wyoming Ave., Philadelphia, PA 19120. Authorization No. WH1267. Effective December 18, 2002.

**Justus Transport Inc.**, 199 Hoyt St., Kearny NJ 07032-3312. Authorization No. WH1334. Effective December 19, 2002.

**Danskin Inc.**, 305 State St., York, PA 17403. Authorization No. WH1335. Effective December 19, 2002.

**AWF Trucking Inc.**, 2 Fish House Rd., Kearny NJ 07032. Authorization No. WH1337. Effective December 19, 2002.

## AIR QUALITY

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

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

**40-310-052GP: Airport Sand and Gravel Co., Inc.** (500 Swetland Lane, West Wyoming, PA 18644) for construction and operation of a portable stone crushing operation and associated air cleaning device in Duryea Borough, **Luzerne County**.

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

**GP-30-00145: Greene Energy LLC** (1800 Washington Road, Pittsburgh, PA 15241) December 17, 2002, a GP-5 for installation and operation of a Caterpillar Model G3408CLE 425 Bhp Compressor Engine in Wayne Township, **Green 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.**

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

**11-00356A: Peoples Natural Gas** (Dominion Tower, 625 Liberty Avenue, Pittsburgh, PA 15222) on December 19, 2002, at a Title V facility for installation of a natural

gas dehydration unit and pipeline heater at the Rager Mountain/Laurel Ridge Compressor Station located in Jackson Township, **Cambria County**.

**65-00143A: Hanson Aggregates PMA, Inc.** (Salem Place, Suite 340, 390 Route 22, Delmont, PA 15626) on December 19, 2002, for installation and operation of diesel engines at Torrance Quarry, Derry 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.*

**37-248E: US Can Co.** (1902 Old Butler Road, New Castle, PA 16101) on December 16, 2002, for installation of a regenerative thermal oxidizer in New Castle, **Lawrence County**.

**62-017H: United Refining Co.** (Dobson and Bradley Streets, Warren, PA 16335) on December 10, 2002, for the low sulfur gas project in Warren, **Warren County**.

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

**AMS 02253: Naval Surface Warfare Center** (5001 South Broad Street, Code 357, Philadelphia, PA 19112) for installation of a marine gas turbine test cell in 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.**

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

**04-00013A: J and L Specialty Steel** (1200 Midland Avenue, Midland, PA 15059) for the Steckel Mill and Melt Shop Modifications in Midland, **Beaver County**. J and L Specialty Steel has requested that the Plan Approval be modified to identify the purchase and acquisition of ERCs. The following condition has been added to Plan Approval PA-04000013A:

- Condition 3(d)(i); "J and L Specialty Steel has secured 40 tons of NOx Emission Reduction Credits generated from the shutdown of National Fuel Gas Supply Corporation's Roystone Compressor Station in Sheffield Township, Warren County, PA. The ERC registry has been revised to reflect the transfer of these credits to J and L."

**04-072B: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241) for the modification to the Bailey Preparation Plant in Richhill Township, **Greene County**. Consol has requested this minor modification to reflect the use of 434.5 TPY of VOC ERCs previously acquired by and transferred to Consol for the Bailey Preparation Plant.

**04-072C: Consol Pennsylvania Coal Co.** (1800 Washington Road, Pittsburgh, PA 15241) for the modification to the Bailey Preparation Plant in Richhill Township, **Greene County**. Consol has requested this minor modification to reflect the use of 108.8 TPY of VOC ERCs previously acquired by and transferred to Consol for the Bailey Preparation Plant.

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

**16-035A: The Commodore Corp.** (Route 66 North, Clarion, PA 16214) on November 30, 2002, for operation of a manufactured housing plant in Clarion, **Clarion County**.

**10-313-028B: INDSPEC Chemical Corp.** (133 Main Street, Petrolia, PA 16050) on December 30, 2002, for a scrubber in Petrolia, **Butler County**.

**Title V Operating Permits Issued 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.*

**15-00014: Saint Gobain Performance Plastics/Malvern** (57 Morehall Road, Malvern, PA 19355) on December 19, 2002, the Title V Operating Permit was issued as an Administrative Amendment to incorporate changes approved under plan approval number PA150014C in East Whiteland Township, **Chester County**. The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit includes additional requirements including monitoring, recordkeeping, reporting and emission limits. The initial permit was issued April 30, 2001.

**46-00036: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) for issues relating to the original appeal are contained in EHB Docket No. 2000-138-MG located in Worcester Township, **Montgomery County**. The appeal issues and other conditions that have been addressed in the revised Title V Permit:

a. Section A and D (Appeal Issue)—revision of the Capacity/Throughput values for Source ID: 732 (Emergency Generators 1 and 2) and Source ID: 733 (Emergency Generator 3).

b. Section D (Appeal Issue)—Wave Solders Nos. 3, 4, 6, 8 and 9 (Source IDs: 127—131) and Selective Solders Nos. 4 and 5 (Source IDs: 138 and 139), including changes in monitoring, recordkeeping and work practice conditions.

c. Section D (Appeal Issue)—Selective Solder Nos. 2 and 3 (Source IDs: 135 and 136), includes a change to the particulate matter emission limit (that is, 0.04 grain per dry standard cubic foot).

d. Section D (Appeal Issue)—Natural Gas Fired Equipment (Source ID: 099), Emergency Generators 1 and 2 (Source ID: 732) and Emergency Generator No. 3 (Source ID: 733), include a change to the SO<sub>2</sub> emission limit (that is, 1.2 pounds per million Btu).

e. Section C, Conditions Nos. 025—028—These conditions has been omitted and are no longer applicable because the company has already submitted the required information as part of the permitting process.

f. Section D, Conditions Nos. 004—007—These conditions have been revised so that the emission limits for Source ID: 731 (Electric Generators (5)) will be the aggregate total from the five generators rather than from each individual source).

g. Section D, Condition No. 013—The Department has that condition is applicable because of the Plan Approval Extension (PA-46-0036A) for the installation of Urea Selective Catalytic Reduction control for the Electric (Diesel) of Generators (5)—Source ID: 731, is still in the

Plan Approval phase and has not been inspected and approved for an Operating Permit.

h. Section A and D—incorporation of Source ID: 140 (Selective Solder No. 6), including all applicable restrictions, monitoring, recordkeeping and work practice conditions.

i. Section A and D—incorporation of Source ID: 141 (Selective Solder No. 7), including all applicable restrictions, monitoring, recordkeeping and work practice conditions.

j. Section D, IPA Repair and Cleaning Stations (Source ID: 163), Condition No. 002—This source will remain in Section D and the Department agrees to omit the de minimis VOC limit (3.0 lb/hr, 15.0 lb/day and 2.7 tpy). The Department will require monitoring and recordkeeping of the total amount of IPA Cleaner (solvent) used at the facility on a weekly and annual basis, which is consistent with requirements from the EPA and is needed for the annual Air Information Management Systems (AIMS) report. In addition, Visteon is required to report the total VOC emissions from this source in its annual AIMS report. Furthermore, at a later date, the Department may revise the RACT condition based on emission data obtained from the AIMS report.

k. Section D, Miscellaneous Sources (Source ID: 199), Condition No. 002—has been revised to include the term "... each of the individual sources ..." as a provision of the de minimis VOC emission limit (3.0 lb/hr, 15.0 lb/day, 2.7 tpy).

**46-00041: Jefferson Smurfit Corp.** (1035 Longford Road, Phoenixville, PA 19460) in Upper Providence Township, **Montgomery County**. Title V Operating Permit minor modification issued under the Air Pollution Control Act and 25 Pa. Code § 127.462. Modification to the permit to incorporate General Permit (BAQ-GPA/GP-7) work practice standards while running fountain solution at four offset lithographic printing presses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**09-00006: U. S. Steel—Fairless Works** (Pennsylvania Avenue, Fairless Hills, PA 19030). This Title V Permit was revised and issued in accordance with the Air Pollution Control Act and 25 Pa. Code § 127.450 to remove a condition stating that U.S. Steel and Exelon Generation Company—Fairless Hills Generating Station where support facilities and a definition for the term malfunction was added to the permit, in Falls Township, **Bucks County**. The changes listed do not result in an increase of emissions at the facility.

**15-00026: American Inks and Coatings Corp.** (330 Pawling Road, Valley Forge, PA 19482). This Title V Permit was revised and issued in accordance with the Air Pollution Control Act and 25 Pa. Code § 127.450 to correct a typographical error concerning the temperature in which the specialty coating process can be run and VOC limits were added to the emission limit summary for the boilers, in Schuylkill Township, **Chester County**. The changes listed do not result in an increase of emissions from the facility.

**15-00015: Sartomer Company, Inc.** (610 Bolmar Street, West Chester, PA 19382). The Title V Operating Permit has been revised to address appeal issues in West Chester Borough, **Chester County**. Changes to the permit include using abbreviations in the inventory listing so that more information can be displayed, correcting stack information, clarifying limitations of natural gas

usage in the boilers, changing the frequency of monitoring and recording for the boilers from daily to weekly using a Department approved method and adding the word multiple for the washers used at the facility. The changes listed do not result in an increase of emissions at the facility.

**46-00032: SPS Technologies, Inc.** (Highland Avenue, Jenkintown, PA 19046). The Title V Operating Permit was revised to incorporate changes based on the appeal of the Title V Operating Permit in Abington Township, **Montgomery County**. Changes to the permit include adding the phrase "using a Department approved method" to monitoring and recording requirement for the heat treat units, the frequency of monitoring and recording hours of operation for the air handling units was changed to monthly, the frequency of monitoring and recording fuel usage for the air handling units was changed to weekly and changes were made to the monitoring and recording of hours for the scrubbers connected to the electroplating units. A condition for when the scrubbers should be in operation was corrected so it fit with the operation at the facility. The requirements from 25 Pa. Code § 129.73 were added to the spray booth operations. The Aluminum Anodizing, Monarch Operations and Machining Operations were determined to be insignificant activities and placed in Section G of the permit. The changes listed do not result in an increase of emissions from the facility.

**23-00014: Kimberly-Clark Corp.** (Front and Avenue of the States, Chester, PA 19013). The permit was revised and issued in accordance with the Air Pollution Control Act and 25 Pa. Code § 127.450 to correct a typographical error in pressure drop across some of the bag houses associated with the ash storage silo in the City of Chester, **Delaware County**.

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

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

**09-00083: Brinker's Fuels, Inc.** (445 North West Street, Doylestown, PA 18901) on December 20, 2002, for operation of a Natural Minor Operating Permit in Doylestown Township, **Bucks County**.

**23-00029: Upper Darby High School** (601 Lansdowne Avenue, Upper Darby, PA 19082) on December 23, 2002, for operation of a Natural Minor Operating Permit in Upper Darby Township, **Delaware County**.

**23-00052: Crozer-Chester Medical Center** (One Medical Center Boulevard, Upland, PA 19013) on December 23, 2002, for operation of a Synthetic Minor Operating Permit in Upland Borough, **Delaware County**.

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

**26-00177: Golden Eagle Construction/Asphalt Div.** (P. O. Box 945, Uniontown, PA 15401) on November 26, 2002, for operation of the Coolspring Asphalt Plant facility in North Union Township, **Fayette County**.

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

**10-00030: Concast Metal Products Co.** (131 Myoma Road, Mars, PA 16046) for a Natural Minor Permit for operation of a secondary nonferrous metal melting and casting facility in Adams Township, **Butler County**.

**42-00194: Glenn O. Hawbaker, Inc.—Shinglehouse Plant No. 8** (497 Horse Run Road, Shinglehouse, PA 16748) on December 18, 2002, for a Natural Minor Operating Permit for operation of a nonmetallic mineral processing plant in Ceres Township, **McKean County**.

**33-00125: Energy Resources, Inc.—Brockway Tipple** (Route 219, Brockway, PA 15824) for operation of a coal crushing and handling facility in Snyder Township, **Jefferson County**.

**25-00360: The Electric Materials Co.** (50 South Washington Street, North East, PA 16428) for manufacturing of copper base electrical components in North East Borough, **Erie County**.

**20-00175: Cardinal Home Products—Tel-O-Post Division** (205 North Pymatuning Street, Linesville, PA 16124) on December 9, 2002, for a Natural Minor Operating Permit for operation of three surface coating lines in Linesville Borough, **Crawford County**.

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**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.**

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

**65-00354: Sunoco Partners Marketing and Terminal** (1801 Market Street, Philadelphia, PA 19103) for a minor modification to their Title V Operating Permit for the Delmont facility in Salem Township, **Westmoreland County**. The revision incorporates the reactivation of storage tank no. 2 and storage tank no. 4.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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*Coal Permits Actions*

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

**17960114 and NPDES Permit No. PA0220400.** **Larry D. Baumgardner Coal Co., Inc.**, P. O. Box 186, Lanse, PA 16849. Revision to an existing bituminous

surface mine permit for a Change in Permit Acreage from 97.9 to 101.3 acres. The permit is located in Brady Township, **Clearfield County**. Receiving streams: unnamed tributary to Luthersburg Branch, Laborde Branch. Application received April 11, 2002. Permit issued December 18, 2002.

**57960201 and NPDES Permit No. PA0220671. Falcon Coal & Construction Company**, P. O. Box 207, Mildred, PA 18632. Renewal of an existing coal refuse reprocessing surface mine permit in Cherry Township, **Sullivan County**, affecting 12.1 acres. Receiving streams: Birch Creek to Loyalsock Creek to West Branch of the Susquehanna River. Application received February 15, 2002. Permit issued December 19, 2002.

**57813001 and NPDES Permit No. PA0123625. Capitol Coal Co., Inc.**, Box 216, Mildred, PA 18632. Transfer of an existing bituminous surface mine permit from Bernice Mining & Contracting, Inc., located in Cherry Township, **Sullivan County**, affecting 511 acres. Receiving streams: Birch Creek to Loyalsock Creek and two unnamed tributaries of Loyalsock Creek to Loyalsock Creek and Loyalsock Creek to West Branch Susquehanna River. Application received May 29, 2001. Permit returned: December 16, 2002.

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

**32970112 and NPDES Permit No. PA0234605. Mears Enterprises, Inc.**, P. O. Box 157, Clymer, PA 15728, permit revision to add 10.2 acres of support and mining area and for discharge of treated mine drainage, in Green Township, **Indiana County**, affecting 102.7 acres. Receiving streams: Buck Run, Dixon Run classified for CWF. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek intake. Application received October 2, 2002. Permit issued December 10, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**56971301. NPDES Permit PA0214973, GM&S Coal Corp.** (P. O. Box 233, Jennerstown, PA 15547), to renew the permit for the Geronimo Mine in Jenner Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued December 11, 2002.

**11941601. NPDES Permit PA0214833, Fuel Recovery, Inc.** (2591 Wexford-Bayne Road, Suite 204, Sewickley, PA 15143), to renew the permit for the Cooney Preparation Plant in Portage Township, **Cambria County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued December 17, 2002.

**56831602. NPDES Permit PA0214469, Reitz Coal Company** (509 Fifteenth Street, Windber, PA 15963-1603), to renew the permit for the Reitz No. 4 Prep Plant in Shade Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No

additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued December 17, 2002.

**32840701. NPDES Permit N/A, Tanoma Coal Company, Inc.** (600 Rayne Run Road, Marion Center, PA 15759), to revise the permit for the Tanoma No. 2 Refuse Area in Rayne Township, **Indiana County** to transfer 5.5 surface acres from the Tanoma Mine and add a passive treatment system, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed 5.5, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued December 19, 2002.

**32841307. NPDES Permit PA0091293, Tanoma Coal Company, Inc.** (600 Rayne Run Road, Marion Center, PA 15759), to renew the permit for the Tanoma Mine in Rayne Township, **Indiana County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued December 19, 2002.

**30831303. NPDES Permit PA0013511, RAG Cumberland Resources, L. P.** (R. D. 3, Box 184, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, revision, Surface Acres Proposed 13.3, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Whiteley Creek (WWF). The first downstream potable water supply intake from the point of discharge is N/A. Permit issued December 20, 2002.

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

**16920104 and NPDES Permit No. PA0211206. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Renewal of an existing bituminous strip operation in Perry and Toby Townships, **Clarion County** affecting 89.9 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Black Fox Run and Black Fox Run. Application received October 3, 2002. Permit issued December 17, 2002.

**33970112 and NPDES Permit No. PA0227617. Ed Hanslovan Coal Co., Inc.** (R. D. 2, Box 230, Morrisdale, PA 16858) Renewal of an existing bituminous strip and auger operation in Washington Township, **Jefferson County** affecting 102.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributaries to Rattlesnake Run. Application received October 4, 2002. Permit issued December 17, 2002.

**10910107 and NPDES Permit No. PA0210978. Big "B" Mining Company, Inc.** (551 Mahood Road, Butler, PA 16001) Renewal of an existing bituminous strip operation in Center Township, **Butler County** affecting 193.6 acres. This renewal is issued for reclamation only. Receiving streams: three unnamed tributaries to Stony Run and one unnamed tributary to Pine Run. Application received September 30, 2002. Permit issued December 17, 2002.

#### *Noncoal Permits Actions*

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

**48010302. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034),

commencement, operation and restoration of a quarry operation in Lower Mt. Bethel Township, **Northampton County** affecting 101.89 acres, receiving stream: none. Application received October 12, 2001. Permit issued December 19, 2002.

**58020807. John D. Lepre** (R. R. 1 Box 310, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received March 12, 2002. Permit issued December 20, 2002.

**58020815. Larry A. Lee** (R. R. 2 Box 2642, Nicholson, PA 18446), commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received April 15, 2002. Permit issued December 20, 2002.

**58020833. John P. Frystak** (R. R. 2 Box 11B, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received June 3, 2002. Permit issued December 20, 2002.

**58020841. Paul A. Kelly** (25 Public Avenue, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received August 15, 2002. Permit issued December 20, 2002.

**58022806. Darwin R. Greene** (R. R. 3 Box 219B, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in North Jackson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 28, 2002. Permit issued December 20, 2002.

**58020845. Peter S. Watrous** (R. R. 2 Box 2521, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 20, 2002. Permit issued December 20, 2002.

**7674SM1C8 and NPDES Permit PA0613312. Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105), renewal of existing discharge of treated mine drainage permit on a quarry operation in South Lebanon and Jackson Townships, **Lebanon County**, receiving stream: Tulpehocken Creek. Application received October 31, 2002. Renewal issued December 24, 2002.

**40870301C4 and NPDES Permit PA0593818. Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105), renewal of existing discharge of treated mine drainage permit on a quarry operation in Dorrance Township, **Luzerne County**, receiving stream: Balliet Run and Wapwallopen Creek. Application received November 4, 2002. Renewal issued December 24, 2002.

**40800304T and NPDES Permit PA0123765. Gigliello Topsoil** (39 Pittston Avenue, Yatesville, PA 18640), transfer of an existing quarry operation and NPDES Permit in the City of Pittston, **Luzerne County**, receiving stream: Lackawanna River. Application received January 28, 2002. Transfer issued December 24, 2002.

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

**14010801. Thomas W. Fisher**, Box 550, Milesburg, PA 16853. Commencement, operation and restoration of a

Small Industrial Minerals (Shale) permit in Union Township, **Centre County** affecting 1.5 acres. Receiving streams: unnamed stream, tributary to Bald Eagle Creek. Application received February 1, 2001. Permit issued December 12, 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 11, 2002. Permit issued December 19, 2002.

**08910803. Porters Sand & Gravel**, 88 Porters Simmental Lane, Waverly, NY 14892. Final bond release for a small noncoal mining operation in Athens Township, **Bradford County**. Restoration of 2.1 acres completed. Application for final bond release received September 13, 2002. Final bond release approved: December 16, 2002.

*Government Financed Construction Contract Issued*

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

**16-02-03. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) Proposal to enter into a Government Financed Reclamation Construction Contract on a 2.2 acres site in Clarion Township and Strattanville Borough, **Clarion County**. The proposal includes total reclamation of 2.2 acres of abandoned mine lands as well as 1.9 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: unnamed tributary to Brush Run. Application received May 13, 2002. Contract issued December 17, 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. 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.*

**360240144. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Mt. Joy Borough, **Lancaster County** with an expiration date of December 31, 2007. Permit issued December 20, 2002.

**39024026. Conewago Enterprises, Inc.** (660 Edgegrove Road, Hanover, PA 17331), construction blasting in Hanover Township, **Lehigh County** with an expiration date of March 9, 2003. Permit issued December 20, 2002.

**45024087. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of November 23, 2003. Permit issued December 20, 2002.

**45024088. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of November 24, 2003. Permit issued December 20, 2002.

**48024035. American Rock Mechanics** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Hanover Township, **Northampton County** with an expiration date of December 9, 2003. Permit issued December 20, 2002.

**64024014. Holbert Explosives** (237 Masthope Plank Road, Lackawaxen, PA 18435), construction blasting in Buckingham Township, **Wayne County** with an expiration date of December 31, 2007. Permit issued December 20, 2002.

**67024050. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Wrightsville Borough, **York County** with an expiration date of June 10, 2003. Permit issued December 20, 2002.

**45024089. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of November 30, 2003. Permit issued December 20, 2002.

**40024031. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Hazle Township, **Luzerne County** with an expiration date of November 30, 2003. Permit issued December 20, 2002.

**64024015. Chris Grady/Northeast Blasting** (R. R. 6 Box 6692, Honesdale, PA 18431), construction blasting in Palmyra Township, **Wayne County** with an expiration date of July 10, 2003. Permit issued December 20, 2002.

**45024090. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorburg, PA 18353), construction blasting in Jackson Township, **Monroe County** with an expiration date of November 15, 2003. Permit issued December 20, 2002.

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

**32024003. Dick Corporation**, 24 McFeaters Road, Seward, PA 15954, road construction SR 0022 Section 495—Indiana County, Contract No. 104201. Duration of blasting approximately 365 days. Permit issued December 19, 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 OBSTRUCTION S AND ENCROACHMENTS

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

**E46-901. County of Montgomery, Board of County Commissions**, Courthouse, P. O. Box 311, Norristown,



PA 19404-0311, Perkiomen, Skippack and Schwenksville Boroughs, **Montgomery County**, ACOE Philadelphia District.

To amend Permit No. E46-901, which authorized the construction and maintenance of 2,840 linear feet of 12-foot wide, paved recreational trail within the 100-year floodplain of the Perkiomen Creek (WWF, MF) and across Lamb Run (WWF), Doe Run (TSF) and Norma Run (TSF), associated with the construction of the 7.5 mile long Perkiomen Trail/Schuylkill River Trail Extension. The trail begins at the existing terminus at Valley Forge National Historical Site and reaches its northern terminus at SR 29-2nd Avenue, USGS Quadrangle (Starting Point Valley Forge, PA N: 20 inches, W: 5.4 inches; End Point Collegeville, PA N: 9.75 inches, W: 11.5 inches, respectively).

The proposed work will include the following:

1. To construct and maintain a low flow crossing consisting of two spans of 140-foot long by 12-foot wide by 6.0-foot high pedestrian bridge (aka Island Bridge). The proposed bridge is located approximately 200 feet east of the intersection of Perkiomen Creek Road and Creekwood Drive in Perkiomen and Skippack Townships, Montgomery County (Collegeville, PA USGS Quadrangle N: 19.75 inches; W: 1.75 inches).

2. To construct and maintain 165-foot long by 10-foot wide by 20-foot high pedestrian bridge across the Perkiomen Creek (aka Park Avenue Bridge). The proposed bridge will be located just upstream of Park Avenue Bridge crossing (SR 4018) (Perkiomenville, PA USGS Quadrangle N: 2 inches; W: 11.75 inches).

**E51-203. Summit Realty Advisors**, 621 Delaware Street, New Castle, DE 19720, City and **County of Philadelphia**, ACOE Philadelphia District.

To construct and maintain a CVS pharmacy building and associated parking areas in the floodway of the Tacony-Frankford Creek (WWF). The project consists of the demolition and removal of several existing buildings as well as minor grading activities. The site is located at the corner of Vandyke Street and Torresdale Avenue (Frankford, PA Quadrangle N: 1.0 inch; W: 12.7 inches).

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

**E45-413. LTS Development, Inc.**, P. O. Box 160, Shawnee-On-Delaware, PA 18356. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall structure along Wigwam Run, just downstream of Wigwam Lake Dam, consisting of twin 36-inch diameter HDPE plastic pipes and an R-7 rock riprap energy dissipator. The project is associated with the proposed Arbor Woods residential subdivision and is located approximately 0.8 mile north of the intersection of SR 0611 and Township Road T469 (Mt. Pocono, PA Quadrangle N: 0.75 inch; W: 1 inch).

**E13-135. Norfolk Southern Corporation**, 99 Spring Street, Atlanta, GA 30303-0142. Jim Thorpe Borough and Mahoning Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To repair and maintain a five-span railroad bridge across the Lehigh River and Lehigh Canal with work consisting of the placement of rip-rap scour protection

along piers; repointing of stone masonry piers and abutments; replacement of stringers and cross-bracing; and the construction of a temporary covered walkway along the Lehigh Canal over an existing trail. The project is located approximately 3,800 feet southwest of the intersection of SR 0209 and SR 0903 (Lehighon, PA Quadrangle N: 20.7 inches; W: 13.7 inches).

**EA35-002NE. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, 2 Public Square—5th Floor, Wilkes-Barre, PA 18711-0790, in Taylor Borough, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To backfill a 0.10 acre water body in conjunction with abandoned mine reclamation project OSM 35(3738) 101.1 (Scranton, PA Quadrangle N: 4.62 inches; W: 14.0 inches).

**EA54-011NE. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, 2 Public Square—5th Floor, Wilkes-Barre, PA 18711-0790, in Reilly Township, **Schuylkill County**, U. S. Army Corps of Engineers, Baltimore District.

To backfill two water bodies in conjunction with abandoned mine reclamation project OSM 54(3653) 101.1 (Minersville, PA Quadrangle N: 5.25 inches; W: 15.25 inches).

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

**E36-747. Ivan Smucker**, 6251 Division Highway, Narvon, PA 17555 in Caernarvon Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) a 16-foot by 80-foot concrete manure storage tank; (2) two 6-inch diameter outfall structures from downspouts; and (3) a 10-inch outfall from an existing 2-foot by 3-foot drop box all to be located within the floodway of an unnamed tributary to Conestoga Creek (WWF) at a point approximately 1,000 feet south of Beartown (Honeybrook, PA Quadrangle N: 20.0 inches; W: 14.8 inches) in Caernarvon Township, Lancaster County.

**E50-212. Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Jackson Township, **Perry County**, ACOE Baltimore District.

To remove the existing covered bridge and then to construct and maintain: (1) a covered bridge having a single span of 73.25 feet with a minimum underclearance of 8.84 feet across Sherman Creek (HQ-CWF) on SR 3003, Section 002, Segment 0030, Offset 0635 (Three Springs Road); and (2) a rock vane and tree planting downstream of the proposed covered bridge located about one mile southwest of Blain Borough, Blain, PA Quadrangle N: 13.58 inches; W: 3.45 inches) in Jackson Township, Perry County.

## SPECIAL NOTICES

### Public Comment Period and Public Hearing Regarding Logan Town Centre, Logan Township, Blair County

*E07-357. Richard Bowen, Morris Management*, P. O. Box 1252, Altoona, PA 16603 in Logan Township, **Blair County**, ACOE Baltimore District.

To impact 1.14 acres of palustrine emergent, exceptional value wetlands (Holidaysburg, PA Quadrangle N: 21.1 inches; W: 1.3 inches); 2.72 acres of other palus-



trine emergent, palustrine open water and palustrine scrub shrub wetlands; 4,603 feet of perennial and intermittent unnamed tributaries to Brush Run (WWF); and to construct and maintain four utility line crossings and a 745-foot enclosure on the upper stream mitigation channel at a point east of Interstate 99 between the Frankstown Road and 17th Street interchanges of Interstate 99 for the purpose of constructing a regional power center shopping mall (Hollidaysburg, PA Quadrangle N: 20.2 inches; W: 1.4 inches) in Logan Township, Blair County. The applicant will create 6.34 acres of emergent and scrub shrub wetlands and 4,927 feet of stream channel onsite as mitigation for the wetland and stream impacts. The project also involves the following activities waived under 105.12(a)(2) and (3): construction and maintenance of two utility line crossings of an unnamed tributary to Brush Run; one overhead utility line crossing of the upper stream mitigation channel; and one utility line crossing of the lower stream mitigation channel.

The Department of Environmental Protection (Department) has received a hydrogeologic study for the previous project.

As a result, the Department is extending the public comment period and has scheduled a public hearing to receive testimony and comments on the Water Quality Certification under section 401 of the Federal Water Pollution Control Act, the Water Obstructions and Encroachment Permit application and the Environmental Assessment under 25 Pa. Code Chapter 105 for the proposed project.

The hearing will be held on Thursday, February 6, 2003, at 6:30 p.m. at the Jaffe Shrine, Broad Avenue and 22nd Street, Altoona, Blair County.

Persons intending to testify at the hearing should register by Tuesday, February 4, 2003, by calling Karen Sitler at (717) 705-4904. If no person registers to present oral comments by the February 4, 2003, cutoff deadline, the hearing will not be held. Persons interested in finding out if the hearing will be held should contact Karen Sitler at the previous number.

Testimony should be to the point. Each individual will have 5 to 10 minutes, depending on the number registered, to present comments. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. To assure all testimony is incorporated into the official record, have two hard copies of the testimony available to provide to Karen Sitler. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

In addition, the public comment period for the Water Quality Certification under Section 401 of the Federal Water Pollution Control Act, the Water Obstructions and Encroachment Permit application and the Environmental Assessment under 25 Pa. Code Chapter 105 for this project will end on February 13, 2003.

Comments should contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions including the relevant facts upon which the comment is based. Comments should be sent to Nathan Havens, Department of Environmental Protection, South Central Regional Office, Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

An appointment may be scheduled to review the application at the Southcentral Regional Office in Harrisburg by contacting Cynthia Wolfe at (717) 705-4732 between 7:30 a.m. and 4 p.m., Monday through Friday. A copy of the application is also available at the Department's Altoona District Office, 3001 Fairway Drive, Altoona. To set up a file review, contact Kathy Ciampali, (814) 946-7290.

Persons with a disability who wish to provide comments and attend the hearing, or both, and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact the Department for assistance. TDD users may use the AT&T Relay Service, (800) 654-5984.

#### **BUREAU OF DEEP MINE SAFETY**

##### **Request for Variance**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from Black Wolf Coal Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Paul L. Hummel, Acting Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (act) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224(b) of the act states that whenever any working place in a mine approaches within 50 feet of abandoned workings in that mine certified by an engineer or within 200 feet of any abandoned workings which cannot be inspected, or within 200 feet of any other abandoned workings, boreholes shall be drilled at least 20 feet in advance of the face of the working place. Boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into the workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of the working place to a distance of at least 20 feet at an angle of 45 degrees. Rib holes shall be drilled in one or both ribs of the working place as may be necessary for adequate protection of persons working in the place.

*Summary of the Request:* Black Wolf Coal Company requested a variance from section 224(b) of the act to drill horizontal boreholes to establish parameters for the design of mining barrier pillars between the Quecreek No. 1 Mine and any adjacent abandoned mine works.

##### **Request for Variance**

The Bureau has received a request for variance from Dana Mining Company of PA, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Paul L. Hummel, Acting Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401

Section 702 of the act provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224(b) of the act states that whenever any working place in a mine approaches within 50 feet of abandoned workings in that mine certified by an engineer or within 200 feet of any abandoned workings which cannot be inspected, or within 200 feet of any other abandoned workings, boreholes shall be drilled at least 20 feet in advance of the face of the working place. Boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into the workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of the working place to a distance of at least 20 feet at an angle of 45 degrees. Rib holes shall be drilled in one or both ribs of the working place as may be necessary for adequate protection of persons working in the place.

*Summary of the Request:* Dana Mining Company of PA, Inc. requested a variance from section 224(b) of the act to provide an alternate method of drilling in advance of mining at the Titus Mine.

**Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Fowler Run Watershed**

The Department of Environmental Protection (Department) is holding a public meeting on Monday, January 13, 2003, at 6 p.m. at the Jefferson County Conservation District Building in Jefferson County to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 Section 303(d) of the Clean Water Act.

One stream segment in the Fowler Run Watershed has been identified as impaired on the 1996 and 1998 Pennsylvania 303(d) lists due to depressed pH and high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
51125	Fowler Run	3.35

The proposed plan provides calculations of stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.1 of the 96 hour LC 50 0.75	Total Recoverable
Iron	1.5 0.3	Total Recoverable Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th and to the mid 20th

centuries. The effects of this are still present. The allocations made in the TMDL are load allocations which are made to nonpoint sources of pollution.

The TMDL was developed using Monte Carlo Simulation to determine long term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over the past 10 years.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Barbara Hajel, Licensed Professional Geologist, Knox District Mining Office, P. O. Box 669, Knox, PA 16232, (814) 797-1191, bhajel@state.pa.us. Directions to the Jennings Environmental Education Center meeting place can also be obtained by contacting this address. The TMDL can be accessed through the Department website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and by clicking "GO."

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should call (814) 797-1191 and ask for the ADA Coordinator to discuss how their needs may be best accommodated. If needed, individuals may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed to the ADA Coordinator at (814) 797-1191.

Written comments will be accepted at the previous address and must be postmarked by March 12, 2003. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on Monday, January 13, 2003. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 03-60. Filed for public inspection January 10, 2003, 9:00 a.m.]

**Technical Advisory Committee on Diesel-Powered Equipment Meeting Cancellation**

The Technical Advisory Committee on Diesel-Powered Equipment meeting scheduled for January 21, 2003, has been cancelled. The next meeting is scheduled for April 15, 2003, at 10 a.m. in the Fayette County Health Center, Uniontown. For information, contact Allison Gaida, (724) 439-7289, e-mail [agaida@state.pa.us](mailto:agaida@state.pa.us).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 03-61. Filed for public inspection January 10, 2003, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2002, the maximum compensation payable under the Workers' Compensation Act, under Article 1, §§ 105.1 and 105.2 shall be \$675 per week for injuries occurring on and after January 1, 2003. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2003, the percentage increase in the Statewide Average Weekly Wage is 2%

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 03-62. Filed for public inspection January 10, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department:

In the City of Chester, Delaware County, Department District 6, the parcel containing 2,460 square feet of unimproved ground, has been declared excess and is situated on 4th Street between Madison and Upland Streets. The estimated fair market value is \$900. The property is an easement, to be sold to the Underlying Fee Holder, Community Light & Sound, Inc. To express objections or to obtain more information, contact Ray DeMasi, District 6-0, R/W Unit, (610) 205-6507.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Andrew L. Warren, District Administrator, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 03-63. Filed for public inspection January 10, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; International Water Safety Foundation; Doc. No. SC02-12-027

Notice is hereby given of the Order to Show Cause issued on December 27, 2002, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 208 and 209 of the Insurance Department Act of 1921 (40 P. S. §§ 46 and 47); and section 5 of the Unfair Insurance Practices Act (40 P. S. § 1171.5).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-64. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Tammy Mason; Prehearing

#### Appeal of Tammy Mason under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF02-12-014

A telephone prehearing conference initiated by this office shall be conducted on February 18, 2003, at 1:30 p.m.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 4, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed by February 11, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-65. Filed for public inspection January 10, 2003, 9:00 a.m.]

**Keystone Health Plan East Community; Rate Filing; Filing ID A66020001**

On December 23, 2002, Keystone Health Plan East submitted a filing to increase rates for the medical products and prescription drug riders.

	<i>Medical</i>	<i>Prescription Drugs</i>
Requested Rate Increase	14.8%	18.5%
Contracts Affected	342,000	262,000
Additional Annual Income	\$198 million	\$44 million

An effective date of April 1, 2003, has been requested.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-66. Filed for public inspection January 10, 2003, 9:00 a.m.]

**Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's

regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Harrisburg Administrative Hearings Office, Capital Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Herbert C. Jordan; file no. 02-182-10660; Conemaugh Valley Mutual Insurance Co.; doc. no. P02-12-018; January 28, 2003, at 1:30 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-67. Filed for public inspection January 10, 2003, 9:00 a.m.]

**MUNICIPAL POLICE  
OFFICERS' EDUCATION  
AND TRAINING  
COMMISSION**

**Mandatory In-Service Course Descriptions and Tuition Rates**

The following courses will be provided through the network of certified training academies. Individuals with questions about a course should contact their primarily utilized academy.

*Required Course*

**(03-201) Legal Update (3 hours)**

This required course will provide students with updated information on: significant changes in the Commonwealth's Crimes Code and Vehicle Code, the Rules of Criminal Procedure and the Rules of Evidence; a review of pertinent case law from the United States Supreme Court, the Commonwealth's Supreme Court, Superior Court and Commonwealth Court in the areas of search and seizure as well as vehicle-related and general case law; and additional topics and content will be addressed as course design permits.

Tuition per officer: \$16.25

*Elective Courses*

**(03-319) Terrorism and Law Enforcement** (6 hours)

This course will examine issues relating to terrorism. It will present information regarding nuclear, biological and chemical threats and present initial response guidelines for first responding officers who must function within the emergency management system. The course can provide threat and vulnerability-assessment information that can be used to identify potential targets. Issues such as antiterrorism intelligence sources and interdiction efforts can be addressed. This will be a timely course in light of recent events. This will be an optional course.

Tuition per officer: \$24.25

**(03-320) Stalking** (3 hours)

This class will examine the crime of stalking, its nature and prevalence, various methods of stalking behavior and the types of stalkers as delineated by their motivation. This course can also examine the nature of cyber stalking. An essential aspect of this course will be to present recommendations for the law enforcement response to and investigation of the crime of stalking. This course will examine an issue not systematically addressed in prior Municipal Police Officers' Education and Training Commission (Commission) training and will be an optional course.

Tuition per officer: \$13.85

**(03-412) Crimes Against the Elderly** (3 hours)

This course is an inclusive study of the various types of abuse, frauds and thefts of the elderly and their property. Instruction provided recognizes the growing concern related to physical abuse of the elderly by family, friends and caretakers. The course will show how the interpretation of 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person) has changed to now include "loved ones" who care for the elderly and who steal their assets; recognizing not only the "organized transient groups" that prey on the elderly, but also local criminals who target the elderly. Students will become familiar with local, State and National organizations that deal with elder abuse. This course was developed by the Philadelphia Police Department in conjunction with Commission staff.

Tuition per officer: \$13.85

**Mandatory In-Service Course Tuition Rates**

**(03-601) F.A.T.S.** (6 hours)

Maximum of 16 officers per class, 3 instructors, 2 assistants

Tuition per officer: \$90

**(03-602) F.A.T.S.** (4 hours)

Maximum of eight officers per class, one instructor

Tuition per officer: \$35

COL. PAUL J. EVANKO,  
*Commissioner*

[Pa.B. Doc. No. 03-68. Filed for public inspection January 10, 2003, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Rescission Order

Public Meeting held  
December 5, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr., statement follows; Terrance J. Fitzpatrick; Kim Piz-zingrilli

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Global Crossing Telemangement,  
Inc.; A-310670 (2001.0352); Doc. No. C-20027736*

## Rescission Order

*By the Commission:*

On May 23, 2002, Law Bureau Prosecutory Staff filed a Formal Complaint against Global Crossing Telemangement, Inc. (the Respondent), an IXC reseller certificated at A-310670, for failure to file its 2000 Annual Report. Subsequently, on October 29, 2002, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published at 32 Pa.B 5596 (November 9, 2002). The Formal Complaint and Default Order inadvertently stated that Respondent is an IXC reseller. Respondent is actually a CLEC reseller.

Subsequent to the issuance of the Default Order, on November 5, 2002, Respondent filed its outstanding annual report and requested reinstatement of its certificate. Respondent states that in response to the Complaint, it mailed its 2000 Annual Report on June 26, 2002. Respondent thought it was in compliance with our reporting requirements until it received the October 29, 2002, default order. Upon receiving the default order, Respondent states that the issue was due to a misunderstanding of which annual report needed to be filed.

Respondent notes that the default order and our previous letters were mailed to 180 S. Clinton Avenue, Rochester, NY 14646-0700, while its current address is 1080 Pittsford Victor Road, Pittsford, NY 14534. Respondent states that it notified the Commission of its address change in April of 2002. Commission records show that by letter dated April 22, 2002, and received by the Commission on April 25, 2002, Respondent did in fact notify the Commission of its new address and telephone numbers. Commission records also show that no other complaints have been filed against Respondent.

In recognition of the importance of promoting the availability of viable competitive service providers, we will rescind the Default Order and reinstate Respondent's certificate of public convenience. If Respondent again fails to timely file its annual report, we may not be so favorably disposed, and may require Respondent file a new application along with the applicable \$350 application fee; *Therefore,*

*It Is Ordered That:*

1. The Default Order entered October 29, 2002, at this docket is hereby rescinded.

2. The certificate of public convenience held by Global Crossing Telemangement, Inc. at Docket No. A-310670 is hereby reinstated.

3. A copy of this order be published in the *Pennsylvania Bulletin*.

4. The Secretary change the Commission's official records to reflect Respondent's current address at 1080 Pittsford Victor Road, Pittsford, NY 14534. The list for current contact information is found at A-310670 document folder vol.# 0004.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-69. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Rescission Order

Public Meeting held  
December 5, 2002

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

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Intelcom, Inc. (2001.0352); Doc. No. C-20027764; A-310822*

### Rescission Order

*By the Commission:*

On May 23, 2002, Law Bureau Prosecutory Staff filed a Formal Complaint against Intelcom, Inc. (the Respondent), an IXC reseller certificated at A-310822, for failure to file its 2000 Annual Report. Subsequently, on October 29, 2002, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published at 32 Pa.B. 5596 (November 9, 2002).

Subsequent to the issuance of the Default Order, on November 12, 2002, Respondent filed its outstanding 2000 and 2001 Annual Reports. Commission records show that no other complaints have been filed against Respondent since the issuance of its certificate in 1999.

In recognition of the importance of promoting the availability of viable competitive service providers, we will rescind the Default Order and reinstate Respondent's certificate of public convenience. If Respondent again fails to timely file its annual report, we may not be so favorably disposed, and may require Respondent file a new application along with the applicable \$350 application fee; *Therefore,*

*It Is Ordered That:*

1. The Default Order entered October 29, 2002, at this docket is hereby rescinded.

2. The certificate of public convenience held by Intelcom, Inc. at Doc. No. A-310822 is hereby reinstated.

3. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-70. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Rescission Order Statement

LBPS  
v.  
Global Crossing  
Telemanagement, Inc.      Public Meeting December 5, 2002  
DEC-2002-L-0111  
Docket No. C-20027736

LBPS  
v.  
Intelcom, Inc.      Public Meeting December 5, 2002  
DEC-2002-L-0113  
Docket No. C-20027764

### Statement of Commissioner Aaron Wilson, Jr.

We are reinstating these Competitive Local Exchange Carrier's (CLECs) Certificate of Public Convenience only after the Commission initiated a prosecution and suspension of the carriers' operating authority for failure to submit their 2000 and 2001 Annual Reports. The prosecutorial staff recommends against a penalty based on the importance of maintaining a competitive telecommunications market.

These recommendations, however, stand in marked contrast to our practice in the Transportation Industry. In the transportation industry, Formal Complaints and Orders that are issued when a carrier violates our regulations, whether it ranges from their insurance agent's failure to submit the carrier's evidence of insurance to violations involving dress codes or unkempt vehicles, routinely contain language advising the carrier of the violation and the possibility of other action—including a penalty.

Moreover, transportation industry infractions, such as the failure to pay an assessment, a penalty, or submit reports to the Commission, are grounds for permanent revocation or denial of operating authority in the Commonwealth. There is not much consideration given to the importance of competition, the continued delivery of services, or whether a penalty is better than permanent revocation of a carrier's operating authority in some transportation cases. *Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. McGarity Moving Company*, Docket No. C-00104394 (Order adopted March 28, 2002); *Lady Liberty Transportation, Inc.* Docket Nos. A-00107959, et al. (Order adopted August 29, 2002).

This Commission needs a consistent approach, including language advising service providers of the consequences of violating our regulations, regardless of the utility industry involved, prior to imposing or revoking a utility's authority.

If a penalty is appropriate for transportation, it is equally appropriate for telecommunications.

AARON WILSON, Jr.,  
*Commissioner*

[Pa.B. Doc. No. 03-71. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions

to intervene must be filed in accordance with 52 Pa. Code. Each protest should indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, by February 3, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. to 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-00119467. Anthony Aspromonte t/d/b/a ACA Limousine Service** (1252 Echo Lake Road, Tobyhanna, Monroe County, PA 18466)—persons in limousine service, between points in the Counties of Monroe, Pike and Carbon, and from points in said counties, to points in Pennsylvania, and return.

**A-00119468. Philadelphia Marriott West** (111 Crawford Avenue, West Conshohocken, Montgomery County, PA 19428), a corporation of the Commonwealth—persons in group and party service, in vehicles seating 15 passengers or less, including the driver, who are registered guests of the Philadelphia Marriott West, from its facilities located in the Borough of West Conshohocken, Montgomery County, to points in the County of Montgomery, and the City and County of Philadelphia, and return.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00107792, Folder 1, Am-B. Pittsburgh Coach Corp.** (69 Norman Street, Everett, MA 02149), a corporation of the State of Massachusetts, inter alia—persons in limousine service between points in Pennsylvania: *So as to Permit* persons in limousine service, between points in the County of Allegheny. *Attorney:* James W. Patterson, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102-2186.

**Application of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under the application.**

**A-00118764, Folder 2. Empire International, Ltd. t/d/b/a Empire Chauffeur Service** (PO Box 423, Norwood, New Jersey 07648), a corporation of the State of New Jersey, for a brokerage license, evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* Kenneth A. Olsen, 33 Philhower Road, Lebanon, NJ 08833.

**Applications of the following for the approval of the transfer of stock as described under each application.**

**A-00105650, Folder 5000. Robert B. Cellitti Moving & Storage, Inc.** (249-269 Walnut Street, Sunbury, Northumberland County, PA 17801), a corporation of the Commonwealth—for the approval of the transfer of 502 shares of issued and outstanding shares held by Robert B. Cellitti to the following: 168 shares to Robert A. Cellitti, 167 shares to Todd R. Cellitti and 167 shares to Diane E.

Jablonski. *Attorney:* Robert E. Diehl, Jr., 1070 Market Street, Sunbury, PA 17801.

**A-00100359, Folder 5001. Baker's Transportation Services, Inc.** (1400 West First Street, Oil City, Venango County, PA 16301), a corporation of the Commonwealth—for the approval of the transfer of 100 shares of issued and outstanding shares held by Nancy L. Baker, deceased, to the following: 25 shares to Donald L. Baker, 25 shares to Debora L. Sanford, 25 shares to Darlene L. Baker and 25 shares to Diane L. Matthews. *Attorney:* Michael D. Snyder, 314 West Park Street, Franklin, PA 16323.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. James J. Kelly and James R. Kelly t/a James J. Kelly & Son; Doc. No. A-00099407C02, A-00099407*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That James J. Kelly and James R. Kelly, t/a James J. Kelly & Son, respondent, maintains its principal place of business at R.D. 1, Box 118, Eighty Four, PA 15330.

2. That respondent was issued a certificate of public convenience by this Commission on December 3, 1975, at Application Docket No. A-00099407.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00099407.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject

to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Michael E. Hoffman

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

#### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety v. William T. Simmons; Doc. No. A-00028367C02*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That William T. Simmons, respondent, maintains his principal place of business at 327 North 5th St., Lehigh, PA 18235.

2. That respondent was issued a certificate of public convenience by this Commission on November 12, 1935, at Docket No. A-00028367.

3. That, on September 10, 2002, respondent was sent an initial assessment of \$64 for 2002. Respondent failed

to pay the full amount of this assessment; therefore, a balance was due in the amount of \$64.

4. That, on August 17, 2001, respondent was sent an initial assessment of \$38 for 2001. Respondent failed to pay the full amount of this assessment; therefore, a balance was due in the amount of \$38.

5. That respondent has an outstanding assessment of \$102.

6. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S. § 510(c).

7. That respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

WHEREFORE, unless respondent pays the overdue assessments in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience issued to respondent, (2) directs the Pennsylvania Department of Transportation to revoke the motor vehicle registration(s) issued to respondent, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes an additional fine on the respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Michael E. Hoffman

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter



imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services,  
Attention Steve Reed  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services at (717) 783-6190.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-72. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Telecommunications

**A-310923F7004. Adelphia Business Solutions Operations, Inc. and Alltel Pennsylvania, Inc.** Joint petition of Adelphia Business Solutions Operations, Inc. and Alltel Pennsylvania, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Adelphia Business Solutions Operations, Inc. and Alltel Pennsylvania, Inc., by its counsel, filed on December 19, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval 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 by 10 days after the date of publication of this notice. Copies of the Adelphia Business Solutions Operations, Inc. and Alltel Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY  
*Secretary*

[Pa.B. Doc. No. 03-73. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Telecommunications

**A-310830F7000. Verizon Pennsylvania Inc. and Omnipoint Communications, Inc.** Joint petition of Verizon Pennsylvania Inc. and Omnipoint Communications, Inc. for approval of Amendment No. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Omnipoint Communications, Inc., by its counsel, filed on December 19, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of Amendment No. 1 to an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due by 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Omnipoint Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY  
*Secretary*

[Pa.B. Doc. No. 03-74. Filed for public inspection January 10, 2003, 9:00 a.m.]

### Tentative Order

Public Meeting held  
December 19, 2002

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

*Application of A+ Family Movers, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of the household goods in use and property, excluding household goods in use, rights of Morroney Transportation Company, authorized under the certificate issued at A-00033323, F.2, subject to the same limitations and conditions; A-00119235*

*Erik B. Jensen for applicant*

### Tentative Order

*By the Commission:*

This matter comes before the Commission on an application filed August 8, 2002. Public notice of the application was given in the *Pennsylvania Bulletin* of September 21, 2002. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

*Discussion and Findings:*

The applicant is seeking an initial grant of authority to transport household goods in use and property, excluding household goods in use, through a transfer of that authority from Morroney Transportation Company, which is currently certificated to provide that service.

James D. Locke, Jr., president and sole shareholder of A+ Family Movers, Inc. (A+ or applicant) has over 12 years experience in the household goods in use moving industry. A+ has two straight trucks and one pack van for use in the proposed service.

The purchase price for the intrastate operating authority is \$25,000.00. The reason for the transfer is that Nicholas Morroney, president of the transferor, is in poor health and unable to continue to provide service to the public.

A+ has submitted a financial statement dated July 1, 2002. That statement shows current assets of \$100,000.00, tangible assets of \$45,000.00, current liabilities of \$20,000.00, long-term liabilities of \$0.00, leaving owner's equity of \$125,000.00.

In reviewing the authority to be transferred, we find that there are a couple of restrictions that are no longer considered to be in the public interest. The transferor was granted authority in 1935, limited to the operation of six trucks, two tractors and two trailers, the total maximum gross weight of which, with loads, shall not exceed 78,000 pounds. It is our determination that the carrier should be permitted to meet the needs of shippers without a limitation imposed. Since the restriction is being removed by this order, we will issue our decision as a Tentative Order; with publication in the *Pennsylvania Bulletin* to provide a 20 day period during which exceptions may be filed by any interested party.

The authority to be transferred has been operated by the transferor; therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. *In re: Byerly*, 440 Pa. 521 (1970); *Hostetter v. Pa. P.U.C.*, 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

After complete review of the record, we find:

1. The applicant has the experience, equipment and fitness to provide the proposed service.

2. Approval of the unopposed application for transfer is necessary for the continued accommodation and convenience of the public; *Therefore*,

*It Is Ordered:* That the application be and is hereby tentatively approved granting the following rights:

1. To transport as a common carrier, household goods in use, between points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville but not including said places, and from points in said territory to other points in Pennsylvania and vice versa; and

2. To transport as a common carrier, property, excluding household goods in use, between points in Pennsylvania.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held or subsequently granted

to the applicant shall not be construed as conferring more than one operating right.

2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by the applicant, or to approve or prescribe rates sufficient to yield a return thereon.

3. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1103(a)(3) of Title 66 Pa.C.S.

*It Is Further Ordered:* That the applicant shall not provide any service granted in this order until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.

2. Form H evidence of Cargo Insurance.

3. A tariff establishing just and reasonable rates.

*It Is Further Ordered:* That a copy of this tentative order be published in the *Pennsylvania Bulletin* giving the public 20 days from the date of publication to file exceptions.

*It Is Further Ordered:* That absent the filing of exceptions within 20 days from the date of publication, the tentative order shall become final without further Commission action.

*It Is Further Ordered:* That upon the tentative order becoming final and upon compliance with the requirements herein before set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above determined.

*It Is Further Ordered:* That upon compliance with the requirements of this tentative order, the authority granted to Morroney Transportation Company, under the certificate issued at A-00033323, F.2, shall be canceled and the record be marked closed.

*It Is Further Ordered:* That in the event said applicant has not, on or before 60 days from the date the tentative order becomes final, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-75. Filed for public inspection January 10, 2003, 9:00 a.m.]

## STATE POLICE

### Addendum to the Listing of Approved Mobile Video Recording Systems

The State Police, under the authority of sections 5704(16)(ii)(C) and 5706(b)(4) of the Wiretapping and Electronic Surveillance Control Act (act) (18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4)), published at 32 Pa.B. 3862 (August 3, 2002), a notice of Mobile Video Recording

System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 32 Pa.B. 3862, the State Police, under the authority of sections 5704(16)(ii)(C) and 5706(b)(4) of the act, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following list of additional approved mobile video recording systems which meet the minimum equipment standards published at 32 Pa.B. 3862:

SVS-500, ID Control Inc., Derry, NH  
PAVE System, Video Systems Plus, Bryan, TX

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COL. PAUL J. EVANKO  
*Commissioner*

[Pa.B. Doc. No. 03-76. Filed for public inspection January 10, 2003, 9:00 a.m.]

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