

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Public Hearing on a Proposed Rulemaking Regarding Lifetime Dog Licenses

A public hearing has been scheduled to seek input from persons and organizations subject to the Dog Law (3 P. S. §§ 459-101—459-1201) and from other interested parties.

The Bureau of Dog Law Enforcement will conduct a public hearing at 10 a.m. on May 24, 2004, in Room 202, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA. The purpose of the public hearing is to receive input on a proposed rulemaking to 7 Pa. Code § 21.51 (relating to lifetime dog license issuance) allowing for use of microchips and other amendments to 7 Pa. Code Chapter 21 (relating to general provisions; kennels; licensure; dog-caused damages).

Persons wishing to speak at the public hearing should provide the commentator's name, address and telephone number to Mary Bender, (717) 787-3062. Written copies of statements shall be provided at the time of the meeting. Comments and statements shall pertain to the lifetime license provisions of 7 Pa. Code Chapter 21 only. Oral statements will be limited to 10 minutes.

Written comments may also be submitted and must include the commentator's name, address and telephone number. Written comments must be received by May 20, 2004, to be included in the record. Comments should be sent to the Department of Agriculture, Bureau of Dog Law Enforcement, Attn: Mary Bender, Director, 2301 N. Cameron Street, Harrisburg, PA 17110-9408.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-847. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Referendum on Continuation of the Pennsylvania Peach and Nectarine Research Program

Under the applicable provisions of the Agricultural Commodities Marketing Act (3 Pa.C.S. §§ 4501—4513), a referendum was held from March 17, 2004, to March 31, 2004, to determine if the producers affected by the Pennsylvania Peach and Nectarine Research Program (program) wanted the program continue for another 5 years. To pass, a majority of eligible producers voting had to vote in favor of continuing the program.

An impartial Teller Committee (Committee) met on April 12, 2004, to count the ballots. The following results were submitted to me by the Committee: a total of 62 eligible votes were cast, with 49 producers voting in favor of and 13 producers voting against continuing the program. The eligible votes favoring continuation of the program represented 79% of the eligible votes and those against continuation of the program represented 21% of the eligible votes. There were two spoiled or ineligible ballots. Because a majority of the votes were cast in favor of the program, the program shall continue for another 5 years.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-848. Filed for public inspection May 14, 2004, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 4, 2004.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-27-04	Community Bank System, Inc., DeWitt, NY, to acquire 100% of the voting shares of First Heritage Bank, Wilkes-Barre, PA	DeWitt, NY	Filed
4-30-04	Harleysville National Corporation, Harleysville, to acquire 100% of the voting shares of Millennium Bank, Malvern, by means of a merger of Millennium Bank with and into The Harleysville National Bank and Trust Company, a wholly owned subsidiary of Harleysville National Corporation	Harleysville	Effective

**New Charter Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-04	Bucks County Bank Doylestown Bucks County	Doylestown	Approved
4-30-04	Penn Liberty Bank Wayne Delaware County <i>Correspondent:</i> John P. Soukenik, Esq. Elias, Matz, Ternan & Herrick, LLP 734 15th Street, N. W., 12th Floor Washington, D. C. 20005	Wayne	Filed

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-04	Northwest Savings Bank, Warren, PA, and Leeds Federal Savings Bank, Baltimore, MD Surviving Institution—Northwest Savings Bank, Warren, PA	Warren	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-28-04	PeoplesBank, A Codorus Valley Company York York County	The Brogue Center 2514 Delta Road Brogue Chanceford Township York County	Approved
4-28-04	Iron and Glass Bank Pittsburgh Allegheny County	Three Park Manor Drive Robinson Township Allegheny County	Approved
4-29-04	Landmark Community Bank Pittston Luzerne County	Davis Street and Pittston Avenue Scranton Lackawanna County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-29-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 400 Northtowne Square Gibsonia Allegheny County <i>From:</i> 5600 William Flynn Highway Gibsonia Allegheny County	Filed
4-30-04	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 14303 Clearfield-Shawville Highway Clearfield Clearfield County <i>From:</i> 1800 Daisy Street Ext. Clearfield Clearfield County	Filed
4-30-04	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 708 West High Street Ebensburg Cambria County <i>From:</i> 613 West High Street Ebensburg Cambria County	Filed
4-30-04	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 2028 North Center Avenue Somerset Somerset County <i>From:</i> 1514 North Center Avenue Somerset Somerset County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-28-04	CSB Bank Curwensville Clearfield County	Route 879 Clearfield/Curwensville Highway Clearfield Lawrence Township Clearfield County	Approved
5-4-04	S & T Bank Indiana Indiana County	109 Grant Avenue Vandergrift Westmoreland County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-29-04	Gateway Bank of Pennsylvania (In Organization) McMurray Washington County	Articles of Amendment provide for the amendment and restatement of the Articles of Incorporation in their entirety to increase the number of First Directors.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-28-04	Belco Community Credit Union, Harrisburg, and Wellspan Federal Credit Union, York Surviving Institution—Belco Community Credit Union, Harrisburg	Harrisburg	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-30-04	UTI Employees Credit Union Collegeville Montgomery County	50 West Third Avenue Collegeville Montgomery County	Filed

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-849. Filed for public inspection May 14, 2004, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council of the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 26, 2004, 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, (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes 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.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-850. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Pennsylvania Recreational Trails Advisory Board Meeting

The Pennsylvania Recreational Trails Advisory Board of the Department of Conservation and Natural Resources (Department) will hold a meeting on Tuesday, May 18, 2004, at 6:30 p.m. at Damons Restaurant, 120 State Route 93, Hazelton, PA.

Questions concerning this meeting or agenda items should be directed to Vanyla Tierney, (717) 783-2654

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should

contact Jane Fox at (717) 787-2316 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-851. Filed for public inspection May 14, 2004, 9:00 a.m.]

### **Retention of an Archaeological Consulting Firm; Project Reference FDC-500-578**

The Department of Conservation and Natural Resources (Department) will retain an archaeological consultant to conduct Phase 1—3 surveys at various State parks and forests in this Commonwealth. This consultant's area of responsibility shall include projects throughout the entire Commonwealth. Bureau of Facility Design and Construction (Bureau) personnel will identify the sites to be surveyed.

The services shall include the required archaeological surveys and subsequent reports for each project. These surveys and reports are for support of the Bureau's construction program. It is important that, upon assignment of a specific site, the selected firm must be capable of completing the surveys and reports in a timely and expedient manner. The selected firm may be required to complete surveys on multiple sites concurrently and complete and submit reports to the Bureau in a format acceptable to the Historical and Museum Commission (Commission). The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Reports will be mailed to the Commission. The Bureau will receive a duplicate copy of the report. The survey reports will be reviewed by Bureau personnel and, when acceptable, approved by the Bureau. The Bureau will obtain other agency approvals necessary.

Interested professionals and firms must be listed in the most recent edition of *Archaeological Consultants* as maintained by the Commission. Personnel involved in providing these services shall have at least the minimum educational and professional experience requirements as defined by the Commission in Appendix B of *A Comprehensive State Plan for the Conservation of Archaeological Resources, Volume I*; PHMC; 1985.

The Commonwealth strongly encourages the submission of proposals by Socially and Economically Restricted Businesses (SERB).

#### *Information Concerning SERBs*

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

A company and its affiliates have achieved success and are graduated from this State-sponsored program when

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

Contractors and others seeking to identify businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Minority and Women Business Opportunities, Room 502, North Office Building, Harrisburg, PA 17125, (717) 787-7380, [www.dgsapp.state.pa.us/cabd/mwbddata.asp](http://www.dgsapp.state.pa.us/cabd/mwbddata.asp).

#### *SERB Information*

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

1. SERBs qualifying as a result of MBE/WBE certification from the BMWBO must provide their BMWBO certification number or a photocopy of their BMWBO certificate.
2. SERBs qualifying as a result of having their headquarters located in a designated enterprise zone must provide proof of this status, including proof of the location of their headquarters (such as a lease or deed) and confirmation of the enterprise zone in which they are located (obtained from their local enterprise zone office). More information on the locations of enterprise zones can be obtained by calling the Department of Community and Economic Development (DCED), (717) 720-7409, fax (717) 787-4088, [akartorie@state.pa.us](mailto:akartorie@state.pa.us).
3. SERBs qualifying as disadvantaged businesses certified by the Small Business Administration must submit proof of Small Business Administration certification.
4. Companies claiming SERB status, whether as a result of BMWBO certification, Small Business Administration certification as a disadvantaged business or the location of their headquarters in an enterprise zone, must submit proof that their gross annual revenues are less than \$8 million (\$18 million for businesses in the information technology sales or services business). This can be accomplished by including a recent tax or audited financial statement.

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

1. The name and telephone number of the project contact person for the SERB.
2. The company name, address and telephone number of the prime contact person for each specific SERB business included in the proposal. The SERB businesses to which commitments are made must be specified. Credit

will not be received by stating a SERB will be found after the contract is awarded or by listing several companies and stating one will be selected later.

3. The specific work, goods or services the SERB will perform or provide.

4. The location where the SERB will perform these services.

5. The timeframe for the SERB to provide or deliver the goods or services.

6. The amount of capital, if any, the SERB will be expected to provide.

7. The form and amount of compensation each SERB will receive. In the SERB Information portion of the proposal, provide the estimated dollar value of the contract to each SERB.

8. The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the SERB.

9. In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the SERB portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the SERB portion of the proposal.

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

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

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

#### *SERB Participation*

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

*Priority Rank 1*—Proposals submitted by SERBs.

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

*Priority Rank 3*—Proposals submitted with subcontracting commitments to SERBs.

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

#### *SERB Contract Requirements*

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

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

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

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

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

#### *General Requirements and Information*

Firms interested in performing the required services for this project are invited to submit letters of interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, RCSOB, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Marcus Snyder at (717) 787-9290 for general information concerning the archaeological work.

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

A standard Department of General Services Form 150-ASP must accompany the letter of interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from the Department of General Services' website: [www.dgs.state.pa.us](http://www.dgs.state.pa.us). Form 150-ASP may also be obtained in hard copy or on disk in Word '97 format only by contacting the Selections Committee, Department of General Services, Room 104, 18th and Herr Streets, Harrisburg, PA 17125, [pbianchi@exec.gsinc.state.pa.us](mailto:pbianchi@exec.gsinc.state.pa.us). Additional information pertinent to the firm's qualifications to do the work of this contract may be included.

#### *General Requirements*

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

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

Criteria evaluated by the technical review will include:

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

Proposers shall relate their proposals to the previous criteria.

One copy of the SERB section bound and sealed separately from the remainder of the proposal and six

copies of the complete set consisting of the letter of interest and the required forms must be received by 4 p.m. on June 18, 2004. Six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all letters of interest submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-852. Filed for public inspection May 14, 2004, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the

date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

### I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0038920 SEW	Burnham Borough Authority 200 First Avenue Burnham, PA 17009	Mifflin County Burnham Borough	Kishacoquillas Creek Hungry Run 12-A	Y
PA0087734 IW	Marietta Gravity Water Company 1195 River Road P. O. Box 302 Marietta, PA 17547	York County Hellam Township	Dugan's Run 7-I	Y
PA0086118 SEW	Robert Conley Bumper Bob's Restaurant 1875 Old Trail Road Etters, PA 17319-9546	York County Newberry Township	UNT to Fishing Creek 7-E	Y
PA0086479 IW	Dietrich's Milk Products, LLC 100 McKinley Avenue Reading, PA 19605-2199	Berks County Muhlenberg Township	Laurel Run 3-C	Y

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

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**PA0057789**, SEW, SIC 4952, **River Park Office Association, c/o Preferred Plus—Lee Park**, Suite 336, 1100 East Hector Street, Conshohocken, PA 19428. This proposed facility is in Whitemarsh Township, **Montgomery County**.

Description of Proposed Activity: River Park Office facility sewage treatment plant that discharges to the Schuylkill River.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3D and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Water Department is on the Schuylkill River, 4.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 15,000 gpd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>		25	50
Total Suspended Solids		30	60
Ammonia as N		20	40
Fecal Coliform		200 #/100ml	
Dissolved Oxygen	2.0	Monitor and Report	
pH (STD Unit)	6.0		9.0
Total Residual Chlorine		0.5	1.2

**PA0012769**, Industrial Waste, **Rohm & Haas Company, Rohm & Haas—Bristol Plant**, 200 Route 413 Bristol, PA 19007. This application is for renewal of an NPDES permit to discharge treated process wastewater, noncontact cooling water, filter backwash water and stormwater from a manufacturing plant for plastic and synthetic resins in Bristol Township, **Bucks County**. This is an existing discharge to the Delaware River Zone 2 of the Delaware Estuary.

The receiving stream is classified for WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent limitations for total dissolved solids, nitrite and nitrate (as N), fluoride and phenolics, the existing downstream potable water supply considered during the application review is the Philadelphia Water Department, Baxter Water Filtration Plant, approximately 7 miles downstream.

The proposed effluent limits for Outfall 001, based on an average flow of 0.081 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Zinc		Monitor and Report	
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 003, based on an average flow of 0.515 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Zinc		Monitor and Report	
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 008, based on an average flow of 0.529 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Zinc		Monitor and Report	
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 009, based on an average flow of 1.716 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	343	916	24	64	64
BOD <sub>5</sub> (Percent Removal)	88.5				
CBOD <sub>20</sub>	386				
Total Suspended Solids	572	1,860	40	130	130
TSS (Percent Removal)	85				
pH	within limits of 6.0—9.0 standard units at all times				
Total Dissolved Solids (Issuance to Year 2)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report
(Year 3 to Expiration)	Monitor and Report	Monitor and Report	1,000	2,000	2,500
Methylene Chloride	0.572	1.274	0.040	0.089	0.100
Total Cyanide	6.011	17.174	0.420	1.200	1.200
Phenol	0.215	0.372	0.015	0.026	0.038
Acenaphthene	0.315	0.844	0.022	0.059	0.059
Acrylonitrile	1.374	3.463	0.096	0.242	0.242
Benzene	0.530	1.946	0.037	0.136	0.136
Carbon-Tetrachloride	0.258	0.544	0.018	0.038	0.045
Chlorobenzene	0.214	0.400	0.015	0.028	0.038
1,2,4-Trichlorobenzene	0.973	2.00	0.068	0.140	0.170
Hexa-Chlorobenzene	0.214	0.400	0.015	0.028	0.038
1,2 Dichlorethane	0.973	3.02	0.068	0.211	0.211
1,1,1-Trichloroethane	0.300	0.774	0.021	0.054	0.054
Hexachloroethane	0.300	0.774	0.021	0.054	0.054
1,1-Dichloroethane	0.315	0.844	0.022	0.059	0.059
1,1,2-Trichloroethane	0.300	0.773	0.021	0.054	0.054
Chloroethane	1.488	3.835	0.104	0.268	0.268
Chloroform	0.300	0.658	0.021	0.046	0.053
2-Chlorophenol	0.444	1.403	0.031	0.098	0.098
1,2-Dichlorobenzene	1.102	2.333	0.077	0.163	0.193
1,3-Dichlorobenzene	0.444	0.630	0.031	0.044	0.078
1,4-Dichlorobenzene	0.215	0.401	0.015	0.028	0.038
1,1-Dichloroethylene	0.229	0.358	0.016	0.025	0.040
1,2-Trans-Dichloroethylene	0.301	0.772	0.021	0.054	0.054
2,4-Dichlorophenol	0.558	1.746	0.039	0.112	0.112
1,2-Dichloropropane	2.190	3.292	0.153	0.230	0.383
1,3-Dichloropropylene	0.415	0.630	0.029	0.044	0.073
2,4-Dimethylphenol	0.258	0.515	0.018	0.036	0.045
2,4-Dinitrotoluene	1.617	4.079	0.113	0.285	0.285



<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
2,6-Dinitrotoluene	3.654	9.174	0.255	0.641	0.641
Ethylbenzene	0.458	1.546	0.032	0.108	0.108
Fluoranthene	0.356	0.973	0.025	0.068	0.068
Methyl Chloride	1.230	2.719	0.086	0.190	0.215
Hexachloro-Butadiene	0.286	0.701	0.020	0.049	0.050
Napthalene	0.315	0.844	0.022	0.059	0.059
Nitrobenzene	0.386	0.973	0.027	0.068	0.068
2-Nitrophenol	0.587	0.987	0.041	0.069	0.103
4-Nitrophenol	1.030	1.775	0.072	0.124	0.180
2,4-Dinitrophenol	1.016	1.760	0.071	0.123	0.178
4,6-Dinitro-O-Cresol	1.116	3.964	0.078	0.277	0.277
Bis (2-ethylhexyl) phthalate	1.474	3.993	0.103	0.279	0.279
Di-N-Butylphthalate	0.386	0.816	0.027	0.057	0.068
Diethyl Phthalate	1.159	2.905	0.081	0.203	0.203
Dimethyl Phthalate	0.272	0.673	0.019	0.047	0.047
Benzo (a) Anthracene	0.315	0.844	0.022	0.059	0.059
Benzo (a) Pyrene	0.329	0.873	0.023	0.061	0.061
3,4-Benzo Flouranthene	0.329	0.873	0.023	0.061	0.061
Benzo (k) Flouranthene	0.315	0.844	0.022	0.059	0.059
Chrysene	0.315	0.844	0.022	0.059	0.059
Acenaphthylene	0.315	0.844	0.022	0.059	0.059
Anthracene	0.315	0.844	0.022	0.059	0.059
Fluorene	0.315	0.844	0.022	0.059	0.059
Phenanthrene	0.315	0.844	0.022	0.059	0.059
Pyrene	0.358	0.959	0.025	0.067	0.067
Tetrachloro-Ethylene	0.315	0.844	0.022	0.056	0.056
Toluene	0.372	1.145	0.026	0.080	0.080
Trichloroethylene	0.300	0.774	0.021	0.054	0.054
Vinyl Chloride	1.488	3.835	0.104	0.268	0.268
Total Chromium	15.866	39.643	1.110	2.770	2.770
Total Copper	20.752	48.373	1.450	3.380	3.625
Total Lead	4.580	9.875	0.320	0.690	0.800

<i>Parameters</i>	<i>Mass (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Instantaneous Maximum</i>	<i>Instantaneous Maximum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Nickel	24.186	56.960	1.690	3.980	4.225
Total Zinc	15.027	37.353	1.05	2.61	2.61
Dichlorobromo-Methane			Monitor and Report	Monitor and Report	
Chlorodibromo-Methane			Monitor and Report	Monitor and Report	
Total Phenols			Monitor and Report	Monitor and Report	
Bromoform			Monitor and Report	Monitor and Report	
PCBs Total			Monitor and Report	Monitor and Report	

The proposed effluent limits for Outfalls SW-3 and SW-9, based on an average storm event, are as follows:

<i>Parameters</i>	<i>Concentrations (mg/l)</i>
	<i>Maximum Daily</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
Suspended Solids	Monitor and Report
pH	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron, Dissolved	Monitor and Report
Acenaphthene	Monitor and Report
Acrylonitrile	Monitor and Report
Benzene	Monitor and Report

<i>Parameters</i>	<i>Concentrations (mg/l)</i>
	<i>Maximum Daily</i>
Carbon-Tetrachloride	Monitor and Report
Chlorobenzene	Monitor and Report
1,2,4-Trichlorobenzene	Monitor and Report
Hexa-Chlorobenzene	Monitor and Report
1,2 Dichlorethane	Monitor and Report
1,1,1-Trichloroethane	Monitor and Report
Hexachloroethane	Monitor and Report
1,1-Dichloroethane	Monitor and Report
1,1,2-Trichloroethane	Monitor and Report
Chloroethane	Monitor and Report
Chloroform	Monitor and Report
2-Chlorophenol	Monitor and Report
1,2-Dichlorobenzene	Monitor and Report
1,3-Dichlorobenzene	Monitor and Report
1,4-Dichlorobenzene	Monitor and Report
1,1-Dichloroethylene	Monitor and Report
1,2-Trans-Dichloroethylene	Monitor and Report
2,4-Dichlorophenol	Monitor and Report
1,2-Dichloropropane	Monitor and Report
1,3-Dichloropropylene	Monitor and Report
2,4-Dimethylphenol	Monitor and Report
2,4-Dinitrotoluene	Monitor and Report
2,6-Dinitrotoluene	Monitor and Report
Ethylbenzene	Monitor and Report
Fluoranthene	Monitor and Report
Methyl Chloride	Monitor and Report
Hexachloro-Butadiene	Monitor and Report
Napthalene	Monitor and Report
Nitrobenzene	Monitor and Report
2-Nitrophenol	Monitor and Report
4-Nitrophenol	Monitor and Report
4,6-Dinitro-O-Cresol	Monitor and Report
Bis (2-Ethylhexyl) Phthalate	Monitor and Report
Di-N-Butyl Phthalate	Monitor and Report
Diethyl Phthalate	Monitor and Report
Dimethyl Phthalate	Monitor and Report
Benzo (a) Anthracene	Monitor and Report
Benzo (a) Pyrene	Monitor and Report
3,4-Benzo Flouranthene	Monitor and Report
Benzo (k) Flouranthene	Monitor and Report
Chrysene	Monitor and Report
Acenaphthylene	Monitor and Report
Anthracene	Monitor and Report
Fluorene	Monitor and Report
Phenanthrene	Monitor and Report
Pyrene	Monitor and Report
Tetrachloro-Ethylene	Monitor and Report
Toluene	Monitor and Report
Trichloroethylene	Monitor and Report
Vinyl Chloride	Monitor and Report
Total Chromium	Monitor and Report
Total Copper	Monitor and Report
Total Lead	Monitor and Report
Total Nickel	Monitor and Report
Total Zinc	Monitor and Report
Total Phenols	Monitor and Report
PCBs, Total	Monitor and Report

Stormwater only Outfalls SW1—SW8, SW10, SW12, SW13, SW15, SW16 and SW18—SW21 are not required to be monitored, but are subject to the terms and conditions of other requirement no. 17 (requirements applicable to stormwater outfalls).

Other Conditions: 85% reduction of suspended solids per Delaware River Basin Commission (DRBC) requirements; 88.5% reduction of BOD<sub>5</sub> per DRBC requirements; approved chemical usage; thermal requirements; stormwater monitoring requirements; PCBs monitoring and minimization plan; WET test requirements; PPC plan requirement; and acceptance of outside R & H and non-R & H wastestream.

The EPA waiver is not in effect.

**PA0011002**, IW, SIC 2893, **American Inks and Coatings Corporation**, P. O. Box 803, Valley Forge, PA 19482. This proposed facility is in Schuylkill Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontact cooling water and stormwater from the facility.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3D and is classified for WWF. The nearest downstream public water supply intake for the Pennsylvania American Water Company is on the Schuylkill River, 7.5 miles below the point of discharge.

The proposed effluent limits for Outfalls 001—003, based on an average flow of 36,350 GPD, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for stormwater Outfalls 003—005 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Report
COD			Report
Oil and Grease			Report
pH			Report
Total Suspended Solids			Report
Total Kjeldahl Nitrogen			Report
Total Phosphorus			Report
Iron (Dissolved)			Report

The EPA waiver is in effect.

**PA0010944**, IW, SIC 2821, **Occidental Chemical Corporation**, 375 Armand Hammer Boulevard, P. O. Box 699, Pottstown, PA 19464-0699. This proposed facility is in Pottstown Borough, **Montgomery County**.

Description of Proposed Activity: Occidental Chemical Corporation, Industrial Waste NPDES renewal application for stormwater and inhouse emergency discharges to the Schuylkill River in Lower Pottsgrove Township, Montgomery County.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3D and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pennsylvania American Home Water Division is on the Schuylkill River, 4 miles below the point of discharge.

The proposed effluent limits for Outfall 303 oil/water separator are as follows:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Dissolved Solids	1,000	2,000	2,500
Total Suspended Solids	30	60	75
Oil and Grease	15		
Temperature			110°F
pH	within limits of 6.0 standard units a all times		
Zinc	Monitor and Report	Monitor and Report	

The proposed effluent limits for Outfall 103, from firewater reservoir overflow, are as follows:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Dissolved Solids	1.0		1.0

The proposed effluent limits for Outfalls 003—006 are as follows:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>			Monitor and Report
Chemical Oxygen Demand			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Water Priority Chemicals			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Phosphorous			Monitor and Report
Nitrogen			Monitor and Report

<i>Parameters</i>	<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
Iron (Dissolved)			Monitor and Report
Total Zinc			Monitor and Report

The EPA waiver is in effect.

**PA0011533**, Industrial Waste, SIC 2911, **Sunoco, Inc. (R & M), Girard Point Processing Area**, 3144 Passyunk Avenue, Philadelphia, PA 19145-5299. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: The facility, generally characterized as a petroleum refinery, has following operations: crude oil processing; fluid catalytic cracking; catalytic desulfurization; HF alkylation; catalytic reforming; and sulfur recovery and isomerization.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3F and is classified for WWF and MF. There are no public water supply intake in this Commonwealth.

The proposed effluent limits for Outfalls 001 and 009 occurs only during emergency consists of partially treated process water commingled with the stormwater runoff are as follows:

<i>Parameters</i>	<i>Concentration Limits (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	26.4	48.0	66.0
Total Suspended Solids	21.6	34.0	55.0
COD	180	360	450
Oil and Grease	8.0	15.6	20.0
Phenolic Compounds	0.17	0.35	0.43
Chromium, Total	0.42	0.72	1.05
Chromium, Hex	0.028	0.062	0.07
pH	within limits of 6.0 to 9.0 STD units at all times		

The proposed effluent limits for Outfalls 002 and 014, solely consist of contaminated stormwater runoff are as follows:

<i>Parameters</i>	<i>Effluent Limitations (mg/l)</i>
	<i>Instantaneous Maximum</i>
Total Organic Carbon	110
Oil and Grease	15
pH	within limits of 6.0 to 9.0 STD units at all times

The proposed effluent limits for Outfalls 004 and 011 consist of 2.1 MGD and 3.1 MGD respectively of noncontact cooling water are as follows:

<i>Parameters</i>	<i>Effluent Limitations (mg/l)</i>
	<i>Instantaneous Maximum</i>
Total Organic Carbon	5.0 mg/l
Temperature	110°C
pH	within limits of 6.0 to 9.0 STD units at all times

The proposed effluent limit for Outfalls 005, 010 and 012 consist of uncontaminated stormwater runoff are as follows:

<i>Parameters</i>	<i>Effluent Limitations (mg/l)</i>	
	<i>Average Monthly</i>	<i>Daily Maximum</i>
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Total Suspended Solid	Monitor and Report	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron, Dissolved	Monitor and Report	Monitor and Report

The proposed effluent limitations for Outfall 015 consist of 7.1 MGD treated industrial wastewater are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration Limits (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Month</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	1,482	2,964	28	56	70
CBOD <sub>20</sub>	2,170				
BOD <sub>5</sub> Percent Removal	89.25				
COD	11,861	22,858	200	386	500
Total Suspended Solids	1,359	2,131	23	36	58
Oil and Grease	495	927	8.4	15.7	21.0
Ammonia as N	927	2,039	16.0	34.5	40.0
Sulfide	9.0	20.0	0.15	0.38	0.38
Phenolic Compounds	7.9	22.9	0.133	0.390	0.390
Chromium, Total	9.28	26.63	0.157	0.450	0.450
Chromium, Hex	0.757	1.729	0.013	0.03	0.03
Fluoride	763	1,527	13.0	26.0	33.0
Total Residual Oxidant			Monitor and Report	0.2	0.5
Phosphorus as P			Monitor and Report	Monitor and Report	
Copper, T			Monitor and Report	Monitor and Report	
Lead, T			Monitor and Report	Monitor and Report	
Zinc, T			Monitor and Report	Monitor and Report	
1,2 Dichloroethane			Monitor and Report	Monitor and Report	
Tetrachloroethylene			Monitor and Report	Monitor and Report	
Trichloroethylene			Monitor and Report	Monitor and Report	
Toxicity Chronic (TU <sub>c</sub> )			Monitor and Report	Monitor and Report	
PCBs		Monitor and Report		Monitor and Report	
Phenols			shall not exceeds 2.0 mg/l at all times		
pH			within limits of 6.0 to 9.0 STD units at all times		

In addition to the effluent limits, the permit contains the following major special conditions: stormwater runoff calculations; intake credit for various wastestream; CBOD<sub>20</sub> allocation; BOD<sub>5</sub>; percentage removal; approved chemical additives; approved EPA test methods; permit modification upon modeling of estuary; limitation of contaminated stormwater runoff; plant operation effectiveness; thermal mixing zone definition; TRO definition; stormwater outfalls requirements; chronic toxicity requirements; and PCBs minimization plan.

**PA0042617**, Industrial Waste, SIC 3490, **Uniform Tubes, Inc.**, 200 West Seventh Avenue, Collegeville, PA 19426. This proposed facility is in Trappe Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontact cooling water, treated groundwater and stormwater runoff into a dry swale that drains to an unnamed tributary to Perkiomen Creek.

The receiving stream, an unnamed tributary to Perkiomen Creek, is in the State Water Plan watershed 3E and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Suburban Water Company is on the Perkiomen Creek, approximately 7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1054 MGD.

<i>Parameters</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 (mg/l)</i>
Temperature					110°F
pH			within limits of 6.0—9.0 standards units at all times		

The proposed effluent limits for Outfall 002 are based on an average flow of 0.1054 MD and are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene	0.005	0.010	0.013
1,1,1-Trichloroethane	0.2	0.4	0.5
Chromium, Hexavalent	0.009	0.018	0.023
1,4-Dioxane	Monitor and Report	Monitor and Report	Monitor and Report

The proposed effluent limits for Outfall 003, based on an average storm event, are as follows:

<i>Parameters</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Dissolved Iron	Monitor and Report
Manganese, Total	Monitor and Report

Other Permit Conditions:

1. Discharge is to dry swale. Effluent shall not create a health hazard.
2. No chemicals are permitted for control of corrosion scaling, and the like. No stripper tower cleaning wastewater discharges are permitted.
3. Permittee shall submit groundwater monitoring reports generated as part of the RCRA corrective action to the Department.

**PA0054402**, Industrial Waste, SIC 3824, **Brooks Instrument, Inc.**, 407 West Vine Street, Hatfield, PA 19440. This proposed facility is in Hatfield Borough, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated groundwater using an air stripper treatment unit. This is an existing discharge to West Branch Neshaminy Creek.

The receiving stream, West Branch Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for AQUA PA is on the Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 mgd.

<i>Parameters</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 mg/l</i>
Trichloroethylene			0.005	0.010	0.013
Tetrachloroethylene			0.005	0.010	0.013
pH	within limits of 6.0—9.0 standard units at all times.				

In addition to the effluent limits, the permit contains the following major special conditions: remedial measures; obtain property rights; BAT/BCT reopener; change of ownership; TMDL/WLA reopener; no stripping tower cleaning wastewater; dry stream discharge; proper sludge disposal; quarterly groundwater monitoring; annual groundwater report; and laboratory certification.

The EPA waiver is in effect.

**PA0055107**, Sewage, SIC 4952, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This application is for renewal of an NPDES permit to discharge treated sewage from the Baltimore Pike Wastewater Treatment Plant in East Marlborough Township, **Chester County**.

The receiving stream, an unnamed tributary to East Branch Red Clay Creek, is in the State Water Plan watershed 3I White Clay and is classified for TSF, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics. There are no downstream public water supply intakes on East Branch or Red Clay Creek in this Commonwealth. Red Clay Creek crosses the State line approximately 4.6 miles downstream of the discharge point. The nearest water supply intake on Red Clay Creek in Delaware is approximately 7 miles downstream from the State line.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
Total Phosphorus				
(4-1 to 10-31)	2.0	3.0		4.0
Total Residual Chlorine	0.06			0.14
Fecal Coliform		200 colonies/100 ml		
Dissolved Oxygen		minimum of 5.0 at all times		
pH	within limits of 6.0—9.0 standard units at all times			

In addition to the effluent limits, the permit contains the following major special conditions: DMR to the Department; average weekly definition; remedial measures if unsatisfactory effluent; no stormwater; acquire necessary property rights; small stream discharge; proper sludge disposal; watershed reopener; and Cl<sub>2</sub> requirements.

**PA0043974**, Sewage, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460. This application is for renewal of an NPDES permit to discharge treated sewage from the Valley Forge Sewer Authority treatment plant in Schuylkill Township, **Chester County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 9.2 MGD, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	16.0			32.0
Total Residual Chlorine	0.5			1.6
Total Copper			Monitor and Report	
Total Lead			Monitor and Report	
Total Zinc			Monitor and Report	
Free Cyanide			Monitor and Report	
Total Arsenic			Monitor and Report	
Total Cadmium			Monitor and Report	
Hexavalent Chromium			Monitor and Report	
Total Selenium			Monitor and Report	
Total Silver			Monitor and Report	
Total Mercury			Monitor and Report	
Fecal Coliform		200 colonies/100 ml as a geometric average		
Dissolved Oxygen		minimum of 5.0 mg/l at all times		
pH		within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Stormwater Outfall 002 are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report
Fecal Coliform	Monitor and Report

The EPA waiver is not in effect.

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

**PA0228796**, SIC 4952, **Matthew M. Barr**, 667 Marjorie Mae Street, State College, PA 16803. This proposed action is for a new NPDES permit for discharge of treated sewage to Halfmoon Creek in Halfmoon Township, **Centre County**.

The receiving stream is in the Little Juniata Watershed (11-A) and is classified for HQ, CWF, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply considered during the evaluation is the Pennsylvania American Water Company below the discharge on the West Branch Susquehanna River.

*Outfall 001:* The proposed effluent limits, based on a design flow of 0.0006 MGD, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Free Chlorine Residual	Monitor	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 SU at all times	

The EPA waiver is in effect.

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

**PA0216500**, Industrial Waste, SIC, 9999, **Viacom, Inc.**, 11 Stanwix Street, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated groundwater from Beaver in Vanport Township, **Beaver 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 the Midland Borough Water Authority on the Ohio River, 8.0 miles below the discharge point.

*Outfall 001GW:* existing discharge, design flow of 0.0432 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	0.072				
Suspended Solids			20	40	
Trichloroethylene			0.02	0.04	
Manganese			2.0	4.0	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0024082**, Sewage, **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the Avonmore Borough Sewage Treatment Plant in Avonmore Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kiskiminetas River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.19 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		60
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0032085**, Sewage, **Department of Conservation and Natural Resources, Prince Gallitzin State Park**, 966 Marina Road, Patton, PA 16668. This application is for renewal of an NPDES permit to discharge treated sewage from the Prince Gallitzin State Park STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaverdam Run, 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 near Milton.

*Outfall 001:* existing discharge, design flow of 0.12 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	30,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0034614**, Sewage, **RAS Development LP**, 12 Arenzen Boulevard, Charleroi, PA 15022. This application is for renewal of an NPDES permit to discharge treated sewage from the Mountain Pine Resort STP in Saltlick Township, **Fayette County**.



The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Indian Creek Valley Water Authority.

*Outfall 001:* existing discharge, design flow of 0.035 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 as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0043869**, Sewage, **North Hempfield Volunteer Fire Company**, R. R. 15, Box 200, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the North Hempfield Volunteer Fire Company STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Brush 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 Pennsylvania American Water Company—Pittsburgh.

*Outfall 001:* existing discharge, design flow of 0.002 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
Ammonia Nitrogen (5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 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.

**PA0091588**, Sewage, **Yough School District**, 99 Lowbar Road, Herminie, PA 15637. This application is for renewal of an NPDES permit to discharge treated sewage from the Yough Jr. High School STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Sewickley Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Water Authority.

*Outfall 001:* existing discharge, design flow of 0.0135 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
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
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	0.18			0.41
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.

**PA0092932**, Sewage, **Berardo Maragni**, 1056 Mount Pleasant Road, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the Berardo Maragni STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Brush Creek, which is 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—Pittsburgh.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	3.2			6.4
(11-1 to 4-30)	8.1			16.2
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine	1.4			3.3
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.

**PA0093211**, Sewage, **Menallen Township Sewer Authority**, P. O. Box 576, New Salem, PA 15468. This application is for renewal of an NPDES permit to discharge treated sewage from the Buffington Sewage Treatment Plant in Menallen Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunlap Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Brownsville Water Company.

*Outfall 001*: existing discharge, design flow of 0.2 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	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	8.5	12.8		17.0
(11-1 to 4-30)	25.0	37.5		50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096695**, Sewage, **Frazier School District**, 142 Constitution Street, Perryopolis, PA 15473. This application is for renewal of an NPDES permit to discharge treated sewage from the Central Elementary School STP in Jefferson Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Little Redstone Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the California Water Company.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	9.0			18.0
(11-1 to 4-30)	25.0			50.0

## NOTICES

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098345**, Sewage, **Connellsville Area School District**, Administrative Building, 125 North Seventh Street, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated sewage from the Clifford Pritts Elementary School STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Indian Creek Valley Water Authority.

*Outfall 001*: existing discharge, design flow of 0.007735 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)	20,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098400**, Sewage, **Albert Gallatin School District**, 2625 Morgantown Road, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from the Albert Gallatin South Junior High School and the Friendship Hill Elementary School STP in **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Georges Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Dunkard Valley Joint Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.0143 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
Ammonia Nitrogen (5-1 to 10-31)	20.0			40.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205281**, Sewage, **New Sewickley Township Municipal Authority**, 233 Miller Road, Rochester, PA 15074-2759. This application is for renewal of an NPDES permit to discharge treated sewage from the Tri-County Commerce Park Sewage Treatment Plant in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as swale which leads to an unnamed tributary of North Fork Big Sewickley Creek, which is 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.

*Outfall 001:* existing discharge, design flow of 0.05 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	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Total Residual Chlorine	0.01			0.03
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.1 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	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9	2.9		3.8
(11-1 to 4-30)	2.8	4.2		5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Total Residual Chlorine	0.01			0.03
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205729**, Sewage, **Estate of Lois A. Grose, Attn: Charles R. Grose**, 4141 Henderson Road, Hickory, PA 15340. This application is for renewal of an NPDES permit to discharge treated sewage from the Lois A. and Walter Grose Small Flow Treatment Facility in Blaine Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Wolf Run, which are classified as a HQ WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is in West Virginia.

*Outfall 001:* existing discharge, design flow of 0.0008 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
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216267**, Sewage, **Patterson-Kurelic Rental**, P. O. Box 608, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the Pine Garden Apartments STP in Loyalhanna Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Boatyard Run, 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 Municipal Authority of Buffalo Township.

*Outfall 001:* existing discharge, design flow of .006 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	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218201**, Sewerage, **RoxCoal, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from the Augustus Deep Mine Portal Sewage Treatment Plant in Shade Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Coal Run, 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 Municipal Authority of Buffalo Township along the Allegheny River.

*Outfall 003:* new discharge, design flow of 0.002 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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 1504406**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is in East Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Expansion of the existing Little Washington Wastewater Treatment Plant from 120,000 to 155,500 gallons per day.

**WQM Permit No. 1504407**, Sewerage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This proposed facility is in East Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater treatment plant.

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

**WQM Permit No. 6404401**, Sewerage, **Camp Lavi**, 311 Dennis Street, Oceanside, NY 11572. This proposed facility is in Buckingham Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4003403**, Sewerage, **Sand Springs Development Corporation**, 4511 Falmer Drive, Bethlehem, PA 18020. This proposed facility is in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4804402**, Sewerage, **Bath Borough Authority**, P. O. Box 87, Bath, PA 18014. This proposed facility is in Upper Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: This project involves construction of a pump station to convey public sewage from Penn-Dixie Manor to the Bath Borough Authority.

**NPDES Permit No. PAG042209**, Sewerage, **Roy and Michelle Gordon**, R. R. 2, Box 273A, Susquehanna, PA 18847. This proposed facility is in Oakland Township, **Susquehanna County** and discharges to the Susquehanna River.

Description of Proposed Action/Activity: Issuance of NPDES General Permit.

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

**WQM Permit No. 0693410, Amendment 04-1**, Sewerage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This proposed facility is in Ruscombmanor Township, **Berks County**.

Description of Proposed Action/Activity: Plant expansion.

**WQM Permit No. 0704403**, Sewerage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16601-7114. This proposed facility is in Altoona City, **Blair County**.

Description of Proposed Action/Activity: Replacement of approximately 18,000 linear feet of sanitary sewer.

**WQM Permit No. 6704409**, Sewerage, **Northeastern York County Sewer Authority**, P. O. Box 516, Mount Wolf, PA 17347. This proposed facility is in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Sewer and pumping system the Chestnut Valley Phases III and IV Subdivision.

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

**WQM Permit No. 4704201**, Industrial Waste 4931, **PPL Montour LLC**, Two North Ninth Street, Allentown, PA 18101. This proposed facility is in Derry Township, **Montour County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate facilities to treat coal pile runoff. The facilities will be a pump station, neutralization plant and settling in the existing ash basin.

**WQM Permit No. 0804403**, Sewage 4952, **Karen Cummins**, R. R. 4, Box 4262, Wyalusing, PA 18853. This proposed facility is in Standing Stone Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a single residence sewage plant. The sewage plant will be an aerobic septic tank, two free access sand filters and chlorination.

**WQM Permit No. 5904403**, Sewerage, SIC 4952, **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. This proposed facility will be in Wellsboro Borough, **Tioga County**.

Description of Proposed Action/Activity: Applicant is applying for a permit to authorize the construction and operation of an additional screening structure, to be installed at CSO Outfall 002. Discharge from the plant is to Marsh Creek (WWF).

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

**WQM Permit No. 0272418-A4**, Sewerage, **Riverview Sanitary Authority**, 3100 University Boulevard, Route 51, Moon Township, PA 15108. This proposed facility is in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and modification of the Riverview Sanitary Authority Sewerage Treatment Plant.

**WQM Permit No. 6573448-A6**, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. This proposed facility is in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Youghiogheny WWTP Sludge Drying Beds.

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

**WQM Permit No. 2504412**, Sewerage, **John W. Britton**, 9620 Donation Road, Waterford, PA 16441. This proposed facility is in Summit Township, **Erie County**.

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

**WQM Permit No. 6104402**, Sewerage, **Christine M. and Silas W. Clark**, 1071 Shot Gun Club Road, Emlenton, PA 16373. This proposed facility is in Richland Township, **Venango County**.

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

**WQM Permit No. 2004405**, Sewerage, **Ira J. Kelley**, 21833 Guntown Road, Conneautville, PA 16406. This proposed facility is in Summerhill Road, **Crawford County**.

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

**WQM Permit No. 4304410**, Sewerage, **Gary M. Chizmar**, 129 Kennard Road, Greenville, PA 16125. This proposed facility is in Sugar Grove Township, **Mercer County**.

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

#### **IV. NPDES Applications for Stormwater Discharges from MS4**

#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904005	Clifford Starr Clifford Staff Funks Mill Road P. O. Box 84 Zion Hill, PA 18981	Bucks	Springfield Township	Cooks Creek HQ

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

*Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404007	Richard Frautschi 214 Blackberry Hill Rd. Port Matilda, PA 16870	Centre	Patton Township	Buffalo Run HQ-CWF
PAI041404008	Department of Transportation P. O. Box 342 Clearfield, PA 16830	Centre	Marion Township	Nittany Creek (W) CWF Lick Run (E) HQ-CWF

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

*Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056304002	North Strabane Township Municipal Authority 1959 Route 519 South Canonsburg, PA 15317	Washington	North Strabane Township	Little Chartiers Creek HQ-WWF

*Westmoreland County Conservation District: Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056504001	William and Jayne Hoy 2781 Italy Road Pittsburgh, PA 15239	Westmoreland	Washington Township	Unnamed tributary to Thorn Run HQ

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## **CAFO Notices of Intent Received**

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

**PAG123583, CAFO, Jared Rottmund, 69 East Church Road, Stevens, PA 17578.** This proposed facility is in Clay Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: The Jared Rottmund farm is an existing swine operation with a total AEU's of 385. This operation consists of 4,400 finishing swine with a total annual manure production of 9,854 tons. A new swine barn will replace the old swine barn and an additional swine barn will also be constructed. Both barns will be identical 81.5-foot by 22-foot buildings with 6-foot deep below house manure storage facilities. Each barn will have approximately 536,465 gallons of useable storage volume. Of the 2,365,066 gallons of manure generated on the farm, 2,297,066 gallons will be exported from the farm with the remaining 68,000 gallons land applied in the spring to the acres owned by this operation.

The receiving stream, Indian Run, is in watershed 7-J and classified for TSE.

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 the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State narrative water quality standards.

**MS4 Notices of Intent Received**

*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>	<i>Department Protocol (Y/N)</i>
PAG132270	Courtdale Borough Box 197 Courtdale, PA 18704	Luzerne	Courtdale Borough	Toby Creek WWF Susquehanna River WWF	Y

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG138331	City of New Castle 230 North Jefferson Street New Castle, PA 16101	Lawrence	City of New Castle	Mahoning and Shenango Rivers, Neshannock Creek and Big Run	Y

## **PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

### **SAFE DRINKING WATER**

#### **Applications Received under the Pennsylvania Safe Drinking Water Act**

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

<b>Permit No. 1604501</b> , Public Water Supply Applicant	<b>Limestone Township General Municipal Authority</b>
Township or Borough	Limestone Township
Responsible Official	William Kodrich, Chair
Type of Facility	PWS
Consulting Engineer	Jack A. Rokavec, P. E. Maguire Group Inc. 1040-4 Benner Pike State College, PA 16801
Application Received Date	April 19, 2004
Description of Action	Construction of a PWS system to serve approximately 330 homes and businesses in portions of Limestone Township, Clarion County. The water system will consist of 104,280 LF of water mains, a 350,000-gallon potable water storage tank with adjacent rechlorination building, an abovegrade 100 gpm booster pumping station and underground meter vault.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

### **PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release



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

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

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

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

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

**Mark Development Company (Walgreens Store No. 07739),** City of Scranton, **Lackawanna County.** Christopher D. Carlson, P. G., Senior Project Manager, ATC Associates, 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 has submitted a Notice of Intent to Remediate (on behalf of Mark Development Company, P. O. Box 1389, Kingston, PA 18704) concerning the remediation of site soils for benzene and benzidine as the result of historic site operations. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate will be published in the *Scranton Times Tribune*.

**Munoz Residence,** East Stroudsburg Borough, **Monroe County.** Salvatore Sciascia, President, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 has submitted a Notice of Intent to Remediate (on behalf of

Francisco Munoz, Oak Street, East Stroudsburg, PA) concerning the remediation of soils impacted by the release of no. 2 fuel oil during a delivery. The applicant proposes to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Pocono Record* on March 30, 2004. A Final Report was simultaneously submitted.

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

**Agway Curryville Property,** North Woodbury Township, **Blair County.** Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway, Inc., 333 Butternut Drive, Syracuse, NY 13214, submitted a Notice of Intent to Remediate soils and groundwater impacted by fertilizer (nitrate, nitrite and ammonia) and herbicides (atrazine, alachlor, cyanazine and metolachlor). The intended future use of the property is continued use as an agricultural property.

**Agway Lebanon Surplus Property,** West Lebanon Township, **Lebanon County.** Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway, Inc., 333 Butternut Drive, Syracuse, NY 13214, submitted a Notice of Intent to Remediate soils and groundwater impacted by volatile and semivolatile compounds, fuel-related VOCs, naphthalene and used motor oil. The intended future use of the property is as a nonresidential commercial property.

**Aspens, Inc.,** City of Lebanon, **Lebanon County.** MACTEC Engineering and Consulting, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462, on behalf of Beneficial Communities, LLC, 3131 Clark Road, Suite 203, Sarasota, FL 34231 and George Christianson, 411 Chestnut Street, Lebanon, PA 17042, submitted a revised Notice of Intent to Remediate site soils contaminated with inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on February 9, 2004.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**Vine Street Property (BVK, Inc.) Cleanup,** Berwick Borough, **Columbia County.** AGI Aegis Company, Inc., on behalf of BVK, Inc., Castletown Square North, 4290 Rt. 8, Allison Park, PA 15101, has submitted an Amended Notice of Intent to Remediate soil and groundwater contaminated with PAHs, fuel oil no. 2, chlorinated organic compounds, PCBs, metals and other organic compounds. This site is being remediated to meet the Special Industrial Area Requirements. A summary of this Amended Notice of Intent to Remediate was reported to have been published in the *Press Enterprise* on April 2, 2004.

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

**Operation Nehemiah/Former Caruso Property,** Wilkesburg Borough, **Allegheny County.** Christopher Hartigan, The Fourth River Company, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Constance Balthrop, 235 Eastgate Drive, Pittsburgh, PA 15235) has submitted a Notice of Intent to Remediate groundwater contaminated with lead, gasoline constituents and tetrachloroethylene and its products of decomposition. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of

Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on March 14, 2004.

**Reitz No. 4 Site (Former)**, Shade Township, **Allegheny County**. Peter A. Pellissier, P. E., EA Engineering, Science and Technology, Inc., 15 Loveton Circle, Sparks, MD 21152 (on behalf of Alan Comp, AMD & ART, Inc., 411 Third Ave., Johnstown, PA 15906) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics, other organics, PCBs and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune-Democrat* on March 28, 2004.

**Proposed Bausman Street Independent Living Property**, City of Pittsburgh, **Allegheny County**. Mary King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Richard Ripley, Ripley & Sons, 1910 South 18th Street, Pittsburgh, PA 15203 and Kevin Hanley, Bauseman Street Independent Living, Inc., 50 South 14th Street, Pittsburgh, PA 15203) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with other organics, inorganics, lead and pesticides. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Edgewater Street, LTD Property (Former)**, Borough of Oakmont, **Allegheny County**. Charles Haefner, KU Resources, Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Maureen Ford, RIDC, 425 Sixth Ave., Suite 500, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, heavy metals, solvents and SVOCs. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley News Dispatch* on March 24, 2004.

**Phase II Monessen Riverfront Redevelopment**, City of Monessen, **Westmoreland County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 (on behalf of Jay Bandieramonte, Redevelopment Authority of the County of Westmoreland, 601 Courthouse Square, Greensburg, PA 15601) has submitted a Notice of Intent to Remediate soil contaminated with fuel oil no 6, inorganics, lead and PAHs. The applicant proposes to remediate the site to meet the Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on February 24 and 29, 2004.

**Franklin Mills Site**, Borough of Franklin, **Cambria County**. Von Eric Fisher, P. G., KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of Richard McNulty, 1125 Main Street, Johnstown, PA 15909 and John Toth, EMF Development Corp., 365 Bassett Road, Hooversville, PA 15936) has submitted a Notice of Intent to Remediate for this site contaminated with asbestos, PCBs, lead and organics. The applicant proposes to remediate the site to meet Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune-Democrat* on March 30, 2004.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste**

#### Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 101390. Waste Management of Indian Valley**, 400 Progress Drive, Telford, PA 18969-1191, Hilltown Township, **Bucks County**. This application was received for the permit renewal for the Indian Valley Transfer Station. The application was received by the Southeast Regional Office on April 28, 2004.

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

**Permit ID No. 301268. Hansen Engineering, Inc.**, 167 Laidley's Run Road, West Alexander, PA 15376. An application for the renewal of a permit for a residual waste processing facility in West Finley Township, **Washington County** was received in the Regional Office on May 3, 2004.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

### PLAN APPROVALS

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

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

**01-05016E: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for construction of a new Gyradisc Crusher, hopper, feeders and associated conveyors and elevators, all controlled by an existing fabric filter baghouse in Hamiltonban Township, **Adams County**.

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

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

**40-303-009C: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) for modification and operation of an existing batch mix asphalt plant in Jenkins Township, **Luzerne County**. The plant will be modified to use waste derived liquid fuel (WDLF) and recycled asphalt pavement (RAP). WDLF will be heated in a preheater prior to being used. RAP will be introduced into the pug mill. Particulate emissions from the plant will be controlled by a baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**35-315-035B: The Procter and Gamble Paper Products Co.** (PA Route 87, Mehoopany, PA 18629) for construction and operation of two paper machines in Washington Township, **Wyoming County**.

The company submitted to the Department an application for approval for a modification to an existing plan approval issued for the construction and operation of two paper machines. The proposed change would occur at the sources in Washington Township, Wyoming County. The application was submitted under 25 Pa. Code § 127.11 and has been reviewed in accordance with all applicable air quality regulations.

The proposed modification and changes are not subject to the requirements of PSD regulations. A preliminary review of the information submitted by The Procter and Gamble Paper Products Company indicates that the construction and operation of the proposed two paper

machines will meet all applicable air quality requirements. Based upon these findings, the Department plans to approve the application and issue a permit for the modification of two paper machines.

The information provided by the applicant and the Department's own analysis indicates that after modification emissions from these paper machines will either remain the same or have an expected decrease in the NOx emissions. Particulate emissions will be reduced to 54.9 tpy from 63.9 tpy; CO emissions will remain the same at 306 tpy; VOCs will remain the same at 380.2 tpy; and NOx emissions will increase from 162.2 tpy to 206.9 tpy. The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards. A decreasing of NOx emissions from the existing boilers by installing low NOx burners will offset NOx emission increases from these two paper machines. No net increase will occur in NOx emissions from this project, therefore, the modification is not subject to the NSR requirement.

To assure compliance with the applicable standards, the Department will place the following conditions on the plan approval.

1. Stack test shall be performed in accordance with 25 Pa. Code Chapter 139 to show compliance with the applicable standards.
2. NOx emissions from boilers 1, 2 and 4 shall be recorded continuously.

Persons who wish to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval should submit the information to the following address. Written comments should include the name, address and telephone number of the person submitting the comment, identification of proposed Plan Approval 35-315-035B and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Request for a public fact finding conference or hearing should also be made by writing the Department at the following address. A public conference may be held if the Department, in its discretion, decides that a conference is warranted on the basis of the information received. Persons who have submitted comments or have requested a conference will be notified of the decision to hold a conference by publication in a newspaper, in the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Comments and requests must be received by the Department by 30 days after final publication date and should be sent to Mark J. Wejkszner, P. E., Chief of Engineering Services, Air Quality Program, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511.

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

**06-05002C: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522) for installation of a midkiln air injection system on portland cement kiln 2 at their facility in Maiden creek Township, **Berks County**. The system is designed to reduce the emissions of NOx, SO<sub>2</sub> and CO from the kiln. The kiln is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Facilities. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to

keep the source operating within all applicable air quality requirements. The facility is presently covered by Title V Operating Permit 06-05002. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

**36-03092B: Donegal Rock Products, LLC** (P. O. Box 10, Rheems, PA 17570) for modification of the former Union Quarries, Inc. limestone crushing plant in West Donegal Township, **Lancaster County**. The modifications include the replacement of an existing triple deck screen and addition of a conveyor. PM emissions from the plant are estimated at less than 12 tons per year. The plan approval and operating permit will contain emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

**36-05079C: Chester County Solid Waste Authority** (722 Division Highway, Narvon, PA 17555) for expansion of the Lanchester landfill to accommodate approximately 3,598,542 cubic yards of additional municipal solid waste in Caernarvon Township, **Lancaster County**. The modification is expected to increase facility emissions of CO by 110 tpy, NOx by 33 tpy, PM10 by 47 tpy, SOx by 52 tpy, NMOCs by 12 tpy and VOCs by 4 tpy. The landfill is a major Title V facility subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Waste Landfills, 40 CFR Part 61, Subpart M, 61.154—National Emission Standard for Asbestos: Standard for Active Waste Disposal Sites and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The plan approval and operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**41-310-012A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for installation of an air cleaning device, a water spray dust suppression system, on various pieces of stone crushing, and the like, equipment in Hagerman's Run Plant 12 in Armstrong Township, **Lycoming County**.

The proposed water spray dust suppression system will replace an existing water spray dust suppression system currently used for the control of fugitive particulate matter from a number of pieces of existing stone crushing, and the like, equipment operating under Plan Approval 41-310-012. It will also be used to control the fugitive particulate matter from a primary crusher and associated feeder and conveyor, the construction of which was approved by Plan Approval 41-310-012 but which have not yet been constructed. Following the installation of the proposed water spray dust suppression system, the emission of fugitive particulate matter from the existing stone crushing, and the like, equipment is expected to decrease from the level now occurring but the magnitude of the decrease is unknown. The installation of the proposed water spray dust suppression system is expected to help better assure compliance with applicable fugitive air contaminant emission requirements on a consistent basis.

The Department's review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contaminant emissions from the respective stone crushing,

and the like, equipment will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the proposed water spray dust suppression system, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart OOO of the Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. Based on this finding, the Department proposes to issue plan approval.

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

1. All of the spray nozzles identified in the application and supplemental materials submitted for Plan Approval 41-310-012A shall be installed. Additional nozzles may be installed without prior Department approval but none of those identified in the application and supplemental materials may be omitted or deleted.

2. The water spray dust suppression system shall be connected to an on-demand water supply capable of delivering an adequate supply of water to all spray nozzles at any time the stone crushing, and the like, equipment is operating. If the water spray dust suppression system is incapable of operation, the stone crushing, and the like, equipment shall not be operated.

3. The water spray dust suppression system shall be equipped with a winterization system to allow for cold weather operation.

4. The water supply system shall incorporate a filter to remove particulate which could clog the water spray dust suppression system spray nozzles.

**59-00005E: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for installation of an air cleaning device, a high pressure fuel injection system, on a 2,000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 6) at their Sabinsville Compressor Station in Clymer Township, **Tioga County**. The Sabinsville Compressor Station is a major facility which has been issued a Title V Operating Permit 59-00005.

The proposed air cleaning device will supplement existing air pollution controls on the respective engine and will help better assure compliance with NOx emission limitations previously established for the engine under the reasonably available control technology requirements of 25 Pa. Code §§ 129.91—129.95. This installation will not result in any change in the amount of NOx or any other air contaminant allowed to be emitted from the engine but may result in a reduction in the emission rate of one or more air contaminants from the levels now actually occurring.

The Department's review of the information submitted by Dominion Transmission, Inc. indicates that the proposed installation will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue plan approval for the installation of the proposed high pressure fuel injection system on the respective engine. Additionally, if the Department determines that the engine is operating in compliance with all applicable plan approval conditions and regulatory requirements following the installation of the high pressure fuel injection system, the conditions established in the plan approval will be incorporated into

Title V Operating Permit 59-00005 by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Following the installation of the high pressure fuel injection system on Engine 6, NO<sub>x</sub>, expressed as NO<sub>2</sub>, emissions from the respective engine shall not exceed 13.23 pounds per hour at full load/full speed and 26.4 pounds per hour at any time. Additionally, the emission of VOCs and CO from the engine shall not exceed 3.5 and 11.96 pounds per hour, respectively.
2. Within 120 days of the completion of installation of the high pressure fuel injection system, stack testing shall be performed for NO<sub>x</sub>, VOCs and CO.
3. Semiannual NO<sub>x</sub> portable analyzer testing shall be performed on the engine.
4. Records shall be maintained of the number of hours per month that the engine is operated per month and the amount of fuel used per month.
5. The engine shall only be fired on pipeline quality natural gas.

**18-315-001: First Quality Tissue, LLC** (599 South Highland Street, Lock Haven, PA 17745) for construction of a paper towel and tissue manufacturing facility in Castanea Township, **Clinton County**.

The respective facility, if constructed, will be a major facility for which a Title V operating permit will have to be obtained.

The facility will consist of no. 1 and no. 2 paper machines, each of which will consist of a pulper area, a wet end area, a first stage dryer, a glue containment area, a second stage dryer, a dry end area and a converting area. The facility will also incorporate additional scrap paper pulpers, printing presses, additive storage tanks, a wastewater treatment system, various small natural gas/propane-fired unit heaters and makeup air units and a 300 horsepower diesel-fired fire pump.

The PM emissions, including PM<sub>10</sub>, from each of the paper machine wet end areas will be controlled by a cyclone collector. The PM, including PM<sub>10</sub>, from each of the paper machine dry end areas will be controlled by a venturi scrubber system. The NO<sub>x</sub> emissions from the combustion of fuel in the paper machines' first stage dryer burners, second stage dryer burners and second stage boilers will be minimized by the use of low NO<sub>x</sub> burners.

The paper towel and tissue manufacturing facility will emit up to 167.55 tons of NO<sub>x</sub>, 269.73 tons of CO, 335.52 tons of VOCs, 36.44 tons of PM, including PM<sub>10</sub>, 1.64 tons of SO<sub>x</sub> and 2.35 tons of HAPs in any 12 consecutive month period.

The facility's VOC and NO<sub>x</sub> emissions are subject to the New Source Review (NSR) provisions of 25 Pa. Code §§ 127.201—127.217. The Department has determined that the proposed level of VOC and NO<sub>x</sub> emission control will satisfy the lowest achievable emission rate requirement of these regulations and also, under 25 Pa. Code § 127.205(5), that the benefits of the proposed facility will significantly outweigh the environmental and social costs associated with the facility. The Department has also determined that First Quality Tissue, LLC must obtain 192.68 tons of NO<sub>x</sub> emission reduction credits as well as 385.85 tons of VOC emission reduction credits before the

facility may begin operation. First Quality Tissue, LLC has committed to obtaining these emission reduction credits in a timely fashion.

The facility's NO<sub>x</sub>, CO, PM and PM<sub>10</sub> emissions are subject to the Prevention of Significant Deterioration (PSD) regulations of 40 CFR 52.21 and 25 Pa. Code § 127.83. The Department has determined that the proposed level of NO<sub>x</sub>, CO, PM and PM<sub>10</sub> emission control will satisfy the best available control technology requirement of these regulations and that the emission of these air contaminants will not endanger the maintenance of any applicable National Ambient Air Quality Standard or result in the consumption of more ambient increment than is available in the Castanea Township area.

The maximum annual NO<sub>x</sub> ambient concentration is projected to be 69.3 micrograms per cubic meter (standard is 100 micrograms per cubic meter), the maximum annual PM<sub>10</sub> ambient concentration is projected to be 39.5 micrograms per cubic meter (standard is 50 micrograms per cubic meter) and the maximum 24-hour PM<sub>10</sub> ambient concentration is projected to be 113.5 micrograms per cubic meter (standard is 150 micrograms per cubic meter). The total amount of increment consumed at the respective site, including the impact of the proposed facility, is projected to be 20.9 micrograms per cubic meter of the total allowable 25 micrograms per cubic meter of annual NO<sub>x</sub> increment, 5.3 micrograms per cubic meter of the total allowable 17 micrograms per cubic meter of annual PM<sub>10</sub> increment and 26.3 micrograms per cubic meter of the total allowable 30 micrograms per cubic meter of 24 hour PM<sub>10</sub> increment. This will leave 4.1 micrograms per cubic meter of annual NO<sub>x</sub> increment, 11.7 micrograms per cubic meter of annual PM<sub>10</sub> increment and 3.7 micrograms per cubic meter of 24-hour PM<sub>10</sub> increment available for future industrial, and the like, growth in the Castanea Township area.

The PSD regulations also require an analysis of the impact of the facility's projected NO<sub>x</sub>, CO, PM and PM<sub>10</sub> emissions on visibility, soils and vegetation. The Department has determined that there will be no adverse impact on local visibility and minimal impacts on soil and vegetation.

All of the air contaminant emissions to be emitted from the facility are also subject to the best available technology (BAT) provisions of 25 Pa. Code §§ 127.1 and 127.12. The Department has determined that the proposed level of control for all air contaminants will satisfy these requirements.

The Department's review of the information submitted by First Quality Tissue, LLC indicates that the proposed paper towel and tissue manufacturing facility will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department proposes to issue plan approval for the construction of the respective facility.

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

1. The paper towel and tissue manufacturing facility is to be constructed in accordance with the plans submitted with the application (as approved herein).
2. This plan approval is issued for the construction of a paper towel and tissue manufacturing facility comprised of the following:

A. Two paper machines each comprised of the following:

- i. Pulper area, incorporating a pulper.
- ii. Wet-end area, incorporating a wet-end former.
- iii. No. 1 dryer section, incorporating a natural gas/propane-fired low NOx burner.
- iv. Glue containment area.
- v. No. 2 dryer section, incorporating two natural gas/propane-fired low NOx burners and eight natural gas/propane-fired boilers equipped with ultra-low NOx burners.

- vi. Dry-end area, incorporating a pulper.
- vii. Converting area, incorporating a pulper.

B. Converting area comprised of the following:

- i. Three flexographic printing presses.
- ii. Adhesive application operation.

C. Additive storage tanks.

- i. Six 10,000-gallon wet strength additives storage tanks.
- ii. Two 7,500-gallon creping adhesive storage tanks.
- iii. Two 3,200-gallon dry strength additives storage tanks.
- iv. One 8,000-gallon and two 4,500-gallon sodium hypochlorite storage tanks.
- v. Two 2,600-gallon polyvinyl alcohol storage tanks.

D. Wastewater treatment system.

E. Natural gas/propane-fired unit heaters.

- i. Four 1.20 million Btu per hour.
- ii. One 1.00 million Btu per hour.
- iii. Eighteen 0.80 million Btu per hour.
- iv. Two 0.50 million Btu per hour.
- v. Sixty-six 0.40 million Btu per hour.
- vi. Eight 0.10 million Btu per hour.
- vii. Four 0.075 million Btu per hour.
- viii. Two 0.50 million Btu per hour.

F. Natural gas/propane-fired air make-up units.

- i. Ten 9.70 million Btu per hour.
- ii. Two 2.111 million Btu per hour.
- iii. Two 0.575 million Btu per hour.

G. 300 horsepower, 2 fuel oil-fired diesel fire pump.

3. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the extension provisions of 25 Pa. Code § 127.13, this plan approval shall be null and void if construction has not started within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction.

4. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each of the two paper machines, with the exception of the eight boilers associated with each machine, shall not be operated more than 8,520 hours per year.

5. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM, including PM10, from each of the following sources shall

not exceed the limitations specified. The Department may revise these limitations in response to a request from First Quality which includes moisture content data collected during actual operations.

*Paper Machines 1 and 2*

Pulper	0.12 pound per hour and 0.000442 grain per dry standard cubic foot
Wet-End	0.70 pound per hour and 0.00262 grain per dry standard cubic foot
Dryer No. 1	1.24 pounds per hour and 0.00188 grain per dry standard cubic foot
Dryer No. 2	0.22 pound per hour and 0.00185 grain per dry standard cubic foot
Boilers (eight combined)	0.65 pound per hour
Dry-End	0.75 pound per hour and 0.00262 grain per dry standard cubic foot
Broke Pulper	0.35 pound per hour and 0.00225 grain per dry standard cubic foot

6. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the annual emission of PM, including PM10, from each of the following sources shall not exceed the respective limitation:

*Paper Machines 1 and 2*

Pulper	0.50 ton in any 12 consecutive month period
Wet-End	2.98 tons in any 12 consecutive month period
Dryer No. 1	5.28 tons in any 12 consecutive month period
Dryer No. 2	0.94 ton in any 12 consecutive month period
Boilers (eight combined)	2.85 tons in any 12 consecutive month period
Dry-End	3.20 tons in any 12 consecutive month period
Broke Pulper	1.50 tons in any 12 consecutive month period

*Other Sources*

Unit Heaters and Air Make-Up Units	1.77 tons in any 12 consecutive month period
Diesel Fire Pump	0.17 ton in any 12 consecutive month period

7. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the wet-end area of each paper machine shall be controlled by a cyclone separator with a diameter, cylinder length and cone length of 11, 11 and 18 2/3 feet respectively.

8. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each of the cyclone separators controlling the PM emissions from the wet-end areas shall be equipped with instrumentation to continuously monitor the differential pressure across the respective device.

9. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the

dry-end area of each paper machine shall be controlled by a variable throat venturi scrubber incorporating a mesh pad for mist elimination.

10. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the mesh pad mist eliminators associated with the venturi scrubbers controlling the PM emissions from the dry-end areas shall be equipped with back-spray systems for periodic cleaning.

11. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each of the venturi scrubbers controlling the PM emissions from the dry-end areas shall be equipped with instrumentation to continuously monitor the differential pressure across the scrubber and mesh pad, respectively, as well as equipped with instrumentation to continuously monitor the recirculation, make-up feed and continuous bleed flows.

12. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the recirculation and continuous bleed flows of each of the venturi scrubbers controlling the PM emissions from the dry-end areas shall be maintained at or above 850 gallons per minute and 2.0 gallons per minute, respectively, and the differential pressure across the scrubber shall be maintained at a minimum of 12 inches of water, at all times the respective scrubber is in operation, except that the permittee may deviate from these values during the performance of the stack testing. The Department may revise these operational parameter requirements following the performance of stack testing, based on test results, in response to a request by First Quality or at its own discretion.

13. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the NSR provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO<sub>x</sub>, expressed as NO<sub>2</sub>, from each of the following sources shall not exceed the limitations specified. The Department may revise these limitations in response to a request by First Quality which includes moisture content data collected during actual operations.

*Paper Machines 1 and 2*

Dryer No. 1	12.40 pounds per hour and 85 ppm, dry volume basis, @ 3% O <sub>2</sub>
Dryer No. 2	1.32 pounds per hour and 51 ppm, dry volume basis, @ 3% O <sub>2</sub>
Boilers (eight combined)	2.87 pounds per hour and 25 ppm, dry volume basis, @ 3% O <sub>2</sub>

*Other Sources*

Diesel Fire Pump	0.031 pound per horsepower-hour
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14. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the annual emission of NO<sub>x</sub>, expressed as NO<sub>2</sub>, from each of the following sources shall not exceed the respective limitation:

*Paper Machines 1 and 2*

Dryer No. 1	52.82 tons in any 12 consecutive month period
Dryer No. 2	5.63 tons in any 12 consecutive month period
Boilers (eight combined)	12.57 tons in any 12 consecutive month period

*Other Sources*

Unit Heaters and Air Make-Up Units	23.18 tons in any 12 consecutive month period (combined)
Diesel Fire Pump	2.33 tons in any 12 consecutive month period

15. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the NSR provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, dryers 1 and 2 shall each be equipped with low NO<sub>x</sub> burners. Additionally, each of the boilers shall be equipped with an ultra-low NO<sub>x</sub> burner.

16. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of CO from each of the following sources shall not exceed the limitations specified. The Department may revise these limitations in response to a request by First Quality which includes moisture data collected during actual operations.

*Paper Machines 1 and 2*

Dryer No. 1	18.6 pounds per hour and 206 ppm, dry volume basis, @ 3% O <sub>2</sub>
Dryer No. 2	3.30 pounds per hour and 206 ppm, dry volume basis, @ 3% O <sub>2</sub>
Boilers (eight combined)	7.21 pounds per hour and 100 ppm, dry volume basis, @ 3% O <sub>2</sub>

*Other Sources*

Diesel Fire Pump	0.00668 pound per horsepower-hour
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17. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the annual emission of CO from each of the following sources shall not exceed the respective limitation:

*Paper Machines 1 and 2*

Dryer No. 1	79.24 tons in any 12 consecutive month period
Dryer No. 2	14.06 tons in any 12 consecutive month period
Boilers (eight combined)	31.58 tons in any 12 consecutive month period

*Other Sources*

Unit Heaters and Air Make-Up Units	19.47 tons in any 12 consecutive month period (combined)
Diesel Fire Pump	0.50 ton in any 12 consecutive month period

18. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of SO<sub>x</sub>, expressed as SO<sub>2</sub>, from each of the following sources shall not exceed the respective limitations:

*Paper Machines 1 and 2*

Dryer No. 1	0.087 pound per hour
Dryer No. 2	0.015 pound per hour
Boilers (eight combined)	0.060 pound per hour

19. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the annual emission of SO<sub>x</sub>, expressed as SO<sub>2</sub>, from each of the following sources shall not exceed the respective limitations:

*Paper Machines 1 and 2*

Dryer No. 1 0.38 ton in any 12 consecutive month period

Dryer No. 2 0.07 ton in any 12 consecutive month period

Boilers (eight combined) 0.24 ton in any 12 consecutive month period

*Other Sources*

Unit Heaters and Air Make-Up Units 0.13 ton in any 12 consecutive month period (combined)

Diesel Fire Pump 0.15 ton in any 12 consecutive month period

20. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the NSR provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the dryers, boilers, unit heaters and air make-up units shall only be fired on natural gas or propane. Additionally, the diesel fire pump shall only be fired on virgin diesel or no. 2 fuel oil (diesel or fuel oil to which no reprocessed or waste oil or other waste materials have been added).

21. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the NSR provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, no more than a combined total of 463.75 million cubic feet of natural gas shall be used to fire the unit heaters and air make-up units in any 12 consecutive month period. The company may substitute propane for natural gas, however, only on an equivalent Btu basis.

22. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, as well as the NSR provisions of 25 Pa. Code §§ 127.201—127.217 and the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the diesel fire pump shall not be operated more than 500 hours in any 12 consecutive month period.

23. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the diesel fuel or no. 2 fuel oil used to fire the diesel fire pump shall contain no more than 0.3% sulfur.

24. Under the sulfur compound emission provisions of 25 Pa. Code § 123.21, the concentration of SO<sub>x</sub>, expressed as SO<sub>2</sub>, in the exhaust of the diesel fire pump shall not exceed 500 ppm, by volume, dry basis.

25. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of VOCs resulting from combustion in each of the following sources shall not exceed the respective limitation:

*Paper Machines 1 and 2*

Dryer No. 1 6.70 pounds per hour

Dryer No. 2 0.44 pound per hour

Boilers (eight combined) 0.46 pound per hour

26. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the annual emission of VOCs from each of the following sources shall not exceed the respective limitation:

*Paper Machines 1 and 2*

Dryer No. 1 28.54 tons in any 12 consecutive month period (products of combustion only)

Dryer No. 2 1.875 tons in any 12 consecutive month period (products of combustion only)

Boilers (eight combined) 2.01 tons in any 12 consecutive month period

*Other Sources*

Paper Additives \* 218.93 tons in any 12 consecutive month period (total)

Printing Presses 13.37 tons in any 12 consecutive month period (combined)

Adhesives 0.77 ton in any 12 consecutive month period (total)

Storage Tanks 0.07 ton in any 12 consecutive month period (combined)

Wastewater Additives 24.22 tons in any 12 consecutive month period (total)

Boiler and Cooling Tower Additives 11.85 tons in any 12 consecutive month period (total)

Unit Heaters and Air Make-Up Units 1.27 tons in any 12 consecutive month period (combined)

Diesel Fire Pump 0.19 ton in any 12 consecutive month period

\* Includes VOCs emitted as a result of additives added at the glue containment area.

27. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the VOC content and vapor pressure of each of the following paper additives shall not exceed the limitations specified. The Department may revise these limitations in response to a request by First Quality which includes justification for changes in materials, more accurate quantification of vapor pressure and documentation of investigation of alternate materials potentially emitting less VOCs. Prior Department approval is required for use of alternate materials containing HAPs or materials with a higher VOC content or higher vapor pressure than is specified herein. Substitution of non-HAP containing materials having a lower potential to emit VOCs (factoring in both VOC content and vapor pressure) may be made without prior Department approval. In these instances, notification and supporting documentation must be submitted to the Department within 7 days following the substitution.

Additive	VOC Content lbs/gal, as applied	Vapor Pressure mmHg
Wet Strength No. 1	0.124	0.180
Dry Strength	0.080	0.001
Wet Strength No. 2	0.005	0.180
Softener/Debonder	0.009	0.001
Formation Aid	0.001	0.180
Defoamer	0.010	0.010
Creping Adhesive	0.002	0.010
Release Aid	0.092	0.001
Fabric Release	2.319	1.000
Biocide	0.001	0.500
Drainage Aid	2.285	18.000

28. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of VOCs resulting from the use of paper additives shall not exceed 3.30 pounds per ton of paper towel and other heavy stock paper products manufactured and 1.21 pounds per ton of tissue paper and other light stock paper



products manufactured. Compliance with this limitation shall be based on a calendar month average and the permittee may assume that 23.3% of fabric release VOC content will remain in the product.

29. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the maximum amount of wet strength no. 1, fabric release and drainage aid additives which may be added to the paper products being manufactured shall not exceed the following limitations. The Department may revise these limitations in response to a request by First Quality which includes justification for a change in application rate and documentation of investigation of alternate materials having a lower potential to emit VOCs. Prior Department approval is required for higher usage rates than are specified herein.

<i>Additive</i>	<i>Paper Towel and Other Heavy Stock Paper Products lbs/ton of product</i>	<i>Tissue Paper and Other Light Stock Paper Products lbs/ton of product</i>
	Wet Strength No. 1	30.0
Release Aid	0.562	0.586
Fabric Release	3.88	3.88
Drainage Aid	0.96	0.96

Compliance with this limitation shall be based on a calendar month average.

30. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of HAPs resulting from the use of paper additives shall not exceed 2.22 tons in any 12 consecutive month period.

31. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the VOC content of the inks used in the printing presses shall not exceed 0.15 pound per gallon for the color set no. 1 inks, or any other color inks which may be used in the printing presses, and 0.16 pound per gallon for color set no. 2 inks. Additionally, no more than a combined total of 480 gallons of ink may be used per day. Compliance with the ink usage rate limitation shall be based on a calendar month average.

32. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, no additives, other than water, shall be used to thin the inks used for the printing presses. Additionally, no solvents, other than water, shall be used for cleanup of the presses and associated equipment. If necessary, a mild, non-VOC detergent may be added to the water for cleanup.

33. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the inks and detergents used for the printing presses shall contain no HAPs.

34. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the VOC content and usage rate of each of the following adhesives shall not exceed the limitations specified. The Department may revise these limitations in response to a request by First Quality which includes justification for a change in materials or change in usage rate and documentation of investigation of alternative materials potentially emitting less VOCs. Prior Department approval is required for use of alternate materials containing HAPs or materials with a higher VOC content or for a higher material usage rate

than is specified herein. Substitution of non-HAP containing materials with lower VOC content than are specified herein may be made without prior Department approval. In these instances, notification and supporting documentation must be submitted to the Department within 7 days following the substitution.

<i>Adhesive</i>	<i>VOC Content pounds per gallon</i>	<i>Usage Rate gallons per day</i>
Case Glue	0.000	10.3
Laminating Glue	0.005	40.0
Tail Tie	0.008	4.7
Transfer Glue	0.821	4.7
Core Glue	0.008	14.0

Compliance with the adhesive usage rate limitations shall be based on a calendar month average.

35. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, with the exception of transfer glue, the adhesives used at this facility shall contain no HAPs. As for the transfer glue, this adhesive shall contain no more than 0.0075 pound of HAPs per gallon.

36. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the 15 additive storage tanks identified herein shall each be equipped with pressure relief valves set to release at no less than 0.7 psig of pressure and 0.3 psig of vacuum.

37. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, as well as the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the VOC content of each of the following wastewater treatment additives shall not exceed the respective limitation:

<i>Additive</i>	<i>VOC Content pounds per gallon</i>
Novus Flocculant	2.34
Polyfloc Clarifier	2.18

The Department may revise these limitations in response to a request by First Quality which includes justification for a change in materials and documentation of investigation of alternative materials potentially emitting less VOCs. Prior Department approval is required for use of alternate materials containing HAPs or materials with a higher VOC content. Substitution of non-HAP containing materials with lower VOC content than are specified herein may be made without prior Department approval. In these instances, notification and supporting documentation must be submitted to the Department within 7 days following the substitution.

38. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the total combined HAP emissions resulting from the use of wastewater treatment, cooling tower and boiler additives shall not exceed 100 pounds in any 12 consecutive month period.

39. Under the NSR provisions of 25 Pa. Code §§ 127.201—127.217, the company shall be in possession of 192.68 tons of NO<sub>x</sub> emission reduction credits and 385.85 tons of VOC emission reduction credits prior to the start-up of any source associated with this facility.

40. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, the construction of this facility results in the consumption of a total of 20.9 µg/m<sup>3</sup> of the allowable 25 µg/m<sup>3</sup> annual NO<sub>x</sub> increment, 26.3 µg/m<sup>3</sup> of the allowable 30 µg/m<sup>3</sup> 24 hour and 5.3 µg/m<sup>3</sup> of the allowable 17 µg/m<sup>3</sup> annual PM<sub>10</sub> increment.

41. Under the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, with the exception of an approximate

250-foot section running along the southern edge of the railroad right-of-way, the entire remaining perimeter of the site, as described by the topographical maps provided in the permittee's air dispersion modeling analysis and received by the Department on August 7, 2003, shall incorporate fencing which provides an effective physical boundary which reasonably prevents public access.

42. Within 120 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhausts of the pulper area, the wet-end area, the no. 1 and no. 2 dryers, the boilers, the dry-end area and the broke pulper of paper machine no. 1 to determine the PM emission rate from each of the respective sources. Additionally, the permittee shall perform testing on the no. 1 and no. 2 dryers and the boilers of paper machine no. 1 to determine NO<sub>x</sub>, expressed as NO<sub>2</sub>, and CO emission rates from each of the respective sources. Lastly, the permittee shall perform testing on the no. 1 and no. 2 dryers and the boilers of paper machine no. 1 to determine the emission of VOCs resulting from combustion in each of the respective sources. All testing shall be performed while the paper machine is operating at its maximum rate of production, using test methods and procedures approved by the Department.

43. Within 120 days of achieving maximum production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhausts of the pulper area, the wet-end area, the no. 1 and no. 2 dryers, the boilers, the dry-end area and the broke pulper of paper machine no. 2 to determine the PM emission rate from each of the respective sources. Additionally, the permittee shall perform testing on the no. 1 and no. 2 dryers and the boilers of paper machine no. 2 to determine NO<sub>x</sub>, expressed as NO<sub>2</sub>, and CO emission rates from each of the respective sources. Lastly, the permittee shall perform testing on the no. 1 and no. 2 dryers and the boilers of paper machine no. 2 to determine the emission of VOCs resulting from combustion in each of the respective sources. All testing shall be performed while the paper machine is operating at its maximum rate of production, using test methods and procedures approved by the Department.

44. At least 60 days prior to the performance of any testing required by conditions 42 and 43, the permittee shall submit three copies of a pretest protocol to the Department for review. This protocol shall describe the test methods and procedures to be used in the performance of testing and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

45. At least 10 days prior to the performance of any testing required by conditions 42 and 43, the permittee shall notify the Department of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper notification having first been given.

46. Within 60 days following the completion of testing required by conditions 42 and 43, the permittee shall submit three copies of a test report to the Department. This test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing and

operating load calculations. Since the testing is required for the purpose of demonstrating compliance with limitations identified in conditions contained herein, the results of the testing shall be expressed in units identical to the units of all the limitations identified herein for each of the respective air contaminants.

47. The permittee shall maintain accurate and comprehensive monthly records of the following:

- The number of hours paper machine no. 1 operated each calendar month.
- The number of hours paper machine no. 2 operated each calendar month.
- The number of hours diesel fire pump operated each calendar month.
- The amount of natural gas and propane used to fire the unit heaters and air make-up units each calendar month.
- The identity and the amount of towel and other heavy stock and tissue paper and other light stock, produced each calendar month.
- The identity, the amount used each calendar month and the VOC content of each paper additive used to produce towel or other heavy stock and tissue paper or other light stock, as well as the amount of each HAP contained in the respective additive.
- The identity, the amount used each calendar month and the VOC content of each ink used.
- The identity, the amount used each calendar month and the VOC content of each adhesive used, as well as the amount of each HAP contained in the respective adhesive.
- The identity, the amount used each calendar month and the VOC content of each wastewater treatment additive used, as well as the amount of each HAP contained in the respective additive.
- The identity, the amount used each calendar month and the VOC content of each boiler and cooling tower additive used, as well as the amount of each HAP contained in the respective additive.

These records shall be used by the permittee to calculate the monthly emission of air contaminants from the paper towel and tissue manufacturing facility to demonstrate compliance with the emission limitations specified herein. All background information, assumptions and calculations used in the derivation of these emissions values shall be provided to the Department upon request. Additionally, these records shall be used to demonstrate compliance with the various material VOC content limitations, material usage limitations, and the like, specified herein.

All records generated under this condition, as well as all background information and calculations used in the derivation of any reported values, shall be retained onsite for a period of at least 5 years from the date of generation and shall be provided to the Department upon request. Additionally, all records generated for each calendar quarter shall be submitted to the Department by the 30th day following the respective calendar quarter (reports due on January 30, April 30, July 30 and October 30). This report shall include all background information, assumptions and calculations used in the derivation of the reported values.

48. The 16 boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary

Sources, 40 CFR 60.40c—60.48c. The permittee shall comply with all applicable requirements of these subparts as well as any other applicable subpart of the Standards of Performance, including any recordkeeping and reporting requirements. Under 40 CFR 60.4 of the Standards of Performance, the submission of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made both to the Department and the EPA. The EPA copies should be sent to U. S. EPA Region III; 1650 Arch Street; Philadelphia, PA 19106-2029.

49. The issuance of an operating permit for this facility is contingent upon all sources being constructed, all air cleaning devices being installed and all sources and air cleaning devices being maintained and operated, as described in the plan approval and supplemental materials submitted for this application, and in accordance with all conditions contained herein, and upon satisfactory demonstration that any air contaminant emissions are in compliance with all limitations specified herein, as well as in compliance with all requirements specified in, or established under, all applicable rules and regulations in 25 Pa. Code Article III.

50. The permittee shall immediately notify the Department of any malfunction of any sources or associated air cleaning devices which results in, or may possibly be resulting in, the emission of air contaminants in excess of the limitations specified in, or established under, any applicable rule or regulation in 25 Pa. Code Article III or in excess of the limitations specified in any condition contained herein or which otherwise results in, or may possibly be resulting in, noncompliance with the requirements specified in any condition contained herein.

51. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

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

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

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

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

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

52. Notification required as a result of any condition should be directed to Joseph J. Dwyer, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3642.

### OPERATING PERMITS

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

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

**06-05063: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545) for operation of a gray iron foundry in the Borough of Boyertown and Colebrookdale Township, **Berks County**. The facility is subject to 40 CFR Part 64, Compliance Assurance Monitoring. This action is a renewal of the Title V Operating Permit issued in 1999. The facility is additionally subject to 25 Pa. Code § 129.91, Reasonably Achievable Control Technology (RACT). The Department will hold one public hearing for the purpose of receiving comments on the proposed approval of the RACT plan for VOC emissions from various sources at the facility. The hearing will be held on June 16, 2004, at 9 a.m. in the Reading District Office. The public is invited to present testimony at this hearing. Persons wishing to present testimony should contact Roger Fitterling, Reading District Office, (610) 916-0100. Written comments will be accepted until June 23, 2004, at 1005 Cross Roads Boulevard, Reading, PA 19605.

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

**04-00497: SCA Packaging North America—New Brighton Facility** (800 Fifth Avenue, New Brighton, PA) for renewal of their operating permit in New Brighton, **Beaver County**.

The Department intends to issue a renewal Title V Operating Permit for their expandable resin molding facility which operates two boilers, two expanders and multiple silos and presses. VOC content of expandable polystyrene resins shall not exceed 4.5% and expandable ARCEL resins shall not exceed 8.5%, based on a 30-day rolling average. Annual emissions shall not exceed 97.2 tons VOC per 12-month period.

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

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

**39-00028: Buckeye Terminals, LLC** (P. O. Box 368, Emmaus, PA 18049) for bulk petroleum storage tanks in Lower Macungie Township, **Lehigh County**.

**39-00071: HAB Industries, Inc.** (15 South Albert Street, Allentown, PA 18105) for a textile manufacturing process and boilers in the City of Allentown, **Lehigh County**.

**40-00076: American Asphalt Paving Co.** (500 Chase Road, Shavertown, PA 18708) for a batch asphalt plant and associated air pollution control device in Plains Township, **Luzerne County**.

**48-00078: Silverbrook Anthracite, Inc.** (1 Market Street, Laffin, PA 18702) for a coal processing plant and associated air pollution control device in Newport Township, **Luzerne County**.

**48-00070: Lamson and Sessions** (25701 Science Park Drive, Cleveland, OH 44122) for a manufacturing plant and associated air pollution control devices in Upper Nazareth Township, **Northampton County**.

**54-00055: Summit Anthracite, Inc.** (R. D. 1, Box 12A, Klingerstown, PA 17941) for a coal processing plant and associated air pollution control device in Porter Township, **Schuylkill County**.

**54-00057: Reading Anthracite Co.** (P. O. Box 1200, Pottsville, PA 17901) for a coal processing plant and associated air pollution control device in Butler and West Mahanoy Townships, **Schuylkill County**.

**39-00053: General Mills Inc.** (2132 Downyflake Lane, Allentown, PA 18103) for operation of baking ovens, flours silos, boiler and associated air cleaning devices at their plant in the City of Allentown, **Lehigh County**.

**40-00079: Johns Manville—A Berkshire Hathaway Co.** (600 Jaycee Drive, Hazleton, PA 18201) for operation of polyisocyanurate foam products process and associated air cleaning devices at their plant in Hazle Township, **Luzerne County**.

**40-00075: Truth Hardware** (500 Jaycee Drive, Hazleton, PA 18201) for operation of a fluid clean system and its associated air cleaning devices at their plant in Hazle Township, **Luzerne County**.

**39-00032: Precision Roll Grinders, Inc.** (6356 Champans Road, Allentown, PA 18106) for operation of the application of coating to refurbished rolls throughout the facility and its associated activities at their facility in Upper Macungie Township, **Lehigh County**.

**39-00038: Sure Fit—Division of Fieldcrest Cannon, Inc.** (939 Marcon Boulevard, Allentown, PA 18103) for operation of the boilers and associated accessories at their facility in Hanover Township, **Lehigh County**.

**48-00058: Efforts Foundry, Inc.** (Route 512 Industrial Campus, P. O. Box 158, Bath, PA 18014) for operation of the manufacturing of steel castings and associated process at their plant in Bath Township, **Northampton County**.

**48-00067: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for the stone crushing plant and associated accessories at their plant in Lower Nazareth Township, **Northampton County**.

**48-00073: Stockertown Construction Materials—Division of Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for the stone crushing plant and associated accessories at their plant in Stockertown Borough, **Northampton County**.

**48-00074: Newstech PA, LP** (6 Horwith Drive, Northampton, PA 18067) for operation of a pulp mill and associated air cleaning devices and a boiler at their facility in Northampton Borough, **Northampton County**.

**13-00016: Haulmark Industries, Inc.** (P. O. Box 8, McAdoo, PA 18237) for operation of a spray booth at their facility in Banks Township, **Carbon County**.

**40-00081: Quality Collisions, Inc.** (Box 701, Route 309, Dallas, PA 18612) for operation of a spray both and associated air cleaning devices at their facility in Dallas Borough, **Luzerne County**.

**48-00077: Falk Funeral Home, Inc.** (1418 Main Street, Hellertown, PA 18055) for operation of the human crematory at their facility in Hellertown Borough, **Northampton County**.

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

**06-03003: Hauer Custom Manufacturing, Inc.** (447 Old Swede Road, Douglassville, PA 19518) for operation of their polish and sanitary products facility in Amity Township, **Berks County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**07-03022: Juniata Fabrics, Inc.** (1301 Broadway, Altoona, PA 16603) for operation of their fabric mill in the City of Altoona, **Blair County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**07-03043: McLanahan Corporation** (200 Wall Street, Hollidaysburg, PA 16648) for operation of their steel foundry in Hollidaysburg Borough, **Blair County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**28-03023: Valley Quarry, Inc.** (169 Quarry Road, Chambersburg, PA 17201) for operation of their Mt. Cydonia Sand Plant No. 2 in Greene Township, **Franklin County**. The facility emits approximately 10 tons of PM10 per year. Standard monitoring, recordkeeping and work practice standards are included to keep the facility operating within all applicable requirements.

**38-03012: Sheridan Supply Co., Inc.** (7 Furnace Road, R. D. 2, Newmanstown, PA 17073) for operation of a crushing facility in Millcreek Township, **Lebanon County**. Annual emissions from this facility are expected to be about 2 tons of PM per year. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**17-00052: P and N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) for their Stiner coal processing facility in Goshen Township, **Clearfield County**. The facility's main sources includes one coal crusher with integral screener and two belt conveyors, one 125 HP diesel-fired generator and one 2,000-gallon storage tank. These sources have the potential to emit PM/PM10, NOx, SOx, HAPs and CO below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**08-00008: Guthrie Robert Packer Hospital** (One Guthrie Square, Sayre, PA 18840) for their general medical and surgical hospital facility in Sayre Borough, **Bradford County**. The facility's main sources include three natural gas/no. 2 fuel oil fired boilers and four

diesel fired emergency generators. The facility has taken restrictions to limit potential SO<sub>x</sub> emissions below Title V thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**65-00793: Wilson Scrap Metals Inc.** (330 Wilson Lane, Saltsburg, PA 15681) renewal for operation of a metal smelting and refining plant in Bell Township, **Westmoreland County**.

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### PUBLIC HEARING

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

**66-05063: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545) for operation of a gray iron foundry in the Borough of Boyertown and Colebrookdale Township, **Berks County**. The facility is subject to 40 CFR Part 64, Compliance Assurance Monitoring. This action is a renewal of the Title V Operating Permit issued in 1999. The facility is additionally subject to 25 Pa. Code § 129.91, Reasonably Achievable Control Technology (RACT).

The Department will hold one public hearing for the purpose of receiving comments on the proposed approval of the RACT plan for VOC emissions from various sources at the facility. The hearing will be held on June 16, 2004, at 9 a.m. in the Reading District Office. The public is invited to present testimony at this hearing. Persons wishing to present testimony should contact Roger Fitterling, Reading District Office, (610) 916-0100. Written comments will be accepted until June 23, 2004, at 1005 Cross Roads Boulevard, Reading, PA 19605.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); 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 applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and**

**Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the 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; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

### *Coal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH*			greater than 6.0; less than 9.0
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**40990202R. HUD, Inc. t/a Emerald Anthracite II** (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634), renewal of an existing coal refuse reprocessing operation in Newport and Hanover Townships, **Luzerne County**, affecting 104.2 acres. Receiving streams: None. Application received April 23, 2004.

**40870101R3 and NPDES Permit No. PA0594598. Kaminski Brothers, Inc.** (c/o Great Valley Construction Services, LLC, 100 Baltimore Drive, 4th Floor, East Mountain Corp. Center, Wilkes-Barre, PA 18702), renewal of an existing anthracite surface mine operation in Jenkins Township, **Luzerne County**, affecting 76.6 acres. Receiving streams: Watershed of Lampback and Gardner Creeks. Application received April 26, 2004.

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

**30960701. NPDES Permit No. PA0215201, RAG Emerald Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Emerald Mine No. 1—Coal Refuse Disposal Area No. 2 in Franklin Township, **Greene County** and related NPDES permit. No additional discharges. Application received March 29, 2004.

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

**33040104 and NPDES Permit No. PA0242527. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127), commencement, operation and restoration of a bituminous surface strip operation in Union Township, **Jefferson County**, affecting 16.5 acres. Receiving streams: one unnamed tributary to Simpson Run and Simpson Run and one unnamed tributary to Welch Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received April 20, 2004.

**33980110 and NPDES Permit No. PA0227901. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767), revision to an existing bituminous surface strip operation in Perry Township, **Jefferson County**, affecting 122.3 acres. Receiving streams: unnamed tributaries to Mahoning Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to include a post mining landuse change from forestland to unmanaged natural habitat. Application received April 29, 2004.

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

**11830108 and NPDES Permit No. PA0605972. L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA 16838), surface mining permit renewal for reclamation only in Susquehanna Township, **Cambria County**, af-

fecting 183.4 acres. Receiving streams: unnamed tributary of West Branch of Susquehanna River (CWF), West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received April 5, 2004.

**32803053 and NPDES Permit No. PA0124770. A & T Coal Company, Inc. c/o Vapco Engineering** (P. O. Box 327, Punxsutawney, PA 15767-0327), surface mining permit renewal for reclamation only in Banks Township, **Indiana County**, affecting 160.0 acres. Receiving streams: unnamed tributary to South Branch Bear Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 22, 2004.

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

**63880102 and NPDES Permit No. PA0591025. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225), renewal application for reclamation only of an existing bituminous surface mine in Robinson Township, **Washington County**, affecting 55 acres. Receiving streams: unnamed tributary to Robinson Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received April 27, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E38-135: Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in South Londonderry Township, **Lebanon County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a 20-foot by 7-foot box culvert on a 73 degree skew at the channel of Conewago Creek (TSF) on SR 0241, Section 005, Segment 0060, Offset 0000, about 0.75 mile north of the Village of Lawn (Elizabethtown, PA Quadrangle N: 19.3 inches; W: 4.8 inches) in South Londonderry Township, Lebanon County.

**E01-247: Mount Pleasant Township**, 1035 Beck Road, Gettysburg, PA 17325 in Mount Pleasant Township, **Adams County**, ACOE Baltimore District.

To remove a two-cell 49-inch by 33-inch corrugated metal pipe culvert and then to construct and maintain a 20-foot by 5-foot precast reinforced concrete box culvert with cast-in-place wingwalls upstream and a 6-foot tapered end section downstream at a point where Willow Road (T-421) crosses White Run (WWF) (Gettysburg, PA Quadrangle N: 9.8 inches; W: 6.8 inches) in Mount Pleasant Township, Adams County.

**E67-770: Springettsbury Township**, 1501 Mount Zion Road, York, PA 17402 in Springettsbury Township, **York County**, ACOE Baltimore District.

To construct and maintain a new roadway and associated fill in the floodplain of Codorus Creek (WWF) and an outfall structure with a rip-rap rock apron discharging into Johnson's Run (CWF), all near the intersection of Eden Road and Route 30 (York, PA Quadrangle N: 20.5 inches; W: 13.25 inches) in Springettsbury Township, York County.

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

**E08-413. Ronald S. Kline**, R. R. 2, Box 341, Troy, PA 16947-9798. Stream restoration in Springfield Township, **Bradford County**, ACOE Baltimore District (East Troy, PA Quadrangle N: 10.9 inches; W: 15.7 inches).

To: (1) construct and maintain approximately 400 feet of relocated stream channel; (2) four 20-foot long willow log deflectors in Leonards Creek (WWF); and (3) to restore channel capacity to 100 feet of unnamed tributary beginning at the mouth and proceeding upstream. The project is on the west side of SR 4017 approximately 3

miles north of the intersection of SR 4017 with Route 6. The project will not impact wetlands while impacting approximately 550 feet of waterway.

**E14-460. Union Township**, 125 Sycamore Lane, Julian, PA 16844. Public road crossing unnamed tributary Bald Eagle Creek in Union Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 9.6 inches; W: 13.0 inches).

To construct, operate and maintain a public road crossing an unnamed tributary to Bald Eagle Creek (CWF) to provide improved public access on Jacobs Road (T-398). The crossing of T-398 across the unnamed tributary shall be constructed with a single cell corrugated metal arch culvert pipe that will have a minimum span of 9 feet, rise of 5.3 feet a length of 38 feet. The culvert shall be depressed 1 foot beneath the streambed. As proposed the project will not impact wetlands while impacting 40 feet of waterway that is along the eastern right-of way of SR 0220 approximately 1,500 feet east of Union Township Road T-398 and SR 0220 intersection.

**E49-275. Clarence E. Bailey**, 331 Stone School Road, Northumberland, PA 17857. Water Obstruction and Encroachment joint permit application in Upper Augusta Township, **Northumberland County**, ACOE Susquehanna River Basin District (Sunbury, PA Quadrangle N: 1.31 inches; W: 4.85 inches).

To construct and maintain a concrete dock measuring 17 feet wide by 5 feet high by 60 feet long in the floodway of the Susquehanna River, 0.24 mile north of Sunbury on Packers Island in Upper Augusta Township, Northumberland County. This project proposes to have a minimal impact on the floodway of the Susquehanna River (WWF). The project does not propose to impact any jurisdictional wetlands.

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

**E02-1467. Slade Landscaping and Garden Center**, P. O. Box 2095, Warrendale, PA 15086. Slade Landscaping bridge and outfall in Marshall Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 5.5 inches; W: 11.62 inches) (Latitude: 40° 39' 20" and Longitude: 80° 05' 01"). The applicant proposes to widen, operate and maintain the existing bridge having a span of 23.0 feet with a minimum underclearance of 10.5 feet across the channel of Brush Creek (WWF) to provide access to the Slade Landscaping and Garden Center and to construct and maintain an outfall structure on the stream bank. The project is on the south side of Northgate Drive, approximately 1,700 feet west from the intersection of Northgate Drive and Mount Pleasant Road and will impact 25.0 feet of stream.

**E63-559. Ronald Romanetti**, 206 Agape Road, Hickory, PA 13540. Romanetti stream crossing in Hopewell Township, **Washington County**, Pittsburgh ACOE District (Midway, PA Quadrangle N: 1.3 inches; W: 15.9 inches) (Latitude: 40° 15' 26" and Longitude: 80° 21' 50"). The applicant proposes to construct and maintain a low flow stream crossing consisting of four arch culverts each 20.0 feet in length and having a span of 3.5 feet with an underclearance of 2.4 feet in the channel of Cross Creek (HQ-WWF) for the purpose of providing cattle and tractor access. The project is on the south side of Lynn Portal Road (SR 4035), approximately 5,100 feet north from the intersection of T-635, L. R. 62041 and T-486 and will impact 20.0 feet of stream channel.

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

**E37-161, Lawrence County,** Lawrence County Government Center, 430 Court Street, New Castle, PA 16101. T-485 Stoughton Road bridge across Slippery Rock Creek in Scott Township, **Lawrence County**, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 5.0 inches; W: 4.1 inches).

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having two normal spans of 61.21 feet and a minimum underclearance of 16 feet on a 60 degree skew across Slippery Rock Creek (CWF) approximately 70 feet downstream of the existing bridge on a new alignment involving a total of approximately 700 feet of roadway on T-485, Stoughton Road, approximately 0.4 mile south of SR 108.

**Major Amendment E42-275, Bradford Properties, L. P.**, 609 Alexander Street, Pittsburgh, PA 15220-5503. Bradford Wal-Mart in Foster, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 18.8 inches; W: 15.5 inches).

The original permit giving its consent to fill 0.29 acre of wetlands (PEM and PEM/PSS), install and maintain approximately 150 feet of bank stabilization and create 0.3 acre of replacement wetlands is to be amended giving consent to regrade the failed wetland mitigation area to original contours providing vegetative plantings to achieve stabilization and to create additional floodplain by grading an area approximately 200 feet long ranging 10 to 15 feet in width and reestablishing stabilization with "live stakes" and an appropriate seed mix all to be along the north bank of Foster Brook (CWF) at the Wal-Mart retail center east of East Main Street approximately 1,000 feet north of its intersection with SR 346. The developer will be required to make payment of \$5,000 to the wetland replacement fund in lieu of recreating the failed wetland.

**E43-310, Orion Development RA XLVIII, LLC**, 4125 Freedom Way, Weirton, WV 26062. Eckerd Store 8720 R in the City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 1.2 inches; W: 10.5 inches).

The applicant proposes to construct a commercial development consisting of Eckerd Store No. 8702R (14,735 square feet) at the southeast corner of the intersection of SR 18 and SR 3020 (Lamor Road) involving the channel realignment and reconstruction of an UNT to Pine Hollow Run (WWF, perennial) involving: (1) to construct and maintain a 42-foot long, 5-foot diameter reinforced concrete pipe culvert with a riprap dissipator at the upstream end; (2) to construct and maintain a 210-foot long, 4-foot diameter HDPE plastic pipe stream enclosure; and (3) to reconstruct 150 feet of open stream channel. The project also involves the construction and maintenance of an outfall having a 1.5-foot diameter HDPE stormwater pipe and a utility line stream crossing by a 1.5-foot diameter HDPE stormwater pipe. The project proposes to directly affect 402 linear feet of stream.

**E43-312, John C. Oliver**, 1016 Oliver Building, 535 Smithfield Street, Pittsburgh, PA 15222. Cranberry Swamp habitat enhancement in Deer Creek Township, **Mercer County**, ACOE Pittsburgh District (Hadley, PA Quadrangle N: 16.25 inches; W: 2.0 inches).

To dredge a total of 6,275 linear feet of trapezoidal channel having a bottom width of approximately 15 feet

and a depth of 4 feet to create shallow open-water access within the existing 186 acre wetland shown on the USGS Topographic Map as "Cranberry Swamp." Of the 6,275 feet, 1,525 linear feet is improvement of existing channel and 4,750 feet is the construction of new channel. Excavated or dredged materials will be side-cast within the existing wetland randomly on either side of the channels. The project proposes to impact a total of 4.75 acres of wetland.

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

**E53-398. National Fuel Gas Supply Corporation**, P. O. Box 2081, Erie, PA 16512-1720. Bridge replacement in Hebron Township, **McKean County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle N: 21.56 inches; W: 0.25 inch).

For the purpose of providing access to an existing private residence and an existing gas well, the applicant proposes to remove the existing structure (a wooden plank bridge with a span of 7 feet) and to construct and maintain a steel bridge with a single span of 12 feet and an underclearance of approximately 4 feet across an unnamed tributary to South Branch Oswayo Creek (EV) on an existing access road approximately 400 feet south of the intersection of Route 44 and SR 4008. The applicant also proposes to construct a temporary crossing using a culvert and stream mats approximately 20 feet downstream of the existing bridge. Approximately 40 feet of stream channel will be affected by the project.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA22-013CO. Dauphin County Conservation District**, 1451 Peters Mountain Road, Dauphin, PA 17018. Washington Township, **Dauphin County**, ACOE Baltimore District.

Project proposes to breach and remove Shiffer's Mill Dam across Wiconisco Creek (WWF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is partially breached on the right side and is creating an erosion problem. The dam is approximately 500 feet northeast of the intersection of Shiffer Mill Road (T400) and Lenker Road (T401) (Elizabethville, PA Quadrangle N: 8.05 inches; W: 16.00 inches).

#### WATER QUALITY CERTIFICATIONS REQUESTS

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6945.*

Certification Request initiated by **U. S. Army Corps of Engineers**. Allegheny River, Kinzua Dam, Angler's Fishing Pier in Glade Township, **Warren County**, ACOE Pittsburgh District (Clarendon, Quadrangle N: 16.6, inches; W: 0.5 inch).

Project description: To construct and maintain a 125-foot long by 11.5-foot wide pile supported handicap accessible fishing pier and a 30-foot wide by 30-foot long parking area along the right (north) bank of the Allegheny River immediately downstream of the Kinzua Dam stilling basin (Clarendon, PA Quadrangle N: 16.6 inches; W: 0.5 inch).



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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

**PA0063665**, MS4, **City of Allentown**, 112 Union Street, Allentown, PA 18102-4912. This proposed facility is in the City of Allentown, **Lehigh County**.

Description of Proposed Activity: Renewal of MS4 consisting of 165 miles of storm sewer pipe, with 227 outfalls to the Lehigh River and Little Lehigh, Trout, Cedar, Little Cedar and Jordan Creeks.

The permittee must develop, implement and maintain programs to characterize the outfalls and minimize their impact on water quality.

Permit requirements include: establishing legal authority; source identification; discharge characterization; stormwater management programs including implementation of appropriate best management practices; assessment of controls; adequate fiscal resources and submission of annual report.

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0063851	Sweet Valley Mobile Home Village 26 Updyke Road Hunlock Creek, PA 18621	Ross Township Luzerne County	Unnamed tributary to Roaring Brook 5B	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0217972	The Waterfront Partners, LLC 285 East Waterfront Drive Suite 150 Homestead, PA 15120-5011	Allegheny County Homestead Borough	Monongahela River	Y
PA0095435	Bell Acres Municipal Sewage Authority Municipal Building 1151 Camp Meeting Road Sewickley, PA 15143	Allegheny County Bell Acres Borough	Little Sewickley Creek	Y
PA0097756	Highland Sewer and Water Authority 120 Tank Drive Johnstown, PA 15904	Beaverdam Water Treatment Plant Summerhill Township Cambria County	Beaverdam Run	Y
PA0204161	Valley School of Ligonier P. O. Box 616 Ligonier, PA 15658	Ligonier Township Westmoreland County	Linn Run	Y

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

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

**NPDES Permit No. PAS212213**, Industrial Waste, **Norton Stone Co.**, R. R. 2, Box 135C, New Milford, PA 18834. This proposed facility is in New Milford Township, **Susquehanna County**.

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

**NPDES Permit No. PAG042209**, Sewage, **Roy and Michelle Gordon**, R. R. 2, Box 273A, Susquehanna, PA 18847. This proposed facility is in Oakland Township, **Susquehanna County** and discharges to the Susquehanna River.

Description of Proposed Action/Activity: Issuance of NPDES General Permit.

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

**NPDES Permit No. PA0024023**, Sewage, **Borough of Bernville**, P. O. Box 40, Bernville, PA 19506. This proposed facility is in Bernville Borough, **Berks County**.

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

**NPDES Permit No. PA0008150**, Industrial Waste, **MH Technologies, LLC**, One Mountain Street, Mount Holly Springs, PA 17065-1406. This proposed facility is in Mount Holly Springs, **Cumberland County**.

Description of Proposed Action/Activity: Permit transfer.

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

**NPDES Permit No. PA0219410**, Industrial Waste, **Duquesne Light Company**, 411 Seventh Avenue, MD-16-711, Pittsburgh, PA 15230-1930. This proposed facility is in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Discharge of water from aquaculture facility no. 1 to Whiteley Creek.

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

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 4604401**, Sewerage, **Berks-Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is in Douglas Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a gravity interceptor, sanitary pump station and force main.

**WQM Permit No. 1503420**, Sewerage, **Wallace Township Municipal Authority**, 1250 Creek Road, Glenmoore, PA 19343. This proposed facility is in Wallace Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater facility subdivision for 63 single family homes.

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

**WQM Permit No. 0603412**, Sewerage, **Diana Minnich, Secretary, Caernarvon Township Municipal Authority**, P. O. Box 291, Morgantown, PA 19543. This proposed facility is in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity: Caernarvon Township Wastewater Treatment Plant.

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

**WQM Permit No. 4103405**, Sewerage, 4952, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. This proposed facility is in Woodward Township, **Lycoming County**.

Description of Proposed Action/Activity: The LCWSA proposes the construction of additional sewer conveyances and six pump stations to include various sewerage hook-ups in Woodward Township, Lycoming County. The proposed sewer conveyances and pump stations will trans-

port the sewerage to Williamsport Sanitary Authority's West Sewage Treatment Plant.

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

**WQM Permit No. 1104401**, Sewerage, **Russell and Sharon Burk**, 247 Kid Long Road, Gallitzin, PA 16641. This proposed facility is in Gallitzin Township, **Cambria County**.

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

**WQM Permit No. 1169402-A5**, Sewerage, **Winber Area Authority**, 1200 Stockholm Avenue, Winber, PA 15963. This proposed facility is in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Placement of an interceptor sewer.

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

**WQM Permit No. 6104401**, Sewerage, **Stephanie L. Hunt**, 1678 Lisbon Road, Kennerdell, PA 16374. This proposed facility is in Scrubgrass Township, **Venango County**.

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

**WQM Permit No. 2004402**, Sewerage, **Tammy S. Breckenridge**, 9596 Mercer Pike, Meadville, PA 16335. This proposed facility is in Union Township, **Crawford County**.

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

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI012303006	The Boeing Company Boeing-Crum Creek Flood Control Project P. O. Box 1658, P 25-75 Philadelphia, PA 19142-0858	Delaware	Ridley Township Eddystone Borough	Crum Creek WWF Delaware River MF

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

*Blair County Conservation District: 1407 Blair Street, Hollidaysburg, PA 16648, (814) 696-0877, Ext. 5.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI030704002	Tony Fitz Gibbons 279 North Zinns Mill Road Suite D Lebanon, PA 17042	Blair	North Woodbury Township	Clover Creek HQ-CWF

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI063304001	Department of Transportation 400 North Street Harrisburg, PA 17120	Jefferson	Pinecreek and Warsaw Townships	Tributary to Little Mill Creek HQ Tributary to Sugarcamp Run CWF

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

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

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

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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 Plants
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
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Kennett Township Chester County	PAG2001504006	Kennett Township and Kennett Area Park Authority Anson B. Nixon Park Field P. O. Box 230 Kennett Square, PA 19348	East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAR10G317-R1	Department of Transportation Interchange US 30 and PA 113 7000 Geerdes Boulevard King of Prussia, PA 19406	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG2001504037	Domestic Violence Center of Chester County Temporary Residential Housing P. O. Box 832 West Chester, PA 19381-0832	Goose Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Birmingham Township Chester County	PAG2001504028	Joseph Peacock Residence 1106 Dorset Drive West Chester, PA 19382	Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Sadsbury Township Chester County	PAG2001504040	A Duie Pyle Companies 100 South Limestone Road Parkesburg, PA 19365	Valley Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001504026	Brian Campbell Development 402 Bayard Road Kennett Square, PA 19348	East and West Branches Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Birmingham Township Chester County	PAG2001504027	Becker Builders Development 244 Harvey Road Chadds Ford, PA 19317	Brinton Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Westtown Township Chester County	PAG2001504007	John O'Brien Subdivision 123 Chatwood Avenue West Chester, PA 19382	East Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104004	Ruggiero Development Company Independence Court Development 74 West Baltimore Pike Media, PA 19063	Philadelphia Water Department Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
City of Philadelphia Philadelphia County	PAG2015104005	Winther Investments, Inc. Dobson Mills Development 1919 Post Oak Drive Suite 3101 Houston, TX 77227-7085	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Glenburn Township Lackawanna County	PAG2003504016	Michael Noto P. O. Box 716 Waverly, PA 18471	Ackerly Creek TSF	Lackawanna County Conservation District (570) 281-9495
Dunmore Borough Lackawanna County	PAG2003504005	Dunmore Public School District 300 W. Warren St. Dunmore, PA 18512-2235	Meadow Brook CWF	Lackawanna County Conservation District (570) 281-9495
Heidelberg Township Berks County	PAG2000604030	David Dieffenbach 57 Host Road Womelsdorf, PA 19567	UNT to Tulpehocken Creek WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657, Ext. 201
Hereford Township Berks County	PAG200604040	Keith Masemore 45 Evergreen Lane Barto, PA 19504	UNT to Perkiomen Creek TSF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657, Ext. 201
Kutztown Borough Berks County	PAG2000604032	Kutztown State University P. O. Box 730 Kutztown, PA 19530	Maiden Creek EV	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657, Ext. 201
City of Altoona Blair County	PAG2000704002	Jerry Goldstein 220 West Plank Road Altoona, PA 16602	Mill Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Hollidaysburg Borough Blair County	PAG2000704003	Hollidaysburg Borough 401 Blair Street Hollidaysburg, PA 16648	Frankstown Branch of Juniata River WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Antis Township Blair County	PAG2000704004	Jeffery S. Long R. D. 1 Box 426 Tyrone, PA 16686	UNT Sandy Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
City of Altoona Blair County	PAG2000704005	Norfolk Southern Corporation 200 North 4th Avenue Altoona, PA 16601	Little Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5

## NOTICES

2621

<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>
Antis Township Blair County	PAG2000704009	Surplus City, Inc. R. R. 7 Box 592 Altoona, PA 16601	UNT Little Juniata River WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Hampden Township Cumberland County	PAG2002104013	Dawood Engineering Office II Yasmin Dawood 815 Clubhouse Drive Mechanicsburg, PA 17055	UNT to Conodoguinet WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Upper Allen Township Cumberland County	PAG2002104008	Cracker Barrel Old Country Store, Inc. 307 Hartman Drive Lebanon, TN 37087	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Centre County Centre Hall Borough	PAG2001403037	B. Allan Schoonover Penns Valley Area School District 4528 Penns Valley Rd. Spring Mills, PA 16875	Sinking Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Patton Township	PAG2001403052	Donald Haubert 15 Central Blvd. Camp Hill, PA 17011	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Bellefonte Borough	PAR10F083 Revision	Greg Brown Parkview Heights Assoc. 2090 East College Ave. State College, PA 16801	UNT Spring Creek HQ-CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clinton County Castanea Township	PAG2001803004(1)	First Quality Properties IV, LLC 121 North Road McElhattan, PA 17748	Bald Eagle Creek WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798, Ext. 5
Cambria County Croyle Township	PAG2001104002	Federal Highway Administration EFLHD 21400 Ridgetop Circle Sterling, VA 20166	South Fork Little Conemaugh River CWF	Cambria County Conservation District (814) 472-2120
Fayette County North Union Township	PAG2002604007	Fay-Penn Economic Development Council Two West Main St. P. O. Box 2101 Uniontown, PA 15401	Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Fayette County Menallen Township	PAG2002604017	Dominic DeFrank P. O. Box 467 New Salem, PA 15468	Unnamed tributary to Saltlick Run WWF	Fayette County Conservation District (724) 438-4497
Somerset County Lincoln Township	PAG2005604005	Sipesville Volunteer Fire Department 968 Schoolhouse Rd. Sipesville, PA 15561	Unnamed tributary to Quemahoning Creek CWF	Somerset County Conservation District (814) 445-4652

<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Dauphin County Derry Township	PAR123521	Hershey Foods Corporation H. B. Reese Candy Co. 925 Reese Avenue Hershey, PA 17033-0430	Swatara Quarry	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Swatara Township	PAR803660	FedEx Freight East, Inc. P. O. Box 840 Harrison, AR 72601	Laurel Run Susquehanna River Basin WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Hanover Township Washington County	PAR606118	Herbert Grubbs Grubbs Auto Wrecking 1279 Route 19 N Burgettstown, PA 15021	Kings Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Braddock Borough Allegheny County	PAR606124	Josh Steel Co. 46 Sixth St. Braddock, PA 15104	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rankin Borough Allegheny County	PAR606125	Josh Steel Co. 46 Sixth St. Braddock, PA 15104	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of New Castle Lawrence County	PAR208337	New Castle Foundry Company 400 Hobart Street New Castle, PA 16102-1328	Shenango River	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Adams County Reading Township	PAG043597	Jesse Rothenhoefer, Sr. 6850 Carlisle Pike York Springs, PA 17372-9104	UNT Mud Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Amity Township	PAG043620	Michael A. Thompson 43 Valley Road Birdsboro, PA 19508	UNT Monocacy Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Gallitzin Township Cambria County	PAG046279	Russell and Sharon Burk 247 Kid Long Road Gallitzin, PA 16641	Clearfield Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
Scrubgrass Township Venango County	PAG048961	Stephanie L. Hunt 1678 Lisbon Road Kennerdell, PA 16374	Perry Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Crawford County	PAG048957	Tammy S. Breckenridge 9596 Mercer Pike Meadville, PA 16335	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
South Pymatuning Township Mercer County	PAG048604	George I. Johnson 5345 Tamarack Drive Sharpsville, PA 16150-0165	Unnamed tributary to McCullough Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township Crawford County	PAG048600	Donald K. Jr. and Kelli L. Granda 16571 Harmonsburg Road Meadville, PA 16335	Unnamed tributary to Cussewago Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048620	William J. Brooks, Jr. 8928 Horseshoe Drive Erie, PA 16510-5053	Unnamed tributary of Fourmile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Annin Township McKean County	PAG048581	Patrick M. Aaron 163 Annin Creek Road Turtlepoint, PA 16750	Unnamed tributary to Annin Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lackawannock Township Mercer County	PAG048575	David P. Reeher 1021 Bend Road Mercer, PA 16137	Harthegig Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Permit Type—PAG-5*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Blair County Kimmel Township	PAG053579	Wright Milling Company 1581 Beaverdam Road Claysburg, PA 16625	UNT to Beaver Dam Run CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Hopewell Township York County	PAG083572	Stewartstown Borough Authority Stewartstown WWTP 6 N. Main St. Stewartstown, PA 17363	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707



*General Permit Type—PAG-9 (SSN)*

<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Costanza Biosolids Site South Huntingdon Township Westmoreland County	Louis Costanza Elephant Septic Tank Service Inc. 176 Buffalo Hill Road Irwin, PA 15642	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-13*

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130050	Falls Township 188 Lincoln Highway Suite 100 Fairless Hills, PA 19030	Bucks	Falls	Delaware River South
PAG130157	Horsham Township 1025 Horsham Road Horsham, PA 19044-1326	Montgomery	Horsham	Neshaminy/Little Neshaminy Pennypack Wissahickon

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act.**

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

**Operations Permit** issued to **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901, PWS ID 3540046, Tremont Borough, **Schuylkill County** on April 2, 2004, for the operation of facilities approved under Construction Permit N/A.

**Operations Permit** issued to **Easton Suburban Water Authority**, 2414 Butler Street, Easton, PA 18043, PWS ID 3480064, Williams Township, City of Easton, Palmer-Forks and Lower Nazareth Townships, **Northampton County** on April 26, 2004, for the operation of facilities approved under Construction Permit No. 4802502.

**Operations Permit** issued to **Montrose Terrace Mobile Home Park**, R. R. 6, Box 6067, Montrose, PA 18801, PWS ID 2580040, Bridgewater Township, **Susquehanna County** on April 26, 2004, for the operation of facilities approved under Construction Permit No. 5889503 issued August 22, 1994, and Minor Amendment issued July 5, 2002.

**Operations Permit** issued to **Pennsylvania American Water**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID 2520062, Lehman Township, **Pike County** on April 29, 2004, for the operation of facilities approved under Construction Permit N/A.

**Operations Permit** issued to **Pocono Springs Company**, P. O. Box 787, Mount Pocono, PA 18344-0787, PWS ID 2406277, Bear Creek, Coolbaugh and Mt. Pocono Townships, **Luzerne and Monroe Counties** on April 29, 2004, for the operation of facilities approved under Construction Permit No. 4503506 issued on April 2, 2004.

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

**Permit No. 2204501, Public Water Supply.**

Applicant	<b>Water To Go + Nutrition</b>
Municipality	Lower Paxton Township
County	<b>Dauphin</b>
Type of Facility	Installation of a new retail water system.

Consulting Engineer James C. Elliot, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct April 9, 2004  
Issued:

**Operations Permit** issued to **The Harrisburg Authority**, 7220049, Harrisburg, **Dauphin County** on April 3, 2002, for the operation of facilities approved under Construction Permit No. 2201505 MA.

**Operations Permit** issued to **Red Lion Municipal Authority**, 7670091, Windsor Township, **York County** on April 19, 2004, for the operation of facilities approved under Construction Permit No. 6796504.

**Operations Permit** issued to **Exelon Generation**, 7670905, Peach Bottom Township, **York County** on April 30, 2004, for the operation of facilities approved under Construction Permit No. 6704505 E.

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

**Operations Permit** issued to **Shane Kosterman, Woodhaven MHP**, 7950 Page Rd., Wattsburg, PA 16442, PWS ID 6250084, Greene Township, **Erie County**, on April 28, 2004, for the operation of new potable water storage, turbidity meters and recorder, as approved under Construction Permit No. 2595504-MA2.

**Operations Permit** issued to **Pennsylvania American Water Co.**, 3736 Ellwood Rd., New Castle, PA 16101, PWS ID 6370034, Mahoning and Union Townships, **Lawrence County**, on April 28, 2004, for the operation of extended water lines and Winter Road finished water storage tank, as approved under Construction Permit No. 3799502-MA1.

**Permit No. 2592503-MA6, Minor Amendment, Public Water Supply**

Applicant **Erie City Water Authority**  
Borough or Township Lawrence Park Township  
County **Erie**  
Type of Facility PWS  
Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Rd.  
Pittsburgh, PA 15205

Permit to Construct April 27, 2004  
Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Heidelberg Township	6424 York Road Spring Grove, PA 17362	York

Plan Description: A3-67928-101-3s, Donald Weaver. The approved plan provides for a two-lot single family residential subdivision on 57.81 acres with total proposed sewage flows of 400 gpd, which will be treated by an individual small flow treatment facility. The proposed development is at 1871 Smith Station Road, on the west

side, just north of Yingling Drive in Heidelberg Township, York County. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Neshannock Township	3131 Mercer Road New Castle, PA 16101	Lawrence

Plan Description: The approved plan provides for the construction of sewage conveyance facilities to serve existing Neshannock Township sewer areas and the proposed Millennium Industrial Park. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
McKean Borough	8952 Main Street McKean, PA 16426	Erie

Plan Description: The approved plan provides for the upgrading of the Borough's wastewater treatment plant. The proposed upgrades consist primarily of the construction of a second treatment tank and refurbishing of the first. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	17956 Route 68 Sligo, PA 16255	Clarion

Plan Description: The approved plan provides for the construction of a sanitary sewer collection and conveyance system for a portion of Monroe Township, including the Village of Williamsburg and a large KOEZ with wastewater treatment at a .125 MGD wastewater treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

**Proposed Remedial Response**

**Chem Fab Site, Doylestown Borough, Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing a remedial response at the Chem Fab Site (Site), 300 N. Broad St., Doylestown Borough, Bucks County.

Contamination from the Site extends into neighboring properties in Doylestown Township. The Site consists of a 1-acre parcel of land with three buildings currently in existence and the area of contamination associated with

the parcel. There was once an aboveground storage tank farm and a large underground tank that contained waste chromic acid on the 1-acre parcel. The Site includes both soil and groundwater contamination and an area of intermittent surface water contamination in a drainage swale. The population of Doylestown Borough, the county seat, is approximately 9,000 and the population of Doylestown Township is over 15,000. The current land use of the 1-acre parcel is as offices and commercial space. The neighboring affected properties, also included in the Site, are commercial/light industrial, residential and municipal. Cooks Run, a tributary of the Neshaminy Creek, is to the west of the Site and flows across residential property. It is a Chapter 305 nonattaining stream. Cooks Run's FEMA 100-year floodplain is along the western edge of the Site. Doylestown Municipal Water Authority's Well No. 13 is within 1/4 mile of the Site. The plume of groundwater contamination at the Site is within the designated Wellhead Protection Area of Doylestown Municipal Authority Well No. 13.

There is significant soil and groundwater contamination at the original 1-acre Chem Fab parcel and on a parcel now owned by Extra Space, Inc. The plume of groundwater contamination at the Site extends onto properties owned by Ms. B. Henning and the Bucks County Water and Sewer Authority. The groundwater plume is moving towards a public water supply well owned by Doylestown Water Authority.

The soils are contaminated with a number of chlorinated solvents and metals, including hexavalent chromium. The groundwater is contaminated with chlorinated solvents, other organics and a number of metals, including hexavalent chromium. In certain monitoring wells installed by the Department, the groundwater varies in pH from 2 to over 12 and is bright yellow in color due to extremely high concentrations of chromium.

The Site has been listed on the Pennsylvania Priority List for remediation.

The Department has considered seven alternatives for conducting groundwater remediation at the Site.

*Alternative 1—No Action:* A "No Action" alternative provides a baseline against which all other alternatives can be prepared and/or judged. Had the Department selected the "No Action" alternative, any actual or potential health and environmental risk posed by the Site would have remained the same.

*Alternative 2—Groundwater Monitoring:* This alternative consists of quarterly monitoring of the existing well network. Fate and transport analysis of the contaminant plume would be evaluated numerically and the potential for continued migration would be determined. This alternative could provide a warning to downgradient users, but would not comply with ARARs for removal or treatment of contaminants. No capital costs would be involved and the technology to implement this remedy is readily available. Risks to human health and the environment would remain at the current levels.

*Alternative 3—Groundwater Monitoring, Extraction, Ex-Situ Treatment and Re-Injection:* This alternative would include the following components: (1) groundwater monitoring—quarterly monitoring of the existing well network, as in Alternative 2; (2) groundwater extraction using three new extraction wells, to be near the former tank farm and former UST on the Chem Fab property and near MW-05 on the Extra Space property; (3) ex-situ treatment of extracted water to remove hexavalent chromium, other metals and chlorinated organic compounds;

and (4) reinjection of treated water through a network of approximately ten new wells to be placed using numerical ground water flow analysis. This remedy would minimize the continued offsite migration of the contaminant plume and reduce risks to human health and the environment. It would be easy to implement using standard technologies.

*Alternative 4—Groundwater Monitoring, Ex-Situ Treatment, In-Situ Groundwater Treatment and Re-Injection:* This alternative would include the following components: (1) groundwater monitoring—quarterly monitoring of the existing well network, as in Alternative 2; (2) groundwater extraction using five new extraction wells, to be near the former tank farm and former UST on the Chem Fab property and near MW-05 on the Extra Space property and near MW-20 on the Bucks County Water and Sewer Authority property; (3) ex-situ treatment of extracted water to remove hexavalent chromium, other metals and chlorinated organic compounds; (4) a reducing agent would be added to the treated groundwater prior to reinjection; and (5) reinjection of treated water through a network of approximately 15 new wells to be placed using numerical ground water flow analysis. This remedy would minimize the continued offsite migration of the contaminant plume and reduce risks to human health and the environment. It would be easy to implement using standard technologies. Addition of the reducing agent would enhance conversion of chromium to a lower solubility trivalent hydroxide salt and promote the reduction of chlorinated organic compounds.

*Alternative 5—Groundwater Monitoring, Extraction from Hydrofractured bedrock, Ex-Situ Treatment and Re-Injection:* This alternative would include the following components: (1) groundwater monitoring—quarterly monitoring of the existing well network, as in Alternative 2; (2) groundwater extraction using three new wells, to be near the former tank farm and former UST on the Chem Fab property and near MW-05 on the Extra Space property; (3) hydrofracturing—the shallow bedrock, extending to 50 feet below ground surface, would be hydrofractured in the collection and reinjection zones to increase the permeability of the rock and the interception of existing fracture zones; (4) ex-situ treatment of extracted water to remove hexavalent chromium, other metals and chlorinated organic compounds; and (5) reinjection of treated water through a network of approximately ten new wells to be placed using numerical ground water flow analysis. This remedy would minimize the continued offsite migration of the contaminant plume and reduce risks to human health and the environment. It would be easy to implement using standard technologies. Hydrofracturing would enhance the system operation relative to Alternative 3.

*Alternative 6—Groundwater Monitoring, Extraction from Hydrofractured bedrock, Ex-Situ Treatment, Re-Injection and In-Situ Groundwater Treatment:* This alternative would include the following components: (1) groundwater monitoring—quarterly monitoring of the existing well network, as in Alternative 2; (2) groundwater extraction using three new wells, to be near the former tank farm and former UST on the Chem Fab property and near MW-05 on the Extra Space property; (3) hydrofracturing—the shallow bedrock, extending to 50 feet below ground surface, would be hydrofractured in the collection and reinjection zones to increase the permeability of the rock and the interception of existing fracture zones; (4) ex-situ treatment of extracted water to remove hexavalent chromium, other metals and chlorinated organic compounds; (5) a reducing agent would be added to

the treated groundwater prior to reinjection; and (6) reinjection of treated water through a network of approximately 15 new wells to be placed using numerical ground water flow analysis. This remedy would minimize the continued offsite migration of the contaminant plume and reduce risks to human health and the environment. It would be easy to implement using standard technologies. Hydrofracturing would enhance the system operation relative to Alternative 3. Addition of the reducing agent would enhance conversion of chromium to a lower solubility trivalent hydroxide salt and promote the reduction of chlorinated organic compounds.

*Alternative 7—Groundwater Monitoring, Extraction from Hydrofractured bedrock, Ex-Situ Treatment, Re-Injection and In-Situ Groundwater Treatment and a Permeable Reactive Barrier:* This alternative would include the following components: (1) groundwater monitoring—quarterly monitoring of the existing well network, as in Alternative 2; (2) groundwater extraction using five new wells, to be near the former tank farm and former UST on the Chem Fab property, near MW-05 on the Extra Space property and near MW-20 on the Bucks County Water and Sewer Authority Property; (3) hydrofracturing—the shallow bedrock, extending to 50 feet below ground surface, would be hydrofractured in the collection and reinjection zones to increase the permeability of the rock and the interception of existing fracture zones; (4) ex-situ treatment of extracted water to remove hexavalent chromium, other metals and chlorinated organic compounds; (5) a reducing agent would be added to the treated groundwater prior to reinjection; (6) reinjection of treated water through a network of approximately 15 new wells to be placed using numerical ground water flow analysis; and (7) a permeable reactive barrier around the major source areas, established in a zone of hydrofractured bedrock, where reductant would be injected to treat groundwater moving off the site. This remedy would minimize the continued offsite migration of the contaminant plume and reduce risks to human health and the environment. It would be easy to implement using standard technologies. Hydrofracturing would enhance the system operation relative to Alternative 3. Addition of the reducing agent would enhance conversion of chromium to a lower solubility trivalent hydroxide salt and promote the reduction of chlorinated organic compounds. The exact location and extent of the reactive barriers necessary has not been determined and it is questionable whether the barriers would enhance remediation.

The Department has selected Alternative 4, Groundwater Monitoring, Ex-Situ Treatment, In-Situ Groundwater Treatment and Re-Injection. This alternative is technically feasible, implementable and would reduce risks to human health and the environment. The Department feels that hydrofracturing would be problematic at this Site and is choosing a remedy that does not employ this technology. The Department will consider methods of enhancing groundwater capture in the future based upon the effectiveness of the selected alternative.

An Administrative Record, which contains more detailed information concerning the remedial response action, is available for public inspection from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA 19401 by calling April Flipse, (484) 250-5721.

An additional copy of the Administrative Record is available for review at the Doylestown Borough Hall, 57 West Court Street, Doylestown, PA 18901. A public hear-

ing is scheduled under section 506(d) of the HSCA (35 P. S. § 6020.506(d)) for June 22, 2004, at 7:15 p.m. at the Doylestown Borough Hall. Department staff will be available to informally answer questions beginning at 6:30 p.m. at the Doylestown Borough Hall. Persons who wish to present formal oral comments regarding this proposed response action may do so by registering with the Department before the hearing. Individuals may register by calling Lynda Rebarchak, Community Relations Coordinator, (484) 250-5820.

Individuals who wish to attend the public hearing in need of an accommodation as provided for in the Americans With Disabilities Act should contact Lynda Rebarchak at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The public may also submit written comments regarding the Department's proposed response action during the period of public comment. Under section 506(c) of the HSCA, the Department has established a period for public comment, which shall run from the date of this notice through August 16, 2004. Written comments should be addressed to April Flipse, Project Officer, at the Department's previous address. Individuals with questions concerning this notice should contact April Flipse.

#### **Extension of Public Comment Period**

#### **Vandor Manufacturing Site, Doylestown Township, Bucks County**

The Department, under the authority of the HSCA, has proposed an interim response at the Vandor Manufacturing Site (Site), Doylestown Township, Bucks County. This response will be undertaken under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

The Site is on the border of Doylestown and Buckingham Townships, Bucks County. The Site is comprised of two properties at 740 and 760 Edison Furlong Road and an associated plume of contaminated groundwater. Edison Furlong Road constitutes the boundary between the two townships. Both properties are in Doylestown Township. The Site consists of a plume of groundwater contaminated with VOCs, most notably trichloroethylene and perchloroethylene.

Under sections 505(b) and 506(b) of the HSCA, the Department is extending the Administrative Record public comment period by 90 days from the publication of this notice. The Administrative Record, which contains information about this Site and supports the Department's decision to perform these actions at the Site, is available for public review and comment from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 by contacting Grant Morehead at (484) 250-5727 for an appointment. The Administrative Record may also be reviewed at the Doylestown Township Building, 425 Wells Road, Doylestown, PA 18901. Call (215) 348-9915 to schedule an appointment at the Doylestown Township Building.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding these actions to the Department until August 13, 2004, by sending them to Grant Morehead, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401, gmorehead@state.pa.us. E-mails should state "Comment

on Administrative Record for Vandor Manufacturing HSCA Site" in the subject line.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Thelma H. McGrail Trust**, Parkesburg Borough, **Chester County**. William F. Beers, Tetrahedron Consultants, Inc., P. O. Box 152, Oxford, PA 19363, on behalf of Thelma H. McGrail Trust, Daniel A. Winters, Trustee, 205 Chadds Ford Professional Center, Chadds Ford, PA 19317, has submitted a Final Report concerning remediation of site soils contaminated with inorganics and PCB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**J. W. Maxwell & Son, Inc.**, Downingtown Borough, **Chester County**. James Arthur, Environmental Standards, Inc., 1140 Valley Forge Rd., P. O. Box 810, Valley

Forge, PA 19482-0810, on behalf of J. W. Maxwell, Inc., Thomas Trego, Sr., 12 Wallace Ave., Downingtown, PA 19335, has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**United Transportation Corp.**, Morton Borough, **Delaware County**. Kurt J. Spiess, Environmental Management Group, Inc., 5066R West Chester Pike, P. O. Box 129, Edgemont, PA 19028, on behalf of United Transportation Corp., 501 Highland Ave., Morton, PA 19070, has submitted a Final Report concerning remediation of site groundwater contaminated with vinyl chloride and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Darby Creek Joint Authority Former Sewage Treatment Plant**, Darby Township, **Delaware County**. Edward R. Kashdan, P. E., Gannett Fleming, Inc., P. O. Box 80794, Valley Forge, PA 19484-0794, on behalf of Darby Creek Joint Authority, DELCORA, 100 E. Fifth St., P. O. Box 999, Chester, PA 19016-0999, has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil contaminated with inorganics, PAH and PCB and groundwater contaminated with inorganics.

**Verizon Inc.—Ardmore Business Center**, Lower Merion Township, **Montgomery County**. Sean M. Damon, Langan Engineering & Environmental Services, 500 Hyde Park, Doylestown, PA 18901-6619, on behalf of Verizon, Inc., Cheryl L. Houghton, 966 S. Matlack St., West Chester, PA 19380, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Novick Chemical Co., Inc.**, City of Scranton, **Lackawanna County**. Martin Gilgallon, P. G., Project Hydrogeologist, PA Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a combined Remedial Investigation Report and Risk Assessment Report (on behalf of Edward Novick, Novick Chemical Company, 705 Davis Street, Scranton, PA 18505) concerning the remediation of soils found or suspected to have been contaminated with chlorinated solvents and other organics as the result of historic site operations. The reports were submitted in partial fulfillment of the Site-Specific Standard.

**Kerr-McGee Chemical LLC—Avoca Property**, Avoca Borough, **Luzerne County**. David R. Kerschner, P. G., Principal, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 has submitted a combined Remedial Investigation Report and Risk Assessment Report (on behalf of Kerr-McGee Chemical LLC, P. O. Box 25861, Oklahoma City, OK 73125) concerning the characterization and remediation of site soils found or suspected to be contaminated with lead and other inorganics, PAHs and other organics. The reports were submitted in partial fulfillment of the Site-Specific Standard.

**Mark Development Company (Walgreens Store No. 07739)**, City of Scranton, **Lackawanna County**. Christopher D. Carlson, P. G., Senior Project Manager, ATC Associates, 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 has submitted a Final Report (on behalf

of Mark Development Company, P. O. Box 1389, Kingston, PA 18704) concerning the remediation of site soils for benzene and benzidine as the result of historic operations. The report was submitted to document attainment of a Statewide Health Standard.

**Munoz Residence**, East Stroudsburg Borough, **Monroe County**. Salvatore Sciascia, President, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337, submitted a Final Report (on behalf of Francisco Munoz, Oak Street, East Stroudsburg, PA) concerning the remediation of soils impacted by the accidental release of no. 2 fuel oil during a delivery. The report was submitted to document attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

**Former Slatington Manufactured Gas Plant Site**, Slatington Borough, **Lehigh County**. The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238-1359, submitted a Final Report (on behalf of PPL Gas Utilities, Inc., Two North Ninth St., Allentown, PA 18101) concerning the remediation of the subject site for residual contaminants in soil, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted to document attainment under a combination of both the Statewide Health and Site-Specific Standards.

**Former Durkee Foods Property**, City of Bethlehem, **Lehigh County**. Peter Berkout, Senior Environmental Engineer, Environmental Waste Management Associates, LLC, 100 Misty Lane, P. O. Box 5430, Parsippany, NJ 07054 has submitted a Remedial Investigation Report and Cleanup Plan (on behalf of Tiger Den Partners, LLC, 171 Route 173, Suite 201, Asbury, NJ 08802) concerning the remediation of soils and groundwater found or suspected of being contaminated with various petroleum products, chlorinated solvents, polycyclic aromatic hydrocarbons, lead and/or other inorganics. The reports were submitted in partial fulfillment of a combination of the residential and Nonresidential Statewide Health and Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of 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 before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Penn Fuel Gas Manufactured Gas Plant—Pottsville Site**, City of Pottsville, **Schuylkill County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Cleanup Plan (on behalf of PPL Gas Utilities, Two North Ninth Street, Allentown, PA 18101) concerning the remedy design of the subject site for residual contaminants in soil, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The plan was submitted in partial fulfillment of a combination of both the Statewide Health and Site-Specific Standards and was approved on April 29, 2004.

**Exide Technologies Property—Dunmore Plant**, Dunmore Borough, **Lackawanna County**. Sean Gallagher, Project Manager, Gannett Fleming Inc., 202 Wall Street, Princeton, NJ 08540 submitted a combined Remedial Investigation Report, Cleanup Plan and Final Report (on behalf of Exide Technologies, 3000 Montrose Avenue, Reading, PA 19605) concerning the characterization and remediation of site soils found or suspected to be contaminated with lead, chlorinated solvents and other organics and fuel oil nos. 2 and 4—6. The reports were submitted in fulfillment of a combination of the Nonresidential Statewide Health Standard and Site-Specific Standards and were approved March 8, 2004.

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

**Cabela's Hamburg Store**, Tilden Township, **Berks County**. Advantage Engineering, LLC, 20 South 36th Street, Camp Hill, PA 17011, on behalf of Cabela's Lodging, LLC and Cabela's Retail, LLC, One Cabela's Drive, Sidney, NE 69160, submitted a Final Report concerning remediation of site soils contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 3, 2004.

#### **HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

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

**PAD987367216. AERC.com Inc.**, 2591 Mitchell Avenue, Allentown, PA 18103-6609. The permit has been reissued to AERC.com Inc. for the receipt, storage and treatment of approved hazardous and residual wastes at this existing hazardous waste management facility (formerly Advanced Environmental Recycling Company LLC) in the City of Allentown, **Lehigh County**. The reissued permit also incorporated requested changes in the facility's operation including limited brokerage of previously approved waste types, the management of electronic scrap (including cathode ray tubes), a new site inventory system, relocation of various processing and storage/staging areas within the facility and minor modifications to the facility's hydrometallurgical and lamp processing systems. The Department also updated the permit to clarify various regulatory requirements for the management of segregated residual waste, universal waste batteries and other hazardous wastes including primary waste codes K071, K106, P030 and P092. The permit replaces the facility's original August 19, 1996, hazardous waste management permit. The permit was reissued in the Regional Office on April 6, 2004. It will expire on August 19, 2006.

#### **HAZARDOUS WASTE ACTION—INTENT TO REDUCE BOND**

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste management facility.**

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. PAD003068282. Molycorp, Inc.**, Canton Township, **Washington County**. On April 6, 2004, the Department received a request for a financial assurance reduction from Molycorp, Inc. for groundwater monitoring at its clean closed Washington facility surface impoundments. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 265.165.

Persons wishing to comment on the proposed action are invited to submit a statement to the regional office indicated as the office responsible within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Re-

sponses should include the name, address and telephone number of the writer and concise statement to inform the regional office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

#### **REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE**

**Registration Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

Registration under **General Permit No. WMGR090R028. American Asphalt Paving Co.**, 500 Chase Road, Shavertown, PA 18708-9622. General Permit Number WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on April 30, 2004.

Persons interested in obtaining more information or obtaining copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

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

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

**Permit No. 603130. Borough of Huntingdon**, 530 Washington Street, P. O. Box 592, Huntingdon, PA 16652-0592. The permit was revoked at the request of the permittee for the Kyper Farm Site 1, Smithfield Township, **Huntingdon County**. The permit was revoked by the Southcentral Regional Office on May 3, 2004.

Persons interested in reviewing the general permit should contact Cynthia Wolfe, File Review Coordinator, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4732. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

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

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

**Henry Yeska & Son, Inc.**, 821 Georgetown Rd., Nazareth, PA 18064-9781. Authorization No. WH2210. Effective March 31, 2004.

**Sequoia Landscaping**, 4440 Bensalem Blvd., Bensalem, PA 19020. Authorization No. WH4840. Effective March 31, 2004.

**Federouch Contracting**, P. O. Box 522, Lawrence, PA 15055. Authorization No. WH5500. Effective April 27, 2004.

**Parsons Motor Freight, Inc.**, P. O. Box 358, Bunker Hill, WV 25413-0358. Authorization No. WH5985. Effective March 31, 2004.

**Durbin's Contracting d/b/a William L. Durbin**, 169 Headley Rd., Washington, PA 15301. Authorization No. WH6024. Effective April 27, 2004.

**Southern Ocean, Inc.**, 103 Roxie Ave., North Beach, NJ 08008-5636. Authorization No. WH6026. Effective March 31, 2004.

**Enrique Navarro**, 6234 Wheeler St., Philadelphia, PA 19142. Authorization No. WH6035. Effective April 12, 2004.

**Thos. Somerville Co.**, 425 Nelson St., Chambersburg, PA 17201. Authorization No. WH6038. Effective April 9, 2004.

**Romaine Trucking**, 808 Bellport Ave., Bellport, NY 11713. Authorization No. WH6042. Effective April 5, 2004.

**J. A. Frisina, Inc.**, P. O. Box 154, 2 Kinzua St., Bradford, PA 16701-0154. Authorization No. WH6046. Effective April 1, 2004.

**Brian C. Himes**, Burkett Hollow Rd., 3167, Brookville, PA 15825. Authorization No. WH6050. Effective April 5, 2004.

**Aly A. Elsayed**, 4607 N. Oaks Blvd., North Brunswick, NJ 08902. Authorization No. WH6052. Effective April 5, 2004.

**Three Tees, Inc.**, 104 N. Kimberly Ave., Somerset, PA 15501. Authorization No. WH6053. Effective April 5, 2004.

**C. Sphon Trucking, LLC**, 454 Hollar's Ext., Everett, PA 15537-9677. Authorization No. WH6055. Effective April 5, 2004.

**Marden D. Pineda**, 602 Depot St., Scranton, PA 18509. Authorization No. WH6056. Effective April 9, 2004.

**Don's Topsoil**, P. O. Box 284, Sellersville, PA 18960. Authorization No. WH6057. Effective April 9, 2004.

**Robert L. Bealer & Son, Inc.**, 1406 Farmington Ave., Pottstown, PA 19464. Authorization No. WH6058. Effective April 9, 2004.

**Payano Transportation, Corp.**, Suite 3, 12-45 River Rd., Fairlawn, NJ 07410. Authorization No. WH6059. Effective April 9, 2004.

**Goode Trash Removal, Inc.**, 4700 Lawrence St., Hyattsville, MD 20781. Authorization No. WH6060. Effective April 9, 2004.

**Grimes Systems Co., Inc.**, 8005 Reich's Ford Rd., Fredrick, MD 21704. Authorization No. WH6061. Effective April 9, 2004.

**Department of Transportation**, Fl. 8, 400 North St., Harrisburg, PA 17120-0041. Authorization No. WH6062. Effective April 9, 2004.

**Mark J. Rusnak**, 486 Rusnak Ln., Phillipsburg, PA 16866. Authorization No. WH6063. Effective April 9, 2004.

**Angel M. Campos**, 504 Delavant St., Newark, NJ 07107. Authorization No. WH6064. Effective April 9, 2004.

**Cristobal C. Veliz**, 211 Meserole St., Brooklyn, NY 11206. Authorization No. WH6065. Effective April 9, 2004.

**Ciro Assoc., LLC**, 51 Curo Rd., N. Branford, CT 06471. Authorization No. WH6066. Effective April 9, 2004.

**The Gehringer Corporation**, 2512 Eberhart Rd., Whitehall, PA 18052. Authorization No. WH6067. Effective April 9, 2004.

**Douglas L Gibson Enterprises, Inc.**, 1586 Quarry Rd., Lansdale, PA 19446-4306. Authorization No. WH6068. Effective April 9, 2004.

**Sukhminder Singh**, 14 Thornbriar Ln., Burlington, NJ 08016. Authorization No. WH6069. Effective April 9, 2004.

**David Laird**, R. R. 1, Box 297 A, Long Run Rd., West Decatur, PA 16878. Authorization No. WH6070. Effective April 9, 2004.

**Gerald E. Olver**, R. R. 3, Box 3360, Honesdale, PA 18431. Authorization No. WH6071. Effective April 9, 2004.

**Mark J. Rendulic**, Birch St., P. O. Box 185, Lanse, PA 16849. Authorization No. WH6072. Effective April 9, 2004.

**Glen C. Moyer**, 9127 Gachenbach Rd., Kempton, PA 19529. Authorization No. WH6073. Effective April 9, 2004.

**Baxter Landscape Contracting**, 501 Bladerston Dr., Exton, PA 19341. Authorization No. WH6074. Effective April 9, 2004.

**Mechanical Piping Corp.**, 4544 Richmond St., P. O. Box 11333, Philadelphia, PA 19137. Authorization No. WH6075. Effective April 9, 2004.

**Ley Excavating, Inc.**, 1382 Upper Mateer Rd., Vandergrift, PA 15690. Authorization No. WH6076. Effective April 9, 2004.

**Wickham A. Grant**, 102 Shepard Ave., East Orange, NJ 07018. Authorization No. WH6077. Effective April 27, 2004.

**Valley Waste Solutions, Inc.**, 234 E. Grand Ave., Tower City, PA 17980. Authorization No. WH6078. Effective April 14, 2004.



**Jose R. Tavares**, 47 Hop O Nose 47, Catskill, NY 12414. Authorization No. WH6079. Effective April 16, 2004.

**Tuquel's Transport, Inc.**, 2900 New York Ave., PMB 95, Union City, NJ 07087. Authorization No. WH6080. Effective April 16, 2004.

**Nationwide Transport Services, Inc.**, 5709 Saddlebridge Dr., Cincinnati, OH 45247. Authorization No. WH6081. Effective April 16, 2004.

**BBR Trucking**, 1383 Black Bear Ln., Bedford, PA 15522. Authorization No. WH6082. Effective April 16, 2004.

**Carl Leicher Construction, Inc.**, 4174 Woodland Rd., Butler, PA 16002. Authorization No. WH6083. Effective April 16, 2004.

**Daniel J. Durica**, 1848 Soloman Run Rd., Johnstown, PA 15904. Authorization No. WH6084. Effective April 16, 2004.

**Atlantic County Utilities Auth.**, P. O. Box 996, Pleasantville, NJ 08232-0996. Authorization No. WH6085. Effective April 20, 2004.

**Reinaldo Carmoega**, 61 Melrose Ave., Vineland, NJ 08360. Authorization No. WH6086. Effective April 16, 2004.

**Richard A. Hans**, 447 Alfred Dr., South Toms River, NJ 08757. Authorization No. WTT6087. Effective April 16, 2004.

**American Sewer Service, Inc.**, 734 B Ansland Ave., Folcroft, PA 19032. Authorization No. WH6089. Effective April 16, 2004.

**Croll Trucking**, 2408 W. Irwin St., Aliquippa, PA 15001. Authorization No. WH6090. Effective April 20, 2004.

**V-Tech Services, Inc.**, 3001 Dickinson St., Philadelphia, PA 19146. Authorization No. WH6091. Effective April 20, 2004.

**Platinum Trucking, Inc.**, R. R. 1 Box 1791, Kunkletown, PA 18058. Authorization No. WH6092. Effective April 20, 2004.

**K. F. Lawn Care & Landscaping**, P. O. Box 43, Bangor, PA 18013. Authorization No. WH6093. Effective April 20, 2004.

**Gary M. Snyder**, P. O. Box 284, Morrisdale, PA 16858. Authorization No. WH6094. Effective April 14, 2004.

**Brighton Exteriors, Inc.**, Suite 302/186, 3371 Brunswick Pike, Lawrenceville, NJ 08648. Authorization No. WH6095. Effective April 20, 2004.

**City Wide Roofing, Inc.**, 7337 Wissinoming St., Philadelphia, PA 19136. Authorization No. WH96096. Effective April 20, 2004.

**ATC Express, Inc.**, First Floor, 1107 Madison Ave., Elizabeth, NJ 07201. Authorization No. WH6097. Effective April 20, 2004.

**D. C. Rauscher, Inc.**, 1622 NYS Rt. 144, Waterloo, NY 13165. Authorization No. WH6098. Effective April 20, 2004.

**Robert E. Hildebrand, Sr.**, 2455 Brillhart Station Rd., York, PA 17403. Authorization No. WH6099. Effective April 15, 2004.

**J & M Transport**, R. R. 2, Box 79, Martinsburg, PA 16662. Authorization No. WH6100. Effective April 15, 2004.

**K & K Adams, Inc.**, 2901 Druid Dr., Baltimore, MD 21215. Authorization No. WH6101. Effective April 15, 2004.

**Ronald F. Bahr**, R. R. 1 Box 65B, Monroeton, PA 18832. Authorization No. WH6012. Effective April 20, 2004.

**Equipment Rental Services, LLC**, 110 Main St., South Amboy, NJ 08879. Authorization No. WH6103. Effective April 20, 2004.

**Eagle Express Trucking, Inc.**, Brussels St., 1300, Saint Mary's, PA 15857. Authorization No. WH6104. Effective April 20, 2004.

**International Freight System**, 644 Ridgedale Ave., Woodbridge, NJ 07095. Authorization No. WH6107. Effective April 20, 2004.

**Summit Hardwoods, Inc.**, 9697 Perry Highway, Waterford, PA 16441. Authorization No. WH6108. Effective April 20, 2004.

**Paul Hertz Contracting**, 244 High Rd., Pottsville, PA 17901. Authorization No. WH6109. Effective April 20, 2004.

**Hershey's Transport, Inc.**, 1776 E. 12th St., Brooklyn, NY 11229. Authorization No. WH6110. Effective April 20, 2004.

**Mule Train Express, LLC**, 89 Poplar St., Waretown, NJ 08758. Authorization No. WH6113. Effective April 27, 2004.

**Bianco Transport, Inc.**, 1071 10th Ave., Brockway, PA 15824. Authorization No. WH6115. Effective April 27, 2004.

**Kevin Henry**, HCR 1, Box 102, Central Bridge, NY 12035. Authorization No. WH6116. Effective April 27, 2004.

**Robert H. Sommers, Sr.**, 89 Poplar St., Waretown, NJ 08758. Authorization No. WH6117. Effective April 27, 2004.

**Roman Mnich**, 510 Lafayette St., Linden, NJ 07036. Authorization No. WH6118. Effective April 27, 2004.

**Daniel A. Dasilva**, 472 Devon St., Kearny, NJ 07032. Authorization No. WH6120. Effective April 27, 2004.

**Marinko Kljajic**, Apt. 405, 1811 Rhawn St., Philadelphia, PA 19111. Authorization No. WH6122. Effective April 29, 2004.

**Good Trucking Co.**, 148 E. Howard St., Clayton, NJ 08312-1238. Authorization No. WH6123. Effective April 27, 2004.

**Sherman Holding Co.**, P. O. Box 901, Scranton, PA 18501-0901. Authorization No. WH6124. Effective April 27, 2004.

**C & S Enterprises d/b/a Artistic Lawn and Landscaping, Inc.**, 1991 Rte. 206 S., Southampton, NJ 08088. Authorization No. WH6125. Effective April 27, 2004.

**Endless Mountains General Construction & Trucking**, R. R. 1 Box 268B, Ulster, PA 18850. Authorization No. WH6127. Effective April 27, 2004.

**HRI, Inc.**, 1750 W. College Ave., State College, PA 16801-2719. Authorization No. WH6128. Effective April 27, 2004.

**Angelo's Construction & Remodeling, Inc.**, 2059 Reservoir Dr., Middletown, PA 17057-3942. Authorization No. WH6129. Effective April 29, 2004.

**Crouse House Movers**, 5061 Baltimore Pike, Litlestown, PA 17340. Authorization No. WH6130. Effective April 29, 2004.

**Eastern Diversified Services, Inc.**, 89 Allentown Rd., Souderton, PA 18964. Authorization No. WH6133. Effective April 29, 2004.

**James Malone**, 1301 E. Grand Ave., Tower City, PA 17980. Authorization No. WH6134. Effective April 29, 2004.

**Hardeep Grewal**, 105 River Bank Rd., Roebling, NJ 08554. Authorization No. WH6135. Effective April 29, 2004.

**Scott Building Co.**, 1933 Morris Rd., Blue Bell, PA 19422. Authorization No. WH6136. Effective April 29, 2004.

**Clarence W. Godfrey**, 3515 Godfrey Rd., Glenrock, PA 17327. Authorization No. WH6137. Effective April 29, 2004.

**Rodney L. Seagreves**, 2590 Northway Rd., Williamsport, PA 17701-9735. Authorization No. WH6138. April 29, 2004.

## 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; Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**39-310-020GP3: Reading Materials, Inc.** (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on April 26, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at Agere Systems in Allentown, **Lehigh County**.

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

**GP1-21-03061: Carlisle HMA, Inc.** (246 Parker Street, Carlisle, PA 17013) on April 28, 2004, for small gas and no. 2 oil fired combustion units under GP1 in South Middleton Township, **Cumberland County**.

**GP3-2-38-03014: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on April 28, 2004, for portable nonmetallic mineral processing plants under GP3 in North Londonderry Township, **Lebanon County**.

**GP7-06-03060: Tursack Printing, Inc.** (701 Hemlock Road, Morgantown, PA 19543) on April 30, 2004, for sheetfed offset lithographic printing press under GP7 in Caernarvon Township, **Berks County**.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-0066A: Nutra Soils Inc.** (324 E. Baltimore Pike, West Grove, PA 19390) on April 28, 2004, to operate a compost dryer in London Grove Township, **Delaware County**.

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

**67-05098B: Global Stone PenRoc, LP** (P. O. Box 1967, York, PA 17405-1967) on April 30, 2004, to construct a conveyance system and relocate microsizer equipment from the company's Whiting Plant to their West Filler Plant, 495 Global Stone Drive, York, West Manchester Township, **York County**.

**67-05103A: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612-6001) on April 30, 2004, to construct eight 2,000 kW diesel-fired electrical generating units at their Menges Mills Substation in Jackson Township, **York County**.

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

**30-00149A: Foree Oil Co.** (8235 Douglas Avenue, Dallas, TX 75225) on April 28, 2004, to install a compressor station in Greene Township, **Green County**.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**23-0096: County of Department of Education—George W. Hill Correction Facility** (Cheyney and Springlawn Roads, Thornton, PA 19373) on April 28, 2004, to operate a combustion unit in Concord Township, **Delaware County**.

**46-0213: Cremation Society of Pennsylvania** (4100 Jonestown Road, Harrisburg, PA 17109) on April 28, 2004, to operate a gas fired crematory in Upper Merion Township, **Montgomery County**.

**15-0041: Eastern Shore Natural Gas Co.** (P. O. Box 1769, 350 South Queen Street, Dover, DE 19904) on April 28, 2004, to operate two natural gas internal engines in Londonberry Township, **Chester County**.

**46-0036H: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on April 20, 2004, to operate a selective solder no. 11 in Worcester Township, **Montgomery County**.

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

**41-00005B: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on April 21, 2004, to operate three nitriders and associated air cleaning device (an ammonia gas neutralization unit) on a temporary basis, until August 19, 2004, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

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

**26-00534A: Fayette Thermal, LLC** (755 Opossum Lake Road, Carlisle, PA 17013) on April 28, 2004, to

install boilers at their East Millsboro Steam Plant in Luzerne Township, **Fayette County**. This plan approval was extended.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, New Source Review Chief, (484) 250-5920.*

**46-00179: Tuscan/Lehigh Dairies L. P.** (880 Allentown Road, Lansdale, PA 19446) on April 26, 2004, to operate a natural minor operating permit in Upper Gwynedd Township, **Montgomery County**.

**09-00107: Oldcastle Retail Inc. d/b/a Bonsal American** (1214 Hayes Boulevard, Bristol, PA 19007) on April 29, 2004, amended natural minor operating permit in Bristol Township, **Bucks County**.

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

**56-00899: Friends to End, Inc.** (5491 Somerset Pike, Hollsopple, PA 15935) on May 3, 2004, for a State-only operating permit for a crematory in Jenner Township, **Somerset County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**S02-001: Metro Machine Corp.** (Building No. 669, West 3rd Street, Philadelphia, PA 19112) on April 27, 2004, to operate a ship conversion and repair facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include 7 boilers (each less than 10 mmBtu/hr), abrasive blasting, painting, 20 diesel engines (for fire pumps, emergency generators, blowers, compressors, a blast media vacuum recovery, washers, defueling pumps and a water jet), abrasive blasting and ship breaking. Blasting operations are controlled by dust collectors, a HEPA filter or containment screens. Painting that is part of a portable enclosure (CAPE) system vents to a regenerative thermal oxidizer.

**S04-001: St. Christopher's Hospital for Children** (Erie Avenue at Front Street, Philadelphia, PA 19134) on April 29, 2004, to operate a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 500 hP boiler, a 300 hP boiler, a 200 hP boiler and three emergency generators.

**S03-003: Caledonian Dye Works** (3300 Emerald Street, Philadelphia, PA 19134—Building No. 669, West 3rd Street, Philadelphia, PA 19112) on April 26, 2004, to operate a dye works facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 600 HP boiler.

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

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

**22-05038: Feldman Lubert Adler Harrisburg, LP** (3225 North Central Avenue, Suite 1205, Phoenix, AZ 85012) on April 16, 2004, to operate their gas and no. 4

oil fired boilers at the Harrisburg East Mall in Swatara Township, **Dauphin County**. The State-only operating permit was administratively amended to reflect a change of ownership from Prudential Insurance Co. of America to Feldman Lubert Adler Harrisburg, LP. This is Revision No. 1 of the operating permit.

**67-05068: Highway Materials, Inc.** (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422-0465) on April 14, 2004, to operate a batch asphalt plant controlled by a knockout box and a fabric collector and two 30,000-gallon asphalt storage tanks at their Wrightsville Plant in Hellam Township, **York County**. The State-only operating permit was administratively amended to incorporate a plan approval for the use of alternative fuels into the existing permit. This is Revision No. 1 of the operating permit.

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

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

*Coal Permit Actions*

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

**49830202R4. Split Vein Coal Co., Inc.** (R. R. 1 Drawer 2, Paxinos, PA 17860), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County**, affecting 276.5 acres. Receiving streams: None. Application received December 8, 2003. Renewal issued April 26, 2004.

**49840103R3. Reading Anthracite Company** (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in East Cameron Township, **Northumberland County**, affecting 127.0 acres. Receiving streams: None. Application received January 14, 2004. Renewal issued April 27, 2004.

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

**32971303. NPDES Permit No. PA0215066, Penn View Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the Penn View Mine in West Wheatfield Township, **Indiana County** and related NPDES permit. No additional discharges. Permit issued April 26, 2004.

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

**33020105 and NPDES Permit No. PA0242195. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous strip and auger operation in Knox Township, **Jefferson County**, affecting 128.0 acres. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-1. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to temporarily relocate, mine through and reconstruct unnamed tributary no. 4 to Fivemile Run and to construct and maintain a haul road crossing over both unnamed tributary J to Fivemile Run and the temporary channel for unnamed tributary no. 4 to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-2. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary A to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-3. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary B to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-4. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary C to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-5. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary D to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-6. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary E to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-7. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary F to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-8. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary G to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to

Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-9. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary H to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**1192-33020105-E-10. P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767), application for a stream encroachment to mine through unnamed tributary I to Fivemile Run in Knox Township, **Jefferson County**. Receiving streams: unnamed tributaries to Fivemile Run and Fivemile Run. Application received October 4, 2002. Permit issued April 20, 2004.

**24980106 and NPDES Permit No. PA0227919. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853), renewal of an existing bituminous strip, auger and coal ash placement operation in Horton Township, **Elk County** affecting 223.1 acres. Receiving streams: unnamed tributaries to Johnson Run and unnamed tributaries to Brandy Camp Creek. Application received January 21, 2004. Permit issued April 26, 2004.

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

**32803048 and NPDES Permit No. PA0124711. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728), surface mining permit renewal for reclamation only in Cherryhill Township, **Indiana County**, affecting 437 acres. Receiving streams: unnamed tributaries to Penn Run (CWF) and Rose Run (CWF) and to Penn Run (CWF) and Rose Run (CWF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek surface water withdrawal. Application received March 15, 2004. Permit issued April 22, 2004.

**11830108 and NPDES Permit No. PA0605972. L & J Energy Company, Inc.** (P. O. Box I, Grampian, PA 16838), surface mining permit renewal for reclamation only in Susquehanna Township, **Cambria County**, affecting 183.4 acres. Receiving streams: unnamed tributary of West Branch of Susquehanna River (CWF); West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received April 5, 2004. Permit issued April 22, 2004.

**32030109 and NPDES Permit No. PA0249505. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), commencement, operation and restoration of a bituminous surface and auger mine in White Township, **Indiana County**, affecting 83.9 acres. Receiving streams: Two Lick Creek to Blacklick Creek to the Conemaugh River (TSF). There are no potable water supply intakes within 10 miles downstream. Application received July 30, 2003. Permit issued April 27, 2004.

**32030103 and NPDES Permit No. PA0249416. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701), commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 202.3 acres. Receiving streams: Tearing Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 20, 2003. Permit issued April 28, 2004.

*Noncoal Permit Actions*

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

**6875SM3C4 and NPDES Permit No. PA0612383. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of an NPDES permit for discharge of treated mine drainage in Armagh Township, **Mifflin County**. Receiving streams: Honey Creek. Application received March 3, 2004. Renewal issued April 26, 2004.

**58042801. Donna M. Manzer** (P. O. Box 57, South Gibson, PA 18842-0057), commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received February 3, 2004. Permit issued April 27, 2004.

**64032805. Robert J. Suhosky** (120 Lakeview Heights Drive, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Cherry Ridge Township, **Wayne County**, affecting 5.0 acres. Receiving streams: None. Application received December 3, 2003. Permit issued April 28, 2004.

**64030812. Johnston & Rhodes Bluestone Company** (P. O. Box 130, One Bridge Street, East Branch, NY 13756), commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County**, affecting 5.0 acres. Receiving streams: none. Application received November 21, 2003. Permit issued April 28, 2004.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

**01044007. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Tyrone Township, **Adams County**, with an expiration date of December 31, 2004. Permit issued April 26, 2004.

**21044024. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Tyson Commons in Silver Spring Township, **Cumberland County**, with an expiration date of April 30, 2005. Permit issued April 26, 2004.

**67044023. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Wellspan Health in York Township, **York County**, with an expiration date of April 30, 2005. Permit issued April 26, 2004.

**22044012. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting at Fairway Estates in Lower Paxton Township, **Dauphin County**, with an expiration date of May 26, 2005. Permit issued April 27, 2004.

**40044016. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18020), construction blasting at Monroe Court in Skippack Township, **Montgomery County**, with an expiration date of January 22, 2005. Permit issued April 27, 2004.

**48044014. Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Northampton Community College Campus in Bethlehem Township, **Northampton County**, with an expiration date of May 27, 2005. Permit issued April 27, 2004.

**36044033. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in East Lampeter Township, **Lancaster County**, with an expiration date of May 22, 2005. Permit issued April 28, 2004.

**15044013. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Chestnut Hill in North Coventry Township, **Chester County**, with an expiration date of May 27, 2005. Permit issued April 28, 2004.

**21044027. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240), construction blasting at Big Spring Terrace Mobile Home Park in West Pennsboro Township, **Cumberland County**, with an expiration date of April 30, 2005. Permit issued April 28, 2004.

**21044025. Doli Construction Corp.** (120 Independence Lane, Chalfont, PA 18914), construction blasting at Pumping Station 8 in Hampden Township, **Cumberland County**, with an expiration date of November 30, 2004. Permit issued April 29, 2004.

**21044026. Hall Explosive, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at The Preserves in Hampden Township, **Cumberland County**, with an expiration date of May 30, 2005. Permit issued April 29, 2004.

**06044016. Joao & Bradley Construction Co., Inc.** (P. O. Box 20345, Lehigh Valley, PA 18022), construction blasting at Traprock Business Center in Douglass Township, **Berks County**, with an expiration date of January 27, 2005. Permit issued April 29, 2004.

**15044014. Joao & Bradley Construction Co., Inc.** (P. O. Box 20345, Lehigh Valley, PA 18022), construction blasting at Sanitary Sewer Extension in East Coventry Township, **Chester County** with an expiration date of January 27, 2005. Permit issued April 29, 2004.

**36044034. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Stumptown Mennonite Church in Upper Leacock Township, **Lancaster County** with an expiration date of August 27, 2004. Permit issued April 29, 2004.

**36044035. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Elizabeth Township, **Lancaster County** with an expiration date of November 27, 2004. Permit issued April 29, 2004.

**36044036. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Mel Weaver Foundation in Earl Township, **Lancaster County**, with an expiration date of August 27, 2004. Permit issued April 29, 2004.

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

**05044001. Appalachian Geophysical Services** (P. O. Box 426, 2659 State Park Road, Killbuck, OH 44637), seismic blasting project in East and West Providence Townships, **Bedford County**. Duration of blasting is 45 days. Permit issued April 26, 2004.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704

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

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

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

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E48-343. Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. Stockertown Borough and Palmer Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a prestressed concrete beam bridge along the northbound lane of SR 0033 having a single span of 155 feet, an underclearance of approximately 25.0 feet and width of approximately 50.0 feet across Bushkill Creek (HQ-CWF). The removal of the existing three-span bridge was authorized by Emergency Permit No. EP4804402. The project also includes rehabilitation of the existing pier foundations of the bridge along the southbound lane of SR 0033 which is 100 feet upstream. The project is approximately 0.5 mile south of SR 0191 (Nazareth, PA Quadrangle N: 22.5 inches; W: 2.1 inches).

**E48-341. Borough of Northampton**, P. O. Box 70, Northampton, PA 18067. Borough of Northampton, **Northampton County**, Army Corps of Engineers Philadelphia District, Subbasin 2C.

To construct and maintain a steel truss pedestrian bridge having a single span of 98.5 feet and an underclearance of approximately 14.7 feet across Hokendauqua Creek (CWF, perennial). The bridge will connect the existing Heritage Trail to the D & L Trail and provide additional recreational resources to the public. The project is at the confluence of Hokendauqua Creek and the Lehigh River (Catasauqua, PA Quadrangle N: 9.5 inches; W: 15.7 inches). The project proposes to directly affect 12 linear feet of stream channel.

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

**E14-454. Thomas E. Watson**, 350 Heavenly Hill Road, Howard, PA 16841. Watson culvert in Curtain Township, **Centre County**, ACOE Baltimore District (Howard, PA Quadrangle N: 11.4 inches; W: 14.13 inches).

To construct and maintain a 42-inch diameter 25-foot long smooth bore plastic culvert depressed 12 inches into the streambed and the associated 55 feet of native sandstone approach fill in Romola Branch and its floodway to replace the preexisting 18-inch culvert crossing 2.4 miles up Orviston Road from SR 1002. The project has impacted 35 linear feet of Romola Branch (CWF) and no wetland impacts. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-458. George W. Newman, Wildcat Hollow Lodge, Inc.**, 323 Turnpike Street, P. O. Box 544, Milesburg, PA 16853-0544. Water Obstruction and En-

croachment joint permit application in Boggs Township, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 21.6 inches; W: 14.6 inches).

To construct and maintain a 6-foot wide by 4-foot high CMP elliptical pipe and a 32-inch diameter concrete culvert pipe in an unnamed tributary to Wallace Run, 4.5 miles north of the SR 0144 intersection with SR 0220 along SR 0144 in Boggs Township, Centre County. This project proposes to have a minimal impact on the unnamed tributary to Wallace Run (EV). This project does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-459. Bellefonte Borough**, 236 West Lamb Street, Bellefonte, PA 16823. Water Obstruction and Encroachment permit application in Bellefonte Borough, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 6.2 inches; W: 4.4 inches).

To remove a 22,000 square foot concrete building, a 4,000 square foot concrete block storage shed, 420 feet of abandoned railway siding and 1.5 acres of bituminous paving all of which is in the floodway of Spring Creek in Bellefonte Borough, Centre County. This permit was issued under section 105.13(e) "Small Projects."

**E41-533. Lycoming County Water and Sewer Authority**, 216 Old Cement Road, Montoursville, PA 17754. **Lycoming County** wastewater collection expansion in Woodward Township, Lycoming County, ACOE Baltimore District (Linden, PA Quadrangle N: 15.76 inches; W: 7.14 inches).

To construct, operate and maintain approximately 5 miles of 1.5-inch to 8-inch forcemains and approximately 5 miles of 8-inch gravity sanitary sewer line within the Susquehanna River watershed (WWF) for the treatment of municipal wastewater. Construction of the sanitary sewer lines will require the 13 stream and 4 wetland crossings as follows:

<i>Stream Name</i>	<i>Number of Crossings</i>	<i>Total Length of Crossings</i>
Unnamed tributaries Pine Run	2	108.0 feet
Unnamed tributaries Susquehanna River	8	408.0 feet
Unnamed tributaries Quenshukeny Run	1	61.0 feet
Quenshukeny Run	1	67.0 feet
Daugherty Run	1	46.0 feet
Wetland (adjacent to Pine Run)	1	100.0 feet
Wetland (adjacent to Pine Run)	1	180.0 feet
Wetland (adjacent to Pine Run)	1	140.0 feet
Wetland (near Northway Road)	1	80.0 feet

All sewer line crossings shall be constructed with a minimum of 3 feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing a waterway or wetland to ensure the hydrology of the streams or wetland is not altered. The project will impact 500 linear feet of jurisdictional wetlands and 690 feet of waterway. Construction of the Country Squire Mobile Home Park pump station will require the placement of fill in the floodplain of the Susquehanna River (WWF). Construction

of the Quenshukeny pump station will require the placement of fill in the floodplain of the Quenshukeny Run (WWF). The project is along the northern and southern right-of-way of SR 0220 approximately 5.33 miles east of Williamsport corporate boundary online SR 0220.

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

**E02-1423. Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. Thompson Run Arch Culvert in the Municipality of Penn Hills, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 12.1 inches; W: 6.8 inches) (Latitude: 40° 26' 30" and Longitude: 79° 47' 56"). To operate and maintain the existing 35-foot long arch culvert with a span of 26 feet and a rise of 12 feet, dredge and maintain approximately 140.0 linear feet of the channel of Thompson Run (WWF), to construct and maintain a gabion wall approximately 45.0 feet in length along the right bank of said stream just upstream from the South McCully Drive Bridge, to construct and maintain an outfall structure on the right bank of said stream just downstream from the South McCully Drive Bridge and to place and maintain fill on the right bank of said stream just upstream from the South McCully Drive Bridge for the purpose of improving Thompson Run. The project is approximately 350.0 feet west from the intersection of Thompson Run Road and South McCully Drive and will impact 140.0 linear feet of stream channel. This permit also authorizes the construction and maintenance of temporary cofferdams.

**E02-1451. Allegheny County Airport Authority**, 1000 Airport Boulevard, Suite 4000, P. O. Box 12370, Pittsburgh, PA 15231-0370. Clinton Road wetland fill in Findlay Township, **Allegheny County**, Pittsburgh ACOE District (Clinton, PA Quadrangle N: 22.2 inches; W: 5.1 inches) (Latitude: 40° 29' 50" and Longitude: 80° 17' 12"). To place and maintain fill in 0.37 acre of wetlands (PEM) to develop 1.69 million square feet of warehouse/distribution or flex warehouse space. The project is on the west side of Clinton Road approximately 3,000 feet north of its intersection with SR 60. To mitigate for the wetland impact the applicant will construct 0.37 acre of replacement wetlands. The applicant also proposes to impact approximately 225 feet of a tributary to Raredon Run (WWF) which meets the Department's Waiver 105.12(a)(2).

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

**E20-532. Athens Township Supervisors**, 35726 Centerville Road, Centerville, PA 16404-3416. T-765 (Dobbs Road) Bridge Maintenance in Athens Township, **Crawford County**, ACOE Pittsburgh District (Millers Station, PA Quadrangle N: 3.0 inches; W: 2.3 inches).

The applicant proposes to maintain a single span steel I-beam bridge having a clear span of 35.4 feet and a minimum underclearance of 5.16 feet on a 90 degree skew across Federal Run on T-765 (Dobbs Road) approximately 0.6 miles west of the intersection of T-765 (Dobbs Road) and SR 1037. The project includes concrete underpinning of the left abutment and wingwall and riprap protection of the abutments.

**E61-262. President Township**, 186 Julius Drive, Oil City, PA 16301. T-537 Across Stewart Run in President Township, **Venango County**, ACOE Pittsburgh District (President, PA Quadrangle N: 18.1 inches; W: 5.8 inches).

To remove the existing superstructure and to install and maintain a steel beam bridge having a structure length of 39 feet and providing a clear span of 32 feet and an underclearance of 6.2 feet across Stewart Run (CWF) on T-537 approximately 2.4 miles west of SR 62.

**E62-391, Allegheny Partners, L. P.**, P. O. Box 1474, Smethport, PA 16749. Access road across Pedler Run in Triumph Township, **Warren County**, ACOE Pittsburgh District (Tidioute, PA Quadrangle N: 15.4 inches; W: 11.2 inches).

To install and maintain a 13-foot long prefabricated steel beam bridge having a clear span of 26 feet and a maximum underclearance of 6 feet across Pedler Run (CWF) on an existing access road to Warren 56 Tract approximately 0.25 mile south of T-362 (Youngsville Road).

#### ENVIRONMENTAL ASSESSMENTS

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

**EA01-007CO. Conway Smith**, 312 Lingg Road, New Oxford, PA 17350. Oxford Township, **Adams County**, ACOE Baltimore District.

Project proposes to modify an existing nonjurisdictional dam across a tributary to South Branch Conewago Creek

(WWF). The project will involve placing fill on the downstream toe of the dam to reduce the slope to facilitate maintenance. This project will impact 0.03 acre of palustrine emergent wetlands. The Department has determined these impacts to be de minimis and will not require wetland compensation. The dam is along T480 approximately 1,800 feet northwest of the intersection of T480 and T502 (McSherrystown, PA Quadrangle N: 18.3 inches; W: 7.4 inches).

### SPECIAL NOTICES

#### Certification to Perform Radon-Related Activities in this Commonwealth

During April 2004, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kevin Adams	113 North Main Street Washington, PA 15301	Testing
James Bucciarelli	474 Easton Road Horsham, PA 19044	Mitigation
Castle Inspection, Inc.	20 Thornridge Road Springfield, PA 19064	Testing
Thomas d'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
James Davis	614 Lincoln Avenue Jermyn, PA 18433	Testing
E. David DeMar DeMar Associates Testing Services D. A. R. T. Mitigation Systems	611 Ridge Road Sellersville, PA 18960	Testing and Mitigation
Fred Durham, III	2653 Terrwood Drive, West Macungie, PA 18062	Testing
Timothy Ellis	508 Jennifer Lane Gibsonia, PA 15044	Testing
James Fawley	41 Indian Rocks Lake Ariel, PA 18436	Testing
Randon Ferguson	15870 Rt. 322, Suite 1 Clarion, PA 16214	Testing and Mitigation
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Frank Glantz	P. O. Box 866 Lemont, PA 16851	Mitigation
Frank Hendron	210 Stonebridge Boulevard	Testing and Mitigation



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Northeast Inspection Corporation	New Castle, DE 19720	
Leonard Kelsey Radon Specialists, Inc.	800 Sunset Lane Stroudsburg, PA 18360	Mitigation
Scott Latosky	1153 Stowe Avenue McKees Rocks, PA 15136	Testing
Eric Levine	P. O. Box 213 Minisink Hills, PA 18341	Testing and Mitigation
Leonard Mathison	Box 125, Route 8 Valencia, PA 16059	Mitigation
Stephen Mento	324 Gay Street Phoenixville, PA 19460	Testing
David Milliron	124 Oakford Park Road Jeannette, PA 15644	Testing
Cristopher Murphy World Inspection Network	4101 Benden Circle Murrysville, PA 15668	Testing
Dean Nowakowski	356 Partridge Run Road Gibsonia, PA 15044	Testing
Pillar To Post Home Inspection	2370 York Road Suite A9-C Jamison, PA 18929	Testing
Lisa Roddis Amerispec Home Inspection Service	P. O. Box 862 Hocressin, DE 19707	Testing
Larry Smith	HCR 1, Box 48 Brodheadsville, PA 18322	Testing
Robert Vail	1335 Chapman Lake Road Jermyn, PA 18433	Mitigation
Bradford Whitely	516 Broad Street Montoursville, PA 17754	Testing
David Wotring	R. R. 1, Box 491 Scotrun, PA 18355	Testing

[Pa.B. Doc. No. 04-853. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Availability of Final Total Maximum Daily Loads

The Department of Environmental Protection (Department) has developed Total Maximum Daily Loads (TMDLs) for the following watersheds. TMDLs set the pollutant loading amounts for impaired waters that are allocated among the sources in the watershed. The TMDLs have been approved by the Environmental Protection Agency and satisfy the Department's obligations under section 303(d) of the Federal Clean Water Act.

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Thompson Run	Allegheny	Metals, pH, Other Inorganics
Allegheny River	Allegheny	PCB, Chlordane
Potato Garden Run	Allegheny and Washington	Metals, pH
Monongahela River	Allegheny, Fayette and Washington	PCB, Chlordane
Chartiers Creek	Allegheny and Washington	PCB, Chlordane
Little Chartiers Creek	Allegheny and Washington	PCB, Chlordane
Chartiers Creek Watershed	Allegheny and Washington	Metals
Ohio River	Allegheny, Beaver, Lawrence and Washington	PCB, Chlordane

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Beaver River	Beaver and Lawrence	PCB, Chlordane
Brush Creek*	Beaver and Butler	Organic Enrichment/Low D. O.
Sandy Run	Bedford	Metals, pH
Hospital Creek	Berks	Nutrients
Little Cacoosing Creek	Berks	Nutrients, Siltation
UNT Tulpehocken Creek	Berks	Nutrients
Laurel Run*	Somerset	Metals, pH
Kittanning Run	Blair and Cambria	Metals, pH
Stephen Foster Lake	Bradford	Nutrients, Siltation
Levittown Lake	Bucks	PCB
Lake Luxembourg	Bucks	Nutrients, Suspended Solids
Fowler Run	Butler	Metals, pH
Bear Loop Run	Cambria	Metals, pH, Other Inorganics
Bald Eagle Creek*	Cambria	Thermal Modifications
Little Muddy Run	Cambria and Clearfield	Metals, pH
Cooks Run	Cameron and Clinton	Metals, pH, Siltation
Panther Creek	Carbon, Schuylkill	Metals, pH
Catawissa Creek	Carbon, Columbia, Luzerne and Schuylkill	Metals, pH
Cold Stream	Centre	Metals
West Branch Brandywine River	Chester and Montgomery	PCB, Chlordane
Valley Creek	Chester and Montgomery	PCB
Parks Run	Clarion	pH
Douglas Run	Clarion	Metals, pH
Beaver Run	Clarion	Metals, pH, Other Inorganics
Whites Run	Clarion	Metals, pH
Montgomery Creek	Clearfield	Metals, pH
Drury Run	Clinton	Metals, pH
Tangascootack Creek	Clinton	Metals, pH
Two Mile Run	Clinton	Metals, pH
Shamokin Creek	Columbia and Northumberland	Metals
Conneaut Lake	Crawford	Nutrients, Suspended Solids
Conodoguinet Creek Watershed**	Cumberland and Franklin	Siltation, Organic Enrichment/Low D. O.
Bear Creek	Dauphin	Metals, pH, Siltation
Rausch Creek	Dauphin and Schuylkill	Metals, pH
Conewago Creek	Dauphin, Lancaster and Lebanon	Nutrients, Siltation
Conewago Creek	Dauphin	Organic Enrichment/Low D. O.
Virgin Run Lake	Fayette	Nutrients
Cheat River	Fayette	Chlordane
Cats Run	Fayette	Metals, pH
Shoup Run	Huntingdon	Metals, pH
Huskins Run	Armstrong	Metals, pH, Other Inorganics
Parks Run	Jefferson	pH
Chickies Creek	Lancaster	Nutrients, Siltation
Conowingo Creek	Lancaster	Nutrients, Suspended Solids
Muddy Run	Lancaster	Nutrients, Siltation
Mill Creek (UNT)*	Lancaster	Total Dissolved Solids, Chlorides
Pequea Creek	Lancaster	Nutrients, Siltation, Organic Enrichment/Low D. O.
Donegal Creek	Lancaster	Organic Enrichment/Low D. O.
Shenango River	Lawrence and Mercer	PCB, Chlordane
Swatara Creek (UNT)	Lebanon	Organic Enrichment/Low D. O.
Owl Creek	Lebanon	Nutrients, Siltation
Deep Run	Lebanon	Nutrients, Siltation
Earlakill Run	Lebanon	Nutrients, Siltation
Quittapahilla Creek Watershed**	Lebanon	Nutrients, Suspended Solids, Organic Enrichment/Low D. O.
Harveys Lake	Luzerne	Nutrients, Suspended Solids
Trout Creek (UNT)*	Montgomery	Total Residual Chloride
Brandywine River*	Montgomery	PCB, Chlordane
Pennypack Creek*	Montgomery	Priority Organics, Organic Enrichment/Low D. O.
Susquehanna River	Northumberland, Montour, Columbia, Luzerne, Lackawanna and Wyoming	PCB
North Fork Cowanesque River	Potter and Tioga	Siltation, Organic Enrichment/Low D. O.
Upper Swatara Creek	Schuylkill	Metals

<i>Stream Name</i>	<i>County</i>	<i>Pollutants</i>
Wabash Creek	Schuylkill	Metals
Hans Yost Creek	Schuylkill	Metals, pH
North Branch Mahantango Creek	Snyder	Siltation, Organic Enrichment/Low D. O.
South Branch Wyalusing Creek	Susquehanna	Nutrients, Suspended Solids
Fall Brook	Tioga	Metals, pH
Morris Run	Tioga	Metals, pH
Babb Creek	Tioga	Metals, pH
Lockard Run	Venango	Metals, pH
Dutch Fork Lake	Washington	Organic Enrichment/Low D. O.
Plum Run	Washington	Siltation, Nutrients
Thorn Run	Westmoreland	Metals
Lake Carey	Wyoming	Nutrients
Pinchot Lake	York	Organic Enrichment/Low D. O.
Oil Creek	York	Nutrients, Siltation

\*Reports not available on website.

\*\*No TMDL for mainstem.

To request a copy of a TMDL, contact the Division of Water Quality Assessment and Standards, Department of Environmental Protection, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 787-9637, rmaugle@state.pa.us. The TMDLs are also available on the Department's website: [www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/) (choose stream under "Select By TMDL Name:").

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-854. Filed for public inspection May 14, 2004, 9:00 a.m.]

### **Mining and Reclamation Advisory Board; Regulation, Legislation and Technical Committee Special Meeting**

A special meeting of the Mining and Reclamation Advisory Board's Regulation, Legislation and Technical Committee is scheduled for May 20, 2004, at 1 p.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to review and discuss the Department of Environmental Protection's (Department) draft report on incentives for re-mining abandoned coal mined lands.

Questions concerning this meeting should be directed to G. Nevin Strock, (717) 787-6842, [gstrock@state.pa.us](mailto:gstrock@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact G. Nevin Strock at the previous telephone number or e-mail address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-855. Filed for public inspection May 14, 2004, 9:00 a.m.]

### **Pennsylvania Wetland Replacement Project**

The Department of Environmental Protection (Department) has approved the following wetland restoration projects for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National

Fish and Wildlife Foundation established to offset wetland losses. Construction for the following projects is anticipated to begin in Spring 2004. For further information, contact Alissa Myers, Department of Environmental Protection, Division of Waterways, Wetlands and Erosion Control, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827, [almyers@state.pa.us](mailto:almyers@state.pa.us).

*Project No. S12B34-001*

Sponsored by Richfield Sportsman's Club, the main objective of the 0.8-acre emergent wetland restoration project in the Mahantango Creek Watershed of the Susquehanna River drainage is wildlife habitat. The area is primarily upland and the wetland component will add a transition area between the creek and the upland. The project is located in Monroe Township, Juniata County.

*Project No. S07J36-007*

Sponsored by Patricia Walmer, the primary objective of the 1-acre emergent wetland restoration project in the Hammer Creek Watershed of the Susquehanna River drainage is wildlife habitat. An additional benefit is water quality improvement by detaining nutrients from agricultural areas upslope of the proposed wetland. The project is located in Heidelberg Township, Lebanon County.

*Project No. O20B04-001*

Sponsored by Mark Ondrusek and Ducks Unlimited, the main objective of the 3-acre forested wetland restoration project in the Brady Run Watershed of the Ohio River drainage is wildlife habitat. The area is primarily upland forest and the wetland component will add a new habitat feature attracting a new guild of species. The project is located in Chippewa Township, Beaver County.

*Project No. D03G23-001*

Sponsored by Delco Anglers and Conservationists, the primary objective of this 1-acre emergent wetland restoration project in the Ridley Creek Watershed of the Dela-

ware River is the removal of a defunct fish hatchery. The project is located in Middletown Township, Delaware County.

*Project No. S08D24-001*

Sponsored by the Ruffed Grouse Society, the Department of Conservation of Natural Resources and Mackin Engineering Company, the primary objective of this 15-acre scrub/shrub wetland creation project in the headwaters of Beaver Run Watershed of the Susquehanna River drainage is habitat for game birds. The project is located in Benezette Township, Elk County.

*Project No. O19D26-001*

Sponsored by Brian Konieczny and Ducks Unlimited, the primary objective of this 2.5-acre emergent wetland creation project in the Latta Run Watershed of the Ohio River Drainage is wildlife habitat, specifically waterfowl. The project is located in Bullskin Township, Fayette County.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-856. Filed for public inspection May 14, 2004, 9:00 a.m.]

**Proposed Revision to the State Implementation Plan for Architectural and Industrial Maintenance Coatings; Sherwin-Williams Company Variance Application for Interior Wiping Stains; Public Hearings**

The Sherwin-Williams Company (Sherwin-Williams) has submitted an application, dated March 16, 2004, to the Department of Environmental Protection (Department) for a variance from the volatile organic compound (VOC) content limits in 25 Pa. Code § 130.603 (relating to standards) for interior wiping stains. The Sherwin-Williams variance application was submitted in accordance with 25 Pa. Code § 130.606 (relating to application for variance), which provides that a person who cannot comply with the VOC content limits in 25 Pa. Code § 130.603(a) may apply in writing to the Department for a variance. In accordance with 25 Pa. Code § 130.606, the application for variance must address the specific grounds upon which the variance is sought, the proposed date by which compliance with § 130.603(a) will be achieved and a compliance report detailing the methods by which compliance will be achieved. The Department will submit each Variance Order to the United States Environmental Protection Agency for approval as a State Implementation Plan (SIP) revision.

In accordance with 25 Pa. Code § 130.606, the Department will not grant a variance unless the applicant demonstrates in writing to the Department's satisfaction that:

- (1) It is technologically infeasible for the applicant to comply with 25 Pa. Code § 130.603(a).
- (2) The public interest in issuing the variance would outweigh the public interest in avoiding increased emissions of air contaminants that would result from issuing the variance.
- (3) The compliance program proposed by the applicant can reasonably be implemented and will achieve compliance as expeditiously as possible.

Sherwin-Williams claims in the March 16, 2004, application for variance that it is technologically infeasible for Sherwin-Williams to formulate certain interior wiping stains to comply with the VOC content limit for interior wiping stains specified in 25 Pa. Code § 130.603(a) "... without substantially increasing toxicity or fire hazard, or jeopardizing the performance criteria which make these products feasible for application to large surfaces (e.g., floors, paneling, etc.) or fine wood surfaces that will not be subsequently top coated with a clear finish." Sherwin-Williams cites "lapping" and "grain raising" as the adverse performance impacts that would result from Sherwin-Williams' reformulation of interior wiping stains to water-based formulations. In the application for variance, Sherwin-Williams describes a research and development compliance plan by which compliance with the regulations will be achieved, and Sherwin-Williams indicates that the company's research and development efforts are directed toward a targeted compliance goal of January 1, 2010.

In accordance with 25 Pa. Code § 130.610 (relating to public hearings), the Department will hold public hearings on the Sherwin-Williams variance application to seek public comment on the following:

- (1) Whether a variance from 25 Pa. Code § 130.603(a) is necessary.
- (2) Under what conditions a variance from 25 Pa. Code § 130.603(a) is necessary.
- (3) To what extent a variance from 25 Pa. Code § 130.603(a) is necessary.

In addition to the previous, the Department will also seek comment on a Department-proposed Variance Order for issuance to Sherwin-Williams, as well as proposed revisions to the SIP. The Department-proposed Variance Order for issuance to Sherwin-Williams includes a requirement that compliance with 25 Pa. Code § 130.603 will be achieved by January 1, 2010, and that incremental progress reports will be sent to the Department to assure timely compliance. A variance issued by the Department shall cease to be effective upon failure of the party to whom the variance was granted to comply with a term or condition of the variance.

Based on data provided by Sherwin-Williams regarding sales in this Commonwealth of the materials for which the variance is requested, the Department estimates that, if the variance is granted, Statewide VOC emissions will be approximately 0.8 ton per day higher than if Sherwin-Williams were to market coatings at the compliance level. For the five-county Southeast Pennsylvania ozone nonattainment area, the granting of the variance will result in VOC emissions approximately 0.26 ton per day higher than if the affected materials were formulated at compliance levels.

*Public Hearings*

The Department will hold two public hearings to receive comments on the variance application submitted by Sherwin-Williams, as well as the proposed SIP revisions and the Department-proposed Variance Order. The public hearings will begin at 1 p.m. as follows:

June 14, 2004 Southeast Regional Office  
Schuylkill River Conference Room  
2 East Main Street  
Norristown, PA 19401

June 17, 2004 Southcentral Regional Office  
Susquehanna River Conference Room  
909 Elmerton Avenue  
Harrisburg, PA 17110

Persons wishing to present testimony at hearing should reserve a time by contacting Susan Ferree, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, sferree@state.pa.us. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Wick Havens, (717) 787-9495. TDD users should contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

#### *Written Comments*

Written comments on the variance application submitted by Sherwin-Williams, as well as the proposed SIP revisions and the Department-proposed Variance Order, should be sent by 12 p.m. on July 15, 2004, to Terry Black, Chief, Regulation and Policy Development Section, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468.

#### *Availability of Documents*

Sherwin-Williams' application for a variance and the Department's proposed Variance Order are available from Terry Black at the previous address or by e-mail to tblack@state.pa.us. These documents are also available on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (Subjects/Air Quality/Regs Plans/Clean Air Plans).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-857. Filed for public inspection May 14, 2004, 9:00 a.m.]

### **Storage Tank Advisory Committee Meeting Cancellation**

The June 1, 2004, meeting of the Storage Tank Advisory Committee has been cancelled. The next meeting is scheduled for Tuesday, September 14, 2004, at 10 a.m. on the 10th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to James Adair, (717) 772-5551, jadair@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ruth Carmen at (717) 772-5831 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-858. Filed for public inspection May 14, 2004, 9:00 a.m.]

### **Stream Redesignation Evaluation; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a design-

nated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the following stream section to determine the proper aquatic life use designation in the Commonwealth's water quality standards. Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream section are encouraged to make it available to the Department for consideration in the assessment. This assessment may lead to a recommendation to the Environmental Quality Board (Board) for redesignation.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Clarion River—Main Stem, from the inlet of Piney Lake upstream from Clarion to the confluence with the Allegheny River near Parker and Parkers Landing	Clarion	Allegheny River

Data should be submitted to Bob Frey, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, rofrey@state.pa.us. Data should be submitted by June 14, 2004. Questions concerning these evaluations should be directed to Bob Frey, (717) 787-9637.

This assessment is being conducted in response to a rulemaking petition submitted to the Board by the Clarion River Petitioners. This portion of the main stem of the Clarion River is currently designated Cold Water Fishes. The petitioners are requesting redesignation to Warm Water Fishes.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Bob Frey at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-859. Filed for public inspection May 14, 2004, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Traumatic Brain Injury Advisory Board Meeting**

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, May 26, 2004, from 10 a.m. to 3 p.m. in Room 812, Health and Welfare Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information, or persons a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Annette D. Jacek, Program Manager, Special Conditions Section, Division of Child and Adult Health Services, (717) 772-4959, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-860. Filed for public inspection May 14, 2004, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Federal Poverty Income Guidelines for 2004

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 2004 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 69 FR 7336 on February 13, 2004.

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to public welfare) and administered by the Department. These categories include Healthy Beginnings for Pregnant Women and Qualified Children (55 Pa. Code Chapter 140, Subchapter A), Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B) and Extended Medical Coverage under Categorically Needy TANF-Related Categories (55 Pa. Code Chapter 140, Subchapter C).

The percentages for the Medicaid categories of Healthy Beginnings and Healthy Horizons are set forth as follows:

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$ 776	\$ 9,310	\$ 931	\$11,172	\$1,032	\$12,383	\$1,048	\$12,569
2	\$1,041	\$12,490	\$1,249	\$14,988	\$1,385	\$16,612	\$1,406	\$16,862
3	\$1,306	\$15,670	\$1,567	\$18,804	\$1,737	\$20,842	\$1,763	\$21,155
4	\$1,571	\$18,850	\$1,885	\$22,620	\$2,090	\$25,071	\$2,121	\$25,448
5	\$1,836	\$22,030	\$2,203	\$26,436	\$2,442	\$29,300	\$2,479	\$29,741
6	\$2,101	\$25,210	\$2,521	\$30,252	\$2,795	\$33,530	\$2,837	\$34,034
7	\$2,366	\$28,390	\$2,839	\$34,068	\$3,147	\$37,759	\$3,194	\$38,327
8	\$2,631	\$31,570	\$3,157	\$37,884	\$3,499	\$41,989	\$3,552	\$42,620
Each Additional Person	\$ 265	\$ 3,180	\$ 318	\$ 3,816	\$ 353	\$ 4,230	\$ 358	\$ 4,293

Persons	185% of FPIG		200% of FPIG		235% of FPIG		250% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$1,436	\$17,224	\$1,552	\$18,620	\$1,824	\$21,879	\$1,940	\$23,275
2	\$1,926	\$23,107	\$2,082	\$24,980	\$2,446	\$29,352	\$2,603	\$31,225
3	\$2,416	\$28,990	\$2,612	\$31,340	\$3,069	\$36,825		
4	\$2,907	\$34,873	\$3,142	\$37,700	\$3,692	\$44,298		
5	\$3,397	\$40,756	\$3,672	\$44,060	\$4,315	\$51,771		
6	\$3,887	\$46,639	\$4,202	\$50,420	\$4,937	\$59,244		
7	\$4,377	\$52,522	\$4,732	\$56,780	\$5,560	\$66,717		
8	\$4,868	\$58,405	\$5,262	\$63,140	\$6,183	\$74,190		
Each Additional Person	\$ 491	\$ 5,883	\$ 530	\$ 6,360	\$ 623	\$ 7,473		

These percentages apply as follows:

*Healthy Beginnings—*

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children 1-5 years of age.
- c. 100% for children 6 years of age and older who were born after September 30, 1983.

*Healthy Horizons—*

- a. 100% for persons eligible for the categorically needy and Medicare cost-sharing benefits.
- b. 120% for persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only benefits.
- c. 135% for persons eligible for the Qualifying Individuals Beneficiaries benefits.

(There are different resource limits for each of these programs.)

Additional information on the specific program is available at county assistance offices.

*Effective Date*

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to February 13, 2004.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-390. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 55. PUBLIC WELFARE**

**PART II. PUBLIC ASSISTANCE MANUAL**

**Subpart C. ELIGIBILITY REQUIREMENTS**

**CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS**

**APPENDIX A**

**EXTENDED MEDICAL COVERAGE (EMC)  
MONTHLY INCOME LIMITS**

**185% OF THE 2004 FEDERAL POVERTY INCOME  
GUIDELINES**

<i>Family Size</i>	<i>185% of the Federal Poverty Income Guidelines</i>
1	\$1,436
2	\$1,926
3	\$2,416
4	\$2,907
5	\$3,397
6	\$3,887
7	\$4,377
8	\$4,868
Each Additional Person	\$ 491

[Pa.B. Doc. No. 04-861. Filed for public inspection May 14, 2004, 9:00 a.m.]

**Income and Resource Limits for Spouse Living in  
the Community When the Other Spouse is Insti-  
tutionalized**

The Department of Public Welfare increased the income and resource limits described in 55 Pa. Code §§ 178.124(a)(3)(i) and (ii) and 181.452(d)(2)(iv) (relating to resource eligibility for the institutionalized spouse; and posteligibility determination of income available from an MA eligible person toward the cost of care) effective January 1, 2004, as required by 42 U.S.C.A. § 1396r-5.

Sections 181.452(d)(2)(iv) and 178.124(a)(3)(i) and (ii) of 55 Pa. Code establish the basis for determining the Monthly Community Spouse Maintenance Need Amount and the maximum and minimum Community Spouse Resource Standard for the Categorically Needy Nonmoney Payment and Medically Needy Only Medicaid programs. These standards are required to be published in the *Pennsylvania Bulletin* annually, and are available to the public upon request at the county assistance offices.

Effective January 1, 2004, the amounts are:

Maximum Community Spouse Resource Standard	\$92,760
Minimum Community Spouse Resource Standard	\$18,552
Maximum Monthly Community Spouse Maintenance Need Amount	\$2,319

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-389. (1) General Fund; (2) Implementing Year 2003-04 is \$340,000; (3) 1st Succeeding Year 2004-05 is \$886,000; 2nd Succeeding Year 2005-06 is \$913,000; 3rd Succeeding Year 2006-07 is \$940,000; 4th Succeeding Year 2007-08 is \$968,000; 5th Succeeding Year 2008-09 is \$997,000; (4) 2002-03 Program—\$777,084,000; 2001-02 Program—\$761,877,000; 2000-01 Program—\$722,565,000; (7) Medical Assistance—Long Term Care; (8) recommends adoption. Funding for 2003-04 is included in Act 9-A of 2003. Funding for 2004-05 is recommended in the 2004-05 Executive Budget.

[Pa.B. Doc. No. 04-862. Filed for public inspection May 14, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Sparkling Diamonds Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sparkling Diamonds.

2. *Price:* The price of a Pennsylvania Sparkling Diamonds instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Sparkling Diamonds instant lottery game ticket will contain one play area featuring a “Winning Numbers” area and a “Your Numbers” area. The play symbols and their captions located in the “Winning Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “Your Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 10X Symbol (10TIMES) and Money Bag Symbol (MNYBAG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the “Your Numbers” area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$250,000 (TWOFTYTHO) and \$500,000 (FIVHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500, \$1,000, \$250,000 and \$500,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Sparkling Diamonds instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$500,000 (FIVHUNTHO) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Winning Numbers” play symbols and a prize play symbol of \$250,000 (TWOFTYTHO) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 10X Symbol (10TIMES), and a prize play symbol of \$100 (ONE HUN) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$500 (FIV HUN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 10X Symbol (10TIMES), and a prize play symbol of \$50\$ (FIFTY) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$200 (TWO HUN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 10X Symbol (10TIMES), and a prize play symbol of \$20\$ (TWENTY) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$100 (ONE HUN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 10X Symbol (10TIMES), and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning

Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$50\$ (FIFTY) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a 10X Symbol (10TIMES), and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the 10X Symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$25\$ (TWY FIV) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$15\$ (FIFTN) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBAG), and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the Money Bag Symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:



<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
\$5 × 2	\$10	27.27	176,000
\$10 w/MB	\$10	27.27	176,000
\$10	\$10	33.33	144,000
\$5 × 3	\$15	100	48,000
\$15 w/MB	\$15	75	64,000
\$15	\$15	100	48,000
\$5 × 4	\$20	150	32,000
\$10 × 2	\$20	60	80,000
\$20	\$20	30	160,000
\$5 × 5	\$25	150	32,000
\$5 × 3 + \$10	\$25	150	32,000
\$15 + \$10	\$25	150	32,000
\$25 w/MB	\$25	150	32,000
\$25	\$25	150	32,000
\$5 × 10	\$50	347.83	13,800
\$10 × 5	\$50	600	8,000
\$25 × 2	\$50	1,200	4,000
\$5 w/10X	\$50	200	24,000
\$50 w/MB	\$50	1,200	4,000
\$50	\$50	230.77	20,800
\$5 × 10 + \$10 × 5	\$100	342.86	14,000
\$10 × 10	\$100	600	8,000
\$10 × 5 + \$50	\$100	600	8,000
\$20 × 5	\$100	800	6,000
\$25 × 4	\$100	960	5,000
\$50 × 2	\$100	960	5,000
\$10 w/10X	\$100	300	16,000
\$100 w/MB	\$100	1,200	4,000
\$100	\$100	342.86	14,000
\$20 × 10	\$200	12,000	400
\$25 × 8	\$200	12,000	400
\$15 × 10 + \$10 × 5	\$200	12,000	400
\$20 w/10X	\$200	12,000	400
\$200 w/MB	\$200	12,000	400
\$200	\$200	12,000	400
\$50 × 10	\$500	40,000	120
\$100 × 5	\$500	120,000	40
\$50 w/10X	\$500	40,000	120
\$500 w/MB	\$500	120,000	40
\$500	\$500	60,000	80
\$100 × 10	\$1,000	120,000	40
\$200 × 5	\$1,000	120,000	40
\$100 w/10X	\$1,000	120,000	40
\$1,000	\$1,000	120,000	40
\$250,000	\$250,000	960,000	5
\$500,000	\$500,000	960,000	5

MB = Win prize automatically

10X = Win 10 times the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sparkling Diamonds instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sparkling Diamonds, prize money from winning Pennsylvania Sparkling Diamonds instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sparkling Diamonds instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sparkling Diamonds or through normal communications methods.

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-863. Filed for public inspection May 14, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Harley-Davidson Motor Company v. DEP; EHB  
Doc. No. 2004-103-K**

Harley-Davidson Motor Company has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0085677 (March 30, 2004) to same for a facility in Springettsbury Township, York County.

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

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

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-864. Filed for public inspection May 14, 2004, 9:00 a.m.]

## HOUSING FINANCE AGENCY

**2004 Home Choice Programs and Mandatory  
Preapplication Seminars**

The Housing Finance Agency (Agency) has set aside funds to continue the Home Choice Programs (HCP).

In 2004, the HCP will fund development of new single family homes, for purchase, in urban communities through HCP-HCI. In addition, the Agency is expanding the HCP to include a new Neighborhood Revitalization Initiative (HCP-NRI) to provide funding for the substantial rehabilitation of vacant housing and construction of in-fill homes as a part of a municipality's comprehensive approach to increase the net investment in housing in urban areas while building mixed-income communities and encouraging diversity of homeownership (HCP-NRI). In addition, the Agency is announcing the continuation of the pilot effort started in 2003 to encourage mixed use facility financing in commercial corridors of this Commonwealth (HCP-MUFFI).

The HCP encourages market-sensitive and innovative land use planning concepts in urban areas and works in concert with commercial development and community and downtown revitalization efforts. The focus is on development of new homeownership opportunities and the transformation of disinvested urban neighborhoods into attractive places to live, thereby offering a viable alternative to

suburbia and sprawl development. HCP proposals require partnerships among the municipality and for-profit and nonprofit builders/developers. HCP funding is just a part of the overall financing. To date, approved proposals have combined HCP funds with many various municipal, State and Federal program funding, as well as private moneys and commercial development activities.

This year, the Agency has two separate, but related, Requests for Proposals (RFP) inviting applications for the HCP. HCP proposals must be based upon the requirements set forth in the RFP for either HCP-HCI, HCP-NRI or HCP-MUFFI. Both RFPs, include specific instructions for applicants, outline the goals of the various initiatives and provide specific timelines for program submissions. The complete RFPs are available on the Agency's website: [www.phfa.org](http://www.phfa.org).

At least one member of the principal sponsor of each HCP application must attend an informational seminar at the offices of the Agency at 211 N. Front Street, Harrisburg, PA. Pre-registration is required by June 1, 2004, by contacting Jennifer Kennedy, (717) 780-3910, [jkennedy@phfa.org](mailto:jkennedy@phfa.org). Proposed applications not represented at one of the preapplication seminars will be rejected. The seminars will be held on June 2, 2004, and June 8, 2004, as follows:

HCP-MUFFI—10 a.m. to 12 p.m.

HCP-HCI/HCP—NRI-1 p.m. to 4 p.m.

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 04-865. Filed for public inspection May 14, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 29, 2004, and announced the following:

*Regulation Approved*

Environmental Quality Board #7-384: Safe Drinking Water; Long Term 1 Enhanced Surface Water Treatment Rule (amends 25 Pa. Code Chapter 109)

**Approval Order**

Public Meeting held  
April 29, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson, by phone; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

*Environmental Quality Board—Safe Drinking Water; Long Term 1 Enhanced Surface Water Treatment Rule; Regulation No. 7-384*

On July 15, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This

rulemaking amends 25 Pa. Code Chapter 109. The proposed regulation was published in the July 26, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 23, 2004.

The regulation amends existing provisions in the Safe Drinking Water program. It will extend measures designed to control and reduce *Cryptosporidium* to public drinking water systems serving less than 10,000 people. The amendments represent the second phase in adopting Federal standards to protect the public from *Cryptosporidium*.

We have determined this regulation is consistent with

the statutory authority of the Board (35 P. S. § 721.4(a) and 71 P. S. § 510-20(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-866. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-389	Coal and Clay Mine Subsidence Insurance Board Mine Subsidence Fund (34 Pa.B. 1329 (March 6, 2004))	4/5/04	5/5/04
16A-5715	State Board of Veterinary Medicine Implanting Electronic Identification; Veterinary Technician (34 Pa.B. 1331 (March 6, 2004))	4/5/04	5/5/04

#### Coal and Clay Mine Subsidence Insurance Board Regulation No. 7-389

##### Mine Subsidence Fund

May 5, 2004

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Coal and Clay Mine Subsidence Insurance Board (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on April 5, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

#### Section 401.13. Coverage limits and premiums for insurance.—Clarity.

The term “agent” is used in this section and other sections of 25 Pa. Code Chapter 401. However, this term is not defined. We understand the term refers to employees of the Department of Environmental Protection working on behalf of the Board. To improve clarity and avoid confusion, the Board should define the term “agent.”

#### State Board of Veterinary Medicine Regulation No. 16A-5715

##### Implanting Electronic Identification; Veterinary Technician

May 5, 2004

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Veterinary Medicine must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on April 5, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

#### 1. Section 31.31. Scope of practice.—Reasonableness.

Subsection (b)(1)(xi) authorizes a noncertified employee of a veterinarian to “implant an electronic identification device” under direct veterinary supervision. Commentators have objected to the use of noncertified employees to implant

electronic identification devices. Specifically, they state that the implantation of these devices is an invasive procedure that should be done by a trained and certified person to ensure that the device is inserted properly and the accompanying paperwork is completed and filed accurately.

The Board should further explain the basis for allowing noncertified employees to implant electronic identification devices.

## 2. Section 31.39. Grounds for disciplinary proceedings.—Consistency with statute.

Subsection (a)(6) deletes the phrase “which, if committed in this Commonwealth, would be deemed a felony.” However, section 21(15) of the Veterinary Practice Act (63 P. S. § 485.21(15)) contains this language. The Board should retain this language in the final-form regulation, or explain why it is unnecessary to do so.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-867. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
10-170	Department of Health Public Swimming and Bathing Places	4/30/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-868. Filed for public inspection May 14, 2004, 9:00 a.m.]

days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-869. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting Association; Rate Filing

On April 30, 2004, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) a filing to increase overall rates by 0.6% for noninstitutional health care providers by proposing to:

- Decrease the base rate by 8.0% for noninstitutional health care providers.
- Move ten specialties from one class to another class.
- Make various class changes including the addition of six new classes and the deletion of classes that are not currently used or that are not eligible for the JUA under Act 13. Clarify the definitions of major and minor surgery.
- Change all class relativities (except 015).
- Move ten counties from one territory to another.
- Change two territorial relativities.

The JUA is also seeking approval to increase the base rates by 0.6% for institutional health care providers. Additionally, the Hospital Experience Rating Plan has been updated.

Unless formal administrative action is taken prior to June 29, 2004, the rates within the subject filing may be deemed into use upon the effective date, September 1, 2004, by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select “Consumer Information” on the left side. Under “General Information,” click on “Notices.” The PDF copy is at the “Filing.pdf” link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harris-

## INSURANCE DEPARTMENT

### HealthAmerica; Eastern Pennsylvania Service Area HMO Medical Base Rate; Rate Filing

On April 27, 2004, the Insurance Department (Department) received from HealthAmerica a filing for a rate increase between 21% and 25%.

The increase will impact approximately 57,500 members and generate additional revenue amounting to \$31.1 million annually, to be effective July 1, 2004.

Unless formal administrative action is taken prior to July 28, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select “Consumer Information” on the left side. Under “General Information,” click on “Notices.” The PDF copy is at the “Filing.pdf” link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30

burg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-870. Filed for public inspection May 14, 2004, 9:00 a.m.]

service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-871. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Mary E. Gillikin; file no. 04-182-03130; Erie Insurance Exchange; doc. no. PH04-04-041; June 18, 2004, 9 a.m.

Appeal of Michael and Doreen Hanna; file no. 04-215-01027 AAA Mid-Atlantic Company; doc. no. PH04-04-043; June 18, 2004, 10 a.m.

Appeal of Augustinus Tedjasukmana; file no. 04-267-01136; Rutgers Casualty Insurance Company; doc. no. PH04-04-036; June 18, 2004, 12:30 p.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid,

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested hearings as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Erie Insurance Exchange; file no. 04-193-02644; Jennifer M. Swartz; doc. no. P04-04-039; June 9, 2004, 1:30 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Erie Insurance Exchange; file no. 04-308-70699; Charles W. Miller, Jr.; doc. no. PI04-04-038; July 15, 2004, 11 a.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid,

service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-872. Filed for public inspection May 14, 2004, 9:00 a.m.]

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

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings 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 hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Charles Spatz; file no. 04-183-03754; Mutual Benefit Insurance Company; doc. no. P04-04-040; June 3, 2004, 1:30 p.m.

Appeal of Lon Diffenderfer; file no. 04-183-03258; Homesite Insurance Company of PA; doc. no. P04-04-034; June 15, 2004, 10:30 a.m.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-873. Filed for public inspection May 14, 2004, 9:00 a.m.]

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

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

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

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Shelby Insurance Company; file no. 04-280-01057; Joseph Margolis; doc. no. PH04-04-042; June 18, 2004, 11 a.m.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-874. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Sharon L. Walker; Prehearing

#### Appeal of Sharon L. Walker under 40 P. S. §§ 991.2101—991.2193; Keystone Health Plan Central; Doc. No. HC04-04-037

The proceedings in this matter will be governed by 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) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on June 9, 2004, at 11 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before May 13, 2004. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 28, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before June 2, 2004.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid, service or other accommodation to participate in the

hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-875. Filed for public inspection May 14, 2004, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-04-096, Dated April 13, 2004. Authorizes implementation of the Memorandum of Understanding between the Commonwealth and the Independent State Store Union.

Resolution #CB-04-104, Dated April 27, 2004. Authorizes implementation of the Collective Bargaining Agreement between the Commonwealth and the United Food and Commercial Workers Union.

#### *Governor's Office*

Management Directive No. 205.9—Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Revision No. 1, Dated April 2, 2004.

Administrative Circular No. 04-6—Directives Management System Conversion to Electronic Distribution of Documents, Dated April 8, 2004.

Administrative Circular No. 04-7—Refueling of Commonwealth Automotive Fleet Vehicles, Dated April 9, 2004.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 04-876. Filed for public inspection May 14, 2004, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0218, 2947 W. Liberty Avenue, Pittsburgh, PA 15216-2543.

*Lease Expiration Date:* April 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board

with approximately 3,400 net useable square feet of new or existing retail commercial space on West Liberty Avenue in Dormont Borough. The site must have adequate off-street customer parking and access for rear truck deliveries.

*Proposals due:* June 4, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0231, Robinson Town Centre, 1160 Park Manor Blvd., Pittsburgh, PA 15205.

*Lease Expiration Date:* February 28, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 11,000 net useable square feet of new or existing retail commercial space in a shopping center environment near the intersection of U. S. Route 22/30 and State Route 60 in Robinson Township.

*Proposals due:* June 4, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0296, 5249 Library Road, Bethel Park, PA 15102-2714.

*Lease Expiration Date:* February 28, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,800 net useable square feet of new or existing retail commercial space in a shopping center environment fronting State Route 88 in Bethel Park Borough.

*Proposals due:* June 4, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Montour County, Wine & Spirits Shoppe #4701, 604 Continental Blvd., Danville, PA 17821-1041.

*Lease Expiration Date:* September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 to 4,500 net useable square feet of new or existing retail commercial space within the Borough of Danville.

*Proposals due:* June 4, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard Rhodes, (717) 657-4228

Northampton County, Wine & Spirits Shoppe #4805, 1910 Center Street, Northampton, PA 18067-1355.

*Lease Expiration Date:* April 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,400 net useable square feet of new or existing retail commercial space within Northampton Borough.

*Proposals due:* June 4, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard Rhodes, (717) 657-4228

Schuylkill County, Wine & Spirits Shoppe #5412, 17 St. John Street, Schuylkill Haven, PA 17972-1652.

*Lease Expiration Date:* May 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,200 net useable square feet of new or existing retail commercial space within Schuylkill Haven Borough.

*Proposals due:* June 4, 2004, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Willard Rhodes, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 04-877. Filed for public inspection May 14, 2004, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for Milk Marketing Areas 2, 3, 5 and 6; Wholesale Discounts

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 2, 3, 5 and 6 on May 20, 2004, at 1 p.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning wholesale discounts in Milk Marketing Areas 2, 3, 5 and 6. Testimony and exhibits will also be received concerning the application of discounts to the computation of minimum wholesale and retail prices in Milk Marketing Areas 2, 3, 5 and 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on May 17, 2004, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on May 17, 2004, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the

parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on May 17, 2004, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 19, 2004, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties. In addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on May 12, 2004.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 04-878. Filed for public inspection May 14, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-125129 and A-125115F2000. Robert C. Wyant and Judith R. McCrea t/a Corsica Gas Company.** Application of Robert C. Wyant and Judith R. McCrea t/a Corsica Gas Company for approval of: (1) the transfer, by sale, of the Corsica Gas Company, formerly owned by Kenneth Songer, to Robert C. Wyant and Judith R. McCrea; (2) the right of Robert C. Wyant and Judith R. McCrea t/a Corsica Gas Company to begin to offer, render, furnish or supply natural gas service to the public in portions of Union and Elder Townships, Jefferson County; and (3) the right of Kenneth Songer t/a Corsica Gas Company to abandon its certificate of public convenience as a natural gas supplier to the public in portions of Union and Elder Townships, Jefferson County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsyl-



vania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 1, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicants:* Robert C. Wyant and Judith R. McCrea t/a Corsica Gas Company and Kenneth Songer t/a Corsica Gas Company

*Through and By:* Robert C. Wyant, Judith R. McCrea, P. O. Box 4, Fenelton, PA 16034.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-879. Filed for public inspection May 14, 2004, 9:00 a.m.]

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## Order

Public Meeting held  
April 29, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Joint Application of Laurel Pipeline Company, LP and Buckeye Pipeline Company, LP for approval of the transfer, by sale, of all the outstanding equity interest in Glenmoor, Ltd., parent of the general partner of the applicants, to BPL Acquisition, LP; Doc Nos. A-140000F0002 and A-140110F0003*

## Order

*By the Commission:*

Laurel Pipeline Company, LP (Laurel) and Buckeye Pipeline Company, LP (Buckeye) (together, the applicants or the utilities) filed the previously captioned joint application on March 10, 2004, under Chapter 11 of the Public Utility Code (66 Pa.C.S. §§ 1102, et seq.) seeking approval of the transfer, by sale, of 100% of the equity ownership of the entity controlling the general partner of Laurel and Buckeye.

### I. The Parties

Buckeye and Laurel are pipeline utilities transporting a variety of petroleum-based products in the western and eastern portions, respectively, of this Commonwealth. Currently, Glenmoor, Ltd. (Glenmoor) indirectly controls 100% of Buckeye Pipe Line Company (BPL Co.), a corporation. BPL Co. owns a 1% general partnership interest in, and is the sole general partner of, each of Buckeye and Laurel. In addition, BPL Co. owns a 1% interest in, and is the sole general partner of, Buckeye Partners, LP, which owns a 99% limited partnership interest in each of Buckeye and Laurel.

### II. The Proposed Transaction

By their filing, the applicants propose the acquisition of all the equity of Glenmoor by BPL Acquisition, LP. The latter is a limited partnership controlled by a private equity fund, Carlyle Riverstone Global Energy and Power Fund II, L. P. (Carlyle Riverstone), a joint venture between Riverstone Holdings LLC and the Carlyle Group that is focused on investing in the energy and power sectors. Glenmoor's stock, held by members and related entities of one family, will be purchased by Carlyle Riverstone as another in a series of investments in

energy-related industries. The applicants have furnished a detailed description of Carlyle Riverstone and its affiliates, and it supports the applicants' averments that the acquirer possesses the managerial, technical and financial fitness to operate Buckeye and Laurel.

In summary, Carlyle Riverstone is a joint venture between two private investors. Riverstone Holdings LLC is a private equity firm specializing in energy investments. The Carlyle Group is an international private equity investor that participates in a variety of buyouts, venture investments and turnarounds in North America, Europe and Asia. The senior principals of Carlyle Riverstone are two former managing directors at a prominent New York investment banking firm. Both have spent their careers investing in and managing energy companies.

While the existing management of Buckeye and Laurel is to be retained, the applicants point to Carlyle Riverstone's ability to add management depth as an advantage, and similarly identify the acquirer's greater access to capital as a benefit. The promise of improvement in managerial and financial resources allows the proposed transaction to meet the standard set by *City of York v. Pennsylvania Public Utility Commission*, 446 Pa. 136, 295 A.2d 825 (1972), that the change in control provide an affirmative public benefit.

The applicants have also noted that the change in control will not result in any change in rates or diminution of service, and that service will continue to be provided by Buckeye and Laurel under their currently effective tariffs.

### III. Jurisdiction

We turn now to a jurisdictional question which arose in our consideration of this case. As previously noted, BPL Co., the general partner of the Buckeye and Laurel limited partnerships, owns both a direct 1% general partnership interest and indirectly, a 0.99% limited partnership interest in the two utilities, for a total equity and voting interest of 1.99%. In 1994, we adopted a Policy Statement entitled Utility Stock Transfers that addressed our jurisdiction over these transfers under section 1102(a)(3) of the Public Utility Code, and which is published at 52 Pa. Code § 69.901.<sup>1</sup> In that Statement, we defined controlling interest solely in terms of voting interest, and chose as the lower limit at which de facto control is reached as the holding of at least 20% of the voting interest, where that is also the largest voting interest extant.

In the instant case, the limited partners other than BPL Co. own 98.01% of the equity interest in the two jurisdictional pipelines, but do not have any voting interest over operational matters. This gives the general partner, BPL Co., complete voting control over operational matters of Buckeye and Laurel.

On April 21, 2004, the utilities filed a letter supplementing their application. In it, they stated that the organization of the Laurel and Buckeye partnerships provides the limited partners voting power only in very limited circumstances, such as the sale of all the partnerships' assets or in changes in the partnership agreement. "In all other matters," including operational matters, "100% voting control lies in the general partner." Letter, ¶3.

<sup>1</sup> Our rationale and intent in adopting the Policy Statement is set forth in our Order at M-00930490, entered September 13, 1994, and published at 24 Pa.B. 5328 (October 22, 1994).

We accept the expanded explanation of the Laurel and Buckeye partnerships structure, specifically that voting control over operational matters of Buckeye and Laurel resides in BPL Co., the general partner. Consequently, we recognize that the instant transaction is jurisdictional and consistent with our 1994 Policy Statement.

#### IV. Conclusion

We have reviewed the application of Laurel and Buckeye regarding the change in control of their common general partner, and thereby control of the two utilities. We find that the proposed transaction is jurisdictional, and that it is necessary or proper for the service, accommodation, convenience or safety of the public; *Therefore,*

*It Is Ordered That:*

1. The joint application of Laurel Pipeline Company, L. P. and Buckeye Pipeline Company, L. P. for approval of the transfer to BPL Acquisition, LP of all the outstanding voting interest in Glenmoor, Ltd., the ultimate owner of the general partner of the two utilities, be and is hereby approved.

2. Certificates of public convenience be issued evidencing our approval, and that the case be marked closed for both applicants.

3. Notice of the date of the consummation of the transaction approved in Ordering Paragraph No. 1 be filed within 30 days of consummation.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-880. Filed for public inspection May 14, 2004, 9:00 a.m.]

#### Proposed Modifications to the Review of Interconnection Agreements

Public Meeting held  
April 29, 2004

*Commissioners Present:* Terence J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Proposed Modifications to the Review of Interconnection Agreements; M-00960799*

#### Final Order

*By the Commission:*

Before the Commission for consideration are the Comments filed in response to the Tentative Order entered on July 1, 2003, in the previously captioned proceeding. Specifically, on August 18, 2003, The United Telephone Company of Pennsylvania and Sprint Communications Company, L. P. (Sprint) filed Joint Comments (Sprint Comments) and Verizon Pennsylvania Inc. and Verizon North Inc. filed Joint Comments (Verizon Comments). No reply comments were filed.

Also before the Commission is the motion for appearance Pro Hac Vice filed on August 18, 2003, by Zsuzsanna

E. Benedek, a member of the Pennsylvania Bar, for admission of Craig D. Dingwall to appear as an attorney on behalf of Sprint.<sup>1</sup>

#### I. History of the Proceeding

On June 3, 1996, the Commission entered an Order at Docket No. M-00960799 for the purpose of implementing the Federal Telecommunications Act of 1996 (TA-96) in Pennsylvania.<sup>2</sup> The Implementation Order, *inter alia*, established specific procedures and requirements relating to the consideration and approval of interconnection agreements. See 47 U.S.C. § 252.

As noted in the Tentative Order, *supra*, during the time that has elapsed since the entry of the Implementation Order, a number of issues arose in the context of processing interconnection agreements. The Tentative Order reviewed the specific requirements and procedures contained in the Implementation Order and, where new issues have been identified, the Tentative Order proposed procedural modifications to address those issues.

Prior to the issuance of the Tentative Order, in an attempt to involve the affected telecommunications company entities in this process, on November 1, 2002, the Commission served a copy of Proposed Modifications on all incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs), as well as the Pennsylvania Telephone Association. Notice of the proposed modifications was also published at 32 Pa.B. 5485 (November 2, 2002).

In response to the published notice, original Comments were filed by the following Parties: ALLTEL/North Pittsburgh Telephone Company; MCI WorldCom Network Services, Inc. (MCIW); Sprint Communications Company L. P./United Telephone Company of Pennsylvania (Sprint); Verizon PA; and Level 3 Communications LLC. Original Reply Comments were filed by Verizon PA.

In the Tentative Order, we first addressed the failure of companies to notify the Commission about the initial interconnection request date (Day 1). After considering the original Comments of the Parties regarding this issue, we required, as a tentative resolution, that the ILECs be responsible for notifying this Commission that a request for an interconnection has been filed. Tentative Order at 6-10.

The second concern addressed in the Tentative Order was the failure of the companies to file an executed interconnection agreement with this Commission within 30 days after the agreement is signed. After considering the positions of the Parties in their original Comments, we tentatively adopted, instead of our initially proposed resolution, Sprint's proposal, that the Parties either be permitted to file the agreement under a cover letter rather than a joint petition, as well as Verizon's proposal that the ILEC individually be permitted to file a Petition for approval of a jointly signed agreement instead of a joint petition. We also stated that the issue of penalties does not need to be addressed in the Tentative Order, but should be addressed on a case-by-case basis. Tentative Order at 10-15.

The third matter we tentatively addressed was whether we should continue our current policy of approving an interconnection agreement between an ILEC and a CLEC prior to granting a certificate of public convenience to the

<sup>1</sup> We note that none of the Parties has objected to the admission of Mr. Dingwall to appear on behalf of Sprint. Our review of the Motion reveals nothing objectionable regarding the appearance. Accordingly, we shall grant the Motion.

<sup>2</sup> See *In Re: Implementation of the Telecommunications Act of 1996*, Doc. No. M-00960799 (Order entered June 3, 1996) (hereinafter, Implementation Order) (Order on Reconsideration entered on September 9, 1996).

CLEC. After considering the original Comments of the Parties, we tentatively decided against requiring that a CLEC obtain a certificate of public convenience prior to filing an interconnection agreement. Tentative Order at 15-18.

The fourth issue we addressed was the failure to file "true and correct" copies of interconnection agreements with the Commission. After considering the original Comments of the Parties, we tentatively decided to eliminate ordering paragraphs from our Orders approving interconnection agreements that require Parties to file a true and correct paper copy of the agreement after it is approved. We further tentatively determined that an acceptable compromise to requiring the ILECs to include a copy of all interconnection agreements on their websites would be for the ILECs to file an electronic true and correct copy of all interconnections agreements, including any amendments, for inclusion on the Commission website. Tentative Order at 18-21.

The Tentative Order was entered on July 1, 2003, and provided the Parties with an opportunity to file comments and reply comments. As previously mentioned, Sprint and Verizon filed timely Comments, to which no replies were filed.

## II. Implementation Order Overview

As noted in the Tentative Order (at 4-6), in the Implementation Order, we stated as follows:

The development of an interconnection agreement commences on the day a carrier receives a request for interconnection from another carrier (day 1). It is absolutely essential, and through this order we will require that each carrier requesting an interconnection agreement from another carrier shall file a copy of the request with the Commission at the requesting carrier's A-docket.

Implementation Order at 24.

TA-96 established a 160-day period, beginning with Day 1, as defined in the Implementation Order (that is, the day a carrier receives a request for interconnection from another carrier), within which the Parties may negotiate the terms of interconnection. During the first 135 days, any party may request that the Commission mediate the interconnection request. If mediation is requested, the Commission appoints a mediator who proceeds in accordance with the procedures outlined in the Implementation Order. (See Implementation Order at 26-28 and Order on Reconsideration at 16).

Included in the 160-day negotiation period is a 25-day period, from Day 135 through Day 160, during which any of the Parties may request arbitration of any or all unresolved issues whenever negotiation and/or mediation fails. Section 252(b)(1). TA-96 specifies that the Commission must resolve all outstanding issues within 9 months of the date that interconnection is first requested (Day 1).<sup>3</sup> Section 252(b)(4)(C). TA-96 further specifies that the Commission must then act within 30 days of the date that an executed agreement resulting from arbitration proceedings is filed. Section 252(e)(4).

In the Implementation Order, the Commission recognized that TA-96 does not place any time constraints on the Parties after Day 160 with respect to negotiated and/or mediated interconnection agreements. As a result, the Implementation Order established a 30-day period

after the close of the negotiation period (Day 160), or by Day 190, within which the Parties to a negotiated and/or mediated agreement must file an executed agreement with the Commission. Implementation Order at 33. Once filed, the Commission, as required by TA-96, must then complete review within 90 days. Section 252(e)(4).

Likewise, in the case of arbitrated agreements, TA-96 does not specify when an executed agreement that results from arbitration proceedings must be filed with the Commission. In the Implementation Order, we specified that an executed agreement resulting from arbitration must be filed with the Commission within 30 days of the date of entry of the Order resolving the arbitration proceedings. Implementation Order at 33. The Commission, in accordance with TA-96, then has 30 days within which it must complete its review of the filed agreement. Section 252(e)(4).

In summary, the time period established by TA-96 and our Implementation Order for an interconnection agreement arrived at through negotiation and mediation is as follows. During the first 160 days, the parties voluntarily negotiate the terms of the Agreement. At any point during the first 135 days of the negotiation period, either party may request the Commission to participate in the negotiations and to mediate any differences arising in the course of the negotiations. An agreement arrived at through either negotiation or mediation is then filed with the Commission and the Commission must then either approve or reject the agreement within 90 days from the filing date; otherwise the agreement is deemed approved. For agreements arrived at through arbitration (that is, if the parties are unsuccessful in negotiating an interconnection agreement, with or without mediation) either party may file a petition with the Commission between Day 135 and Day 160 to arbitrate the contractual dispute. Responses to the arbitration petition must be filed with the Commission within 25 days. The arbitrator will issue a recommended decision no later than 220 days from Day 1, or the date of the original request for interconnection. Exceptions must be filed within 15 days from the date of issuance of the recommended decision and no reply exceptions are permitted. The Commission must then issue an arbitration order within 270 days of the date of the interconnection request. (See Arbitration Order at 28-33.) After the compliance interconnection agreement is filed, the Commission must act within 30 days to either reject or approve the compliance agreement; otherwise it is deemed approved under section 252(e)(4).

In both of the previous cases, if the Commission fails to meet its responsibility under TA-96 to act within the prescribed 90 days (in the case of negotiated and/or mediated agreements), and 30 days (in the case of arbitrated agreements), the Interconnection Agreement is deemed approved under section 252(e)(4) of TA-96, and the Federal Communications Commission may assume jurisdiction under section 252(e)(5).

## III. Issues Relative to TA-96 and the Implementation Order

As previously noted, since entry of the Implementation Order in 1996, several issues have arisen with respect to the foregoing time-related requirements regarding the review of interconnection agreements. What follows is the presentation of those issues as identified in our November 1, 2002, Notice of Proposed Modifications; a statement of our tentative resolution of those issues in the Tentative Order based on the original Comments of the Parties; a

<sup>3</sup> Under TA-96, the Commission must act on any Interconnection Agreement filed as a result of negotiation and/or mediation within 90 days of an executed agreement being filed with the Commission, and within 30 days after submission of an agreement adopted by arbitration. Section 252(e)(4).

summary of the current Comments filed in response to the Tentative Order; and the final resolution of those issues.

*A. Failure to Notify Commission about the Initial Interconnection Request Date (Day 1)*

As noted in the Tentative Order, this has been a recurring problem since entry of the Implementation Order. Routinely, the requesting interconnection carrier<sup>4</sup> has not been advising the Commission of the date that it initially requested interconnection with an ILEC as required by the Implementation Order. This results in the Commission not knowing when any of the time periods prescribed either by TA-96 or by the Implementation Order actually begin.

*1. Initially Recommended Solution*

The solution initially recommended in our Proposed Modifications was to require that ILECs formally notify the Commission of the date (Day 1) on which another carrier first requests interconnection. It was proposed that notification be in writing and submitted to the Secretary within 20 days after a request for interconnection. It was also suggested that the notification state whether the Day 1 date pertains to a new interconnection agreement (that is, the first time the ILEC is interconnecting with the requesting carrier), an amended or revised interconnection agreement, a replacement interconnection agreement or an "opt-in" request regarding an existing interconnection agreement. In all instances, except when the Commission has not established an A-docket for the requesting carrier, the ILEC would be required to reference in the notice the Commission A-docket assigned to the requesting carrier. Where the requesting carrier has no A-docket assigned, the ILEC would be required to note that fact and the Secretary would then assign an A-docket as noted in the Implementation Order.

This represents a departure from the current requirements of the Implementation Order. The Implementation Order states that it is the obligation of the requesting carrier to notify the Commission of the date when interconnection is requested. However, since we do not have jurisdiction over all requesting carriers, enforcement of this requirement is problematic. As a result, we proposed placing the notice requirement on the ILEC.

*2. Tentative Resolution*

After reviewing the originally filed comments regarding the Day 1 notice issue, we tentatively determined that the ILECs should be responsible for notifying this Commission that a request for an interconnection has been filed. This is because in section 252(b)(4)(c), TA-96 expressly mandates that the interconnection request process take no longer than 9 months. We further noted that if we are to adhere to TA-96, some form of enforceable requirement to notify the Commission of the Day 1 date is required. For these reasons, we tentatively required that the ILEC notify the Commission of a request for interconnection within 20 days of the date interconnection is requested by a party. Tentative Order at 6-10, 21.

*3. Comments to Tentative Order*

Regarding the Day 1 issue, Sprint objects to the Tentative Order's requirement that the ILEC be the responsible entity to file notice with the Commission of the request for an interconnection agreement. Sprint

<sup>4</sup> The requesting interconnection carrier may or may not be subject to this Commission's jurisdiction. However, the ILEC providing interconnection to the requesting interconnection carrier is currently subject to this Commission's jurisdiction.

argues that the Commission should eliminate this requirement altogether or at least require the requesting carrier to give the notice. Sprint asserts that this requirement would needlessly inundate the Commission with filings that may never amount to an arbitrated or negotiated agreement or an arbitration or mediation. Sprint argues that this requirement may also produce a flood of readjusted Day 1 requests in light of the fact that the carriers often "re-start the clock" multiple times during the course of interconnection negotiations to give themselves more negotiating time, while avoiding premature and unnecessary litigation. Sprint Comments at 2-4.

Verizon also does not agree with our tentative resolution of this issue. Verizon contends that the Commission's proposed modification would not solve the problem as intended. Verizon further argues that making it Verizon's (or another ILEC's) responsibility to give the Commission Day 1 notice would only serve to slow an already cumbersome task. Verizon submits that the responsibility should remain with the requesting CLECs. Verizon Comments at 1-5.

*4. Final Resolution*

We are persuaded by Sprint's comments that we reconsider our determination in the Tentative Order that requires ILEC to file a "Day 1 notice" with the Commission within 20 days of the date interconnection is requested. We agree with Sprint's concern that putting this obligation on the ILEC presumes that the ILEC can determine whether or not the carrier is certificated and what, if any, A-docket has been assigned to the requesting carrier. (See Sprint Comments at 3.)

It is not our intent to create an undue, administrative burden on the ILECs and we are concerned that our tentative decision may increase the administrative burdens on both the ILECs and this Commission with unnecessary filings and inquiries. In light of the fact that "Day 1 notices" are more pertinent to interconnection agreements requests that may go to arbitration rather than for interconnection agreements arrived at through direct negotiations, we are of the opinion that instead of requiring the filing of "Day 1 notices" by ILECs (as recommended in our Tentative Order) or the CLECs (as is our current policy under the Implementation Order) with the Commission, it would be less burdensome if we were just to require that the ILECs maintain a log of the dates of the "Day 1 requests" and any readjusted "Day 1 requests" for each interconnection agreement request. That information would then be made available upon request by an ALJ or a member of the Commission in the case of arbitrated proceedings or whenever it would be necessary to know when "Day 1" began. After the interconnection agreement is approved or the proceeding involving a request for arbitration has been concluded, the ILEC would be permitted to discard the log. This would alleviate the administrative burdens of having the ILEC determine the docket number of a requesting carrier as well as having to make a paper filing of the "Day 1 notices" and any relevant subsequent updates of those "Day 1 notices" where the Parties mutually agree to "restart the clock." Therefore, we shall modify the Implementation Order and our tentative resolution of this matter consistent with the above discussion.

*B. Failure to File an Executed Interconnection Agreement With the Commission Within 30 Days After the Agreement is Signed*

As we explained in the Tentative Order on page 10, this issue is probably the most significant, especially with

respect to negotiated or mediated agreements, since Parties have routinely been ignoring the directive in our Implementation Order to file the executed agreement within 30 days from the date it is signed. Parties have been taking several months, and even longer, after a negotiated agreement has been executed before filing the agreement with the Commission for approval.

In the interim, the Parties, in most cases, begin operating under the agreement as soon as it has been executed regardless of the fact that the agreement has not been either filed with, or approved by, the Commission. In several instances, the interconnection agreement actually expired either prior to, or during, the 90-day review period while it is pending before this Commission for approval. The concern here is that the Parties to the agreement are operating under an agreement that has not been filed with the Commission, has not been published for public comment, has not been approved by the Commission, and is not available to any other carrier to opt-in to should a carrier so desire.

#### 1. *Initially Recommended Solution*

In the Proposed Modifications published in November 2002, we stated that any recommended solution to this problem must impose the requirement for compliance on both the requesting carrier and the ILEC providing interconnection, and must also take into consideration the fact that the Commission may not assert jurisdiction over all requesting carriers, for example, wireless carriers. In many instances where this problem has occurred, the ILEC in question has indicated that the requesting carrier delays signing the joint petition for approval of the agreement that is to be filed with the Commission under the Implementation Order. The initially recommended solution, therefore, was to permit and/or require the ILEC in question not to operate under the agreement until a time as the requesting carrier signs the joint petition requesting approval of the executed agreement.

It was also proposed that the Commission enforce the civil penalty provisions under section 3301 of the Public Utility Code (66 Pa.C.S. § 3301) against all jurisdictional carriers whereby a fine could be imposed on the ILEC and on any jurisdictional interconnecting carrier for each day filing is delayed beyond the initial 30-day grace period provided for filing an executed interconnection agreement by the Implementation Order.

#### 2. *Tentative Resolution*

After reviewing the original comments filed by the Parties, we observed our grave concerns regarding the late-filed agreements. Rather than establishing firm guidelines on how penalties should be assessed on non-conforming Parties, we stated that the matter concerning penalties should be addressed on a case-by-case basis rather than in the context of the Tentative Order. We tentatively adopted, instead of our originally proposed resolution, the proposals by Sprint and Verizon that would: (1) permit the filing of the interconnection agreement under a cover letter instead of a joint petition; and (2) permit the ILEC to file a petition for approval of a jointly signed agreement instead of a joint petition. In this regard we stated the following:

Regardless of whether the submittal is via a "letter petition" or a formal pleading, the requirement to submit the agreement should be imposed upon a jurisdictional entity and need not require the requesting carrier to participate in a joint filing, which has been the cause for delay in many instances. Additionally, the thirty days within which the requesting

carrier would be allowed to notify the commission if the agreement submitted by the ILEC is not a true and correct copy would not cause any appreciable delay in the review process since the Commission staff could complete its review within that time period and simply await any objection by the requesting carrier. In the absence of any objection, the agreement could be approved at Public Meeting without further action. If a timely objection was filed, there would still be adequate time left in the 90-day review period to have the ILEC correct any deficiencies.

Tentative Order at 10-15.

#### 3. *Comments to Tentative Order*

In its Comments, Sprint argues that the ILEC should not be the sole responsible party to file the interconnection agreement with the Commission within 30 days after it is signed. Sprint also submits that the 30-day time period is unreasonable and that the Commission should have adopted its suggestion for up to three 30-day extensions to file the signed, executed interconnection agreement. Finally, Sprint contends that the penalties should be clarified and not applied exclusively to ILECs.

Verizon agrees with the tentative resolution, but notes that until the Tentative Order becomes final, Verizon will still face the problem that many CLECs will fail or refuse to promptly sign the joint petition for approval currently required by the Implementation Order. Therefore, it observes that the Commission should not impose penalties for additional delayed filings during the interim period. Verizon Comments at 5.

#### 4. *Final Resolution*

In our consideration of this matter, we note that Sprint's objection that the ILEC should not be the sole responsible party to file the interconnection agreement with the Commission within 30 days after it is signed is without merit. The ILEC and the requesting party have been working closely up to the point when the interconnection agreement is ready to be filed. Since the ILECs argued in the past that it was the requesting party that often led to the delay in filing the interconnection agreement with the Commission, we are of the opinion that the tentative recommendation will resolve their concerns. In this regard, we reiterate what we stated in our Tentative Order—"[o]nce the agreement has been executed, the parties have concluded negotiations, reduced the agreement in writing and have jointly signed the agreement. In most cases, the parties also begin operating under the at that point. At this point, there is no reason why the executed agreement cannot be filed with the Commission within thirty days."

We are also of the opinion that our tentative resolution to require a signed "true and correct" copy of the interconnection agreement at the time the request for approval is made will eliminate any problems we have had up to this point with regard to obtaining signed "true and correct" copies of interconnection agreements after we have entered an order approving the interconnection agreement.<sup>5</sup> We clarify, however, that if we require any changes to the signed "true and correct" interconnection agreement, we will be specific in the order as to what and when the revised signed "true and correct" copy must be filed.

<sup>5</sup> In our Tentative Order, we also noted that we agree with MCIW's argument that the cover letter accompanying an Interconnection Agreement is not the proper place for position statements by any Party. We stated that we have not perceived this issue to be a problem at this point in time but we will monitor the issue and make a determination at the time of the 1-year review if further action is warranted. No comments were filed on this issue. At any rate, it is not appropriate to include position statements in the cover letter and we discourage the Parties from doing so.

With regard to Sprint's comments that the penalties should be clarified and not just imposed on the ILECs, we note that our tentative determination to address penalties on a "case by case" basis should continue. It is also important to note, however, that it is not our intent to impose penalties only on the ILECs since ILECs and the requesting Parties are equally responsible for complying with our directives. However, as we stated before, if the other party is not under our jurisdiction, we have no way of imposing penalties on the Parties unless, and until, jurisdiction is duly established. Therefore, we remind all ILECs and CLECs that failure to comply with our Implementation Order, as well as this Order, could subject the jurisdictional Parties to civil penalties for violations under section 3301 of the Public Utility Code.

With respect to Verizon's concern that there may be continuing violations until this Final Order becomes effective and replaces the scheme presently in effect under the Implementation Order, we note that it is not our intent to enforce the requirements of the Implementation Order any more rigorously until this Final Order becomes effective and is published in the *Pennsylvania Bulletin*.

For these reasons, we shall adopt our tentative resolution in the Tentative Order as the final resolution. In this regard, we shall permit the ILEC or CLEC to file a letter or petition for approval of a jointly signed interconnection agreement. We shall, however, also require the filing Party to serve notice and a copy of the Interconnection Agreement on the other Party at the same time it files the Interconnection Agreement with the Commission. In these cases, the other Party would then have 30 days to notify the Commission if the interconnection agreement submitted by the ILEC was not a true and correct copy of the Parties' agreement.

#### C. Approval of an Interconnection Agreement Prior to a CLEC's Certification

In the Tentative Order on pages 15-18, we noted that neither TA-96 nor the Implementation Order requires that a requesting carrier have Commission or Federal authority to operate prior to requesting interconnection. The Implementation Order, in fact, recognizes that some carriers may not have the requisite authority as follows:

If the requesting carrier does not have an A-docket, an A-docket shall be assigned by the Commission's Secretary at the time of filing of the interconnection agreement.

Implementation Order at 25.

The previous language pertains to carriers that fall under this Commission's jurisdiction but have not yet been certificated (for example, CLECs), as well as carriers that, under Commonwealth law, are not subject to regulation by this Commission (for example, wireless carriers), and may not have received a Federal license to operate. The problem with dealing with uncertificated jurisdictional and nonjurisdictional carriers is that the Commission has no knowledge of the entity or requesting carrier until that entity files an interconnection agreement with the Commission. This further exacerbates the problem described earlier whereby Parties to an interconnection agreement may have been operating under interconnection agreements for months before filing the agreement with the Commission for review.<sup>6</sup>

<sup>6</sup> All Orders that approve the initial interconnection agreements between ILECs and CLECs include the following language to ensure that CLECs obtain certification before attempting to operate under the interconnection agreement. This language is not included in Orders where the requesting carrier is not subject to Commission

#### 1. Initially Recommended Solution

In the Tentative Order at pages 15-18, we noted that the Proposed Modifications observe that any requirement for certification of a carrier prior to seeking interconnection would only address those companies subject to our jurisdiction and not those we do not regulate. Any requirement would thus only address our current concerns about noncertificated jurisdictional carriers operating under approved executed interconnection agreements. Since we do not exercise jurisdiction over carriers such as wireless companies, they are not required to obtain Commonwealth certification. However, we noted that we can realistically require any nonjurisdictional carrier desiring to operate under an interconnection agreement in this Commonwealth to fill out a brief, nonutility application or registration form (similar to what is done for COCOTs).<sup>7</sup> The nonutility application/registration form would be completed by the requesting entity and given to the ILEC at the time of an interconnection request. The ILEC would then file the applicant/registration form along with the Day 1 notification with the Commission. It would be important for Commission recordkeeping purposes that the requesting carrier include on this form the type of carrier it is, any trade name it uses and whether there have been any previous interconnection agreements approved by this Commission at a time when it has operated under a different name. The nonregulated carrier should also notify the Commission whenever it has undergone a name change during the tenure of any approved interconnection agreement.

#### 2. Tentative Resolution

After considering the original Comments of the Parties regarding this issue, we tentatively decided against requiring CLEC authority prior to the filing of an interconnection agreement request. Further, we noted that since we are implementing the modification concerning the Day 1 issue and requiring the filing of an agreement within 30 days of execution, it was anticipated that this issue will, for the most part, be resolved. As a result, this proposed modification was withdrawn. Nonetheless, we noted that we will continue to monitor this issue and we will revisit it if appropriate.

#### 3. Comments to Tentative Order

Sprint did not address this issue in its current Comments.

In its current Comments, Verizon objects to not requiring the requesting party to have full certificate authority to operate in this Commonwealth prior to approval of an interconnection agreement. Verizon disputes the Commission's conclusion that requiring full certificate authority prior to approval would cause a significant delay in a CLEC's entry into the market. Verizon Comments at 6-7.

#### 4. Final Resolution

As previously noted, neither TA-96 nor our Implementation Order requires prior and full certification of both Parties before filing a joint petition for interconnection. We have permitted noncertificated CLECs to apply for authority and operate under "provisional authority" in this Commonwealth prior to the granting of the application so as not to delay the CLEC's entry into the markets

jurisdiction:

It is noted that, regardless of the types of services covered by this Interconnection Agreement, it would be a violation of the Public Utility Code if the Applicant began offering services or assessing surcharges, to end users, for which it has not been authorized to provide and for which tariffs have not been authorized.

<sup>7</sup> COCOTs are customer-owned coin operated telephones. For further description of COCOTs, see Tentative Order at 18-19.

in this Commonwealth. We are not persuaded by Verizon's arguments that CLECs should be fully certified prior to the approval of an interconnection agreement. For these reasons, we will adopt our tentative resolution, as the final resolution and thereby maintaining the status quo, which permits noncertificated CLECs to enter into interconnection agreements.

#### *D. Filing of "True and Correct" Copies of Interconnection Agreements*

In the Tentative Order (at 18-21), we noted that, currently, each order approving an interconnection agreement includes an ordering paragraph requiring that a "true and correct" copy of the interconnection agreement be filed as part of compliance obligations of the Parties. Routinely, the "true and correct" copy is not filed with the Commission primarily because the agreement has not changed since it was originally submitted for approval with the Commission. As a result, Parties to the agreement have been filing a letter indicating that the original executed copy filed at the beginning of the review process is a "true and correct" copy and requesting that this copy meet its compliance responsibility. A problem arises in that all Parties do not automatically file even a letter making this request. The Parties are sent a Secretarial letter, sometimes several letters, reminding them of their responsibility under the Order, but frequently a response is not forthcoming.

##### *1. Initially Recommended Solution*

The initially recommended solution to this issue was to eliminate the ordering paragraph requiring that a "true and correct" copy be filed with the Commission, with the exception of those instances when: (1) the Commission and/or a party makes a change to the original agreement; (2) the agreements are arrived at through the arbitration process; or (3) a copy was not filed at the beginning of the review process.

It was also recommended that ILECs be required to include a section on their respective websites that contains currently effective interconnection agreements that were either approved by this Commission or became effective by operation of law. This would: (1) more readily provide the public with access to interconnection agreements; (2) reduce the cost to the public in obtaining copies of agreements; (3) assist in reducing the number of inquiries as to which companies have approved agreements and how an official copy of an agreement can be obtained; and (4) assist in reducing the burden on the Secretary's Bureau in duplicating the voluminous copies.

##### *2. Tentative Resolution*

After considering the original Comments of the Parties, we tentatively decided to eliminate the requirement in the approving Order that directs the Parties to file a true and correct copy of the interconnection agreement (with the previously cited exceptions) within 30 days of the entry date of the approving Order. We also tentatively concluded that the ILECs need not include a copy of interconnection agreements on their websites but that an acceptable compromise would be for the ILECs to file an electronic true and correct copy of all interconnection agreements, including any amendments, with the Commission so that the Commission can include them on its own website. Tentative Order at 18-22.

##### *3. Comments to Tentative Order*

Sprint did not address this issue in its current Comments.

Verizon, in its Comments, does not oppose the tentative resolution. Verizon does however state that, consistent with the tentative resolution of this issue, it recommends that the electronic version of the agreement be submitted in ".pdf format" because this format is both universally accessible and provides for "read-only" text.

##### *4. Final Resolution*

As previously noted, none of the Parties who filed current comments objected to our tentative resolution regarding this matter. Regarding Verizon's suggestion that the electronic version to the agreement be submitted in ".pdf format," none of the Parties filed reply comments objecting to this suggestion either. We find Verizon's suggestion to have merit. The use of this read-only format should make the agreements more readily available to interested Parties, but at the same time, prevent those Parties from altering those forms in any way.

Accordingly, we concur with Verizon's suggestion and will modify the Tentative Order to require the use of this format. Also, consistent with the Tentative Order, we shall no longer include an ordering paragraph in the approving Order requiring Parties to file a "true and correct" paper copy of the interconnection agreement with the Commission, except in those instances when: (1) the Commission and/or a party makes a change to the original agreement; (2) the agreements are arrived at through the arbitration process; or (3) a copy was not filed at the beginning of the review process. In all other instances, "true and correct" copies have been filed as hard copies with the filing.

Therefore, consistent with the previous discussion, and the determination reached in our Tentative Order, we shall require all ILECs to file a true and correct, electronic copy of the interconnection agreement, and any amendment, with the Commission. We will then post each interconnection agreement and any associated amendments on the Commission's website for public access.

#### **IV. Conclusion**

Based on the foregoing, consistent with the requirements under 66 Pa.C.S. § 703(3), relating to notification of Commission orders, we adopt the revised procedures adduced in the body of the Tentative Order entered on July 1, 2003, as modified by this Final Order; *Therefore, It Is Ordered That:*

1. The Motion Pro Hac Vice filed on August 18, 2003, by Zsuzsanna E. Benedek, a member of the Pennsylvania Bar, for admission of Craig D. Dingwall to appear as an attorney on behalf of Sprint Communications Company, L. P. is granted.

2. The tentative resolutions adopted in the Tentative Order entered on July 1, 2003, are made final, except as modified by this Opinion and Order.

3. The Implementation Order at Docket No. M-00960799 entered on June 3, 1996, is modified relative to the filing and review of interconnection agreements.

4. Incumbent local exchange carriers, shall, upon receipt of a request for interconnection, maintain a log of the dates of the "Day 1 requests" and any readjusted "Day 1 requests." The information shall be made available at the request of the Commission and the log may be discarded after an interconnection agreement has been approved or an interconnection arbitration proceeding concluded.

5. The incumbent local exchange carrier is responsible for filing, on behalf of itself and the requesting entity, a

jointly signed interconnection agreement with the Commission, for Commission approval, within 30 days of the date that the agreement is signed.

6. The incumbent local exchange carrier, within 30 days of entry of an Order approving an Interconnection Agreement, shall file, in ".pdf format," an electronic true and correct copy of the agreement with the Commission for inclusion on the Commission website.

7. A copy of this Opinion and Order be served on all incumbent local exchange carriers and competitive local exchange carriers.

8. The Secretary shall deposit this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-881. Filed for public inspection May 14, 2004, 9:00 a.m.]

## Request for Proposals for Auditor of the Pennsylvania Universal Service Fund; RFP No. 172000017-2

### A. General Information for Contractors

#### 1. Rejection of Proposals

The Commonwealth reserves the right to reject any and all proposals received as a result of this request or to negotiate separately with competing contractors.

#### 2. Incurring Costs

The Commonwealth is not liable for any costs incurred by contractors prior to issuance of a contract.

### B. Procurement Description

The Pennsylvania Public Utility Commission (Commission) requests written proposals to serve as a third-party auditor (Auditor) of the Pennsylvania Universal Service Fund (Fund). The Auditor is responsible for auditing the Fund from January 1, 2003, through, and including, December 31, 2003. Following the audit, the Commission requires the Auditor to prepare and submit a report to the Commission and the Fund Administrator, the National Exchange Carrier Association, by July 1, 2004. The audit report should make recommendations regarding the finances of the Fund and should identify undercollections or overcollections experienced by the Fund from January 1, 2003, through December 31, 2003. The role of the Auditor is described in 52 Pa. Code § 63.168 (relating to auditor's duties) as follows:

#### § 63.168. Auditor's duties.

(a) An independent external auditor chosen by the Commission will audit the Fund records covering both collections and disbursements for the fiscal year. The costs for conducting audits will be included in the computation of Fund requirements. Thereafter, an audit of the Fund collections and disbursements will be done annually.

(b) Following the audit, the Fund auditor will prepare and submit a report to the Commission and the administrator by July 1 of each year. The audit report should make recommendations regarding the finances of the Fund and should identify undercollections or overcollections experienced by the Fund in the previous year.

The Commission is seeking to hire an Auditor who will audit the Fund records covering both collections and disbursements from January 1, 2003, through, and including, December 31, 2003.

### C. Purpose of the Fund

The Fund is currently intended to reduce and restructure access charges and intraLATA toll rates, and to encourage greater toll competition while enabling carriers to continue to preserve the affordability of local service rates. *Rulemaking Re Establishing Universal Service Fund Regulations at 52 Pa. Code §§ 63.161—171*, Final Rulemaking Order at L-00000148 (November 29, 2000). The regulations governing administration of the Fund are in 52 Pa. Code Chapter 63, Subchapter L (relating to universal service). They may be accessed along with other Orders and pertinent information regarding the Fund at the Commission's website: [www.puc.paonline.com](http://www.puc.paonline.com) (choose "Competition and Choice," "Local Telephone Competition," "Universal Service Fund," "Pennsylvania Universal Service Fund").

### D. The Fund and the Administrator

Commission regulations allow for an assessment which is computed annually under 52 Pa. Code § 63.165 (relating to calculation of contributions) at a rate calculated by dividing the contributing telecommunications provider's associated total intrastate end-user telecommunications retail revenues by Statewide total intrastate end-user telecommunications revenues. End-user revenues expressly do not include revenues received from access, resale (toll or local) of unbundled network elements or other services provided which are essentially wholesale in nature. Total end-user revenues shall include all revenues received from subscribers who actually consume the final service unadjusted for any expense or any other purpose.

Nearly 300 companies will contribute monthly to the Fund. These include 35 incumbent local exchange carriers. The rest of contributors are companies selling intrastate toll services and competitive local exchange carriers who are either offering local exchange services or are planning to do so in the near future. Wireless telecommunications carriers do not participate as either recipients or contributors in the Fund. Carriers are not allowed to pass through as a direct surcharge to their customers any contributions made to the Fund.

The Administrator functions as the "financial hub" of this system. The Administrator collects the contributions from the individual companies, manages the Fund's cash flow and disburses payments to 31 small rural companies and Sprint/United Fund recipients under the regulations. The Fund assessment rate is set annually by the Commission based on data submitted in annual reports by the Administrator. The Administrator also works with the Fund Auditor.

### E. Contract for Services

The successful bidder will negotiate with the Commission a detailed contract that is generally consistent with the standard Commonwealth contract for personal services. The contract will be for a term beginning when the contract is fully executed and ending on September 1, 2004. The contract may be extended for subsequent years upon the written agreement of both parties and upon the same terms as set forth herein. Once selected, the Auditor will be terminated during this term only for good cause.

To the extent that any changes as a result of contract negotiations affect the cost of performing the contract,



adjustments to the compensation described in the bid will be negotiated with the winning bidder.

#### F. Proposal Submissions

An original and five copies of the proposals should be submitted directly to the Evaluation Committee Chairperson, Frank B. Wilmarth, Deputy Chief Counsel, Pennsylvania Public Utility Commission, Law Bureau, P. O. Box 3265, Harrisburg, PA 17105-3265. Proposals should be received by 5 p.m. on May 28, 2004. No late proposals will be considered. The proposal should be broken into three separate parts, two of which should be in separate sealed envelopes marked "price quotation" and "Disadvantaged Business Information," respectively.

##### *Part 1—General Information*

The first part of each proposal should include a general discussion of the approach the bidder will take and explain how the bidder will meet each requirement. In addition, this part of the bid should identify all individuals who will work on significant tasks and should explain the qualifications of each, as well as how many individuals will likely work on their respective tasks on a monthly basis. A single individual should be identified to serve as Auditor, and that individual's resume should be attached. Resumes for other identified persons with significant responsibility should also be attached.

If the bidder wishes to associate with another organization to provide the required services, the bid should include a separate statement from that organization describing its anticipated role.

In addition, if the bidder, or any of its associates, has an affiliate or representational relationship with a Commission-regulated telecommunications carrier, the bidder must disclose that relationship and explain, in detail, the measures that will be taken to avoid any conflict of interest that may arise as a consequence of this contract. Written documentation demonstrating, as deemed appropriate by the Commission, that measures have been taken to avoid any conflict of interest is required.

##### *Part 2—Cost Information*

The second part of the proposal document should be a price quotation, which should not be in the main text of the proposal but rather should be put in a sealed envelope marked "price quotation" and kept separate from the rest of the proposal. A cost data sheet should be submitted in this separate sealed envelope and it should include a breakdown of costs. Bidders are free to structure their price offerings in any way they choose.

Failure to submit the cost data sheet in a sealed envelope kept separate and apart from the rest of the proposal will result in automatic rejection of the proposal by the Evaluation Committee (Committee).

##### *Part 3—Disadvantaged Business Information*

The Commonwealth encourages participation by small disadvantaged businesses as prime contractors, joint ventures and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small disadvantaged businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: (1) Department of General Services (Department), Bureau of Minority and Women Business Opportunities (BMWBO)-certified mi-

nority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses; and (2) United States Small Business Administration-certified 8.a. small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that the BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. For a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this program should be directed to the Department of General Services, Bureau of Minority and Women Business Opportunities, Room 502, North Office Building, Harrisburg, PA 17125, (717) 787-6708, fax: (717) 772-0021, Gs-cabidinternet@state.pa.us.

Program information and a database of BMWBO-certified minority and women-owned businesses can be accessed at the Department's website: [www.dgs.state.pa.us](http://www.dgs.state.pa.us) (PA Keyword Search: BMWBO). The Federal vendor database can be accessed at [www.ccr.gov](http://www.ccr.gov) (choose "Dynamic Small Business Search" (certified companies are as indicated)).

*Information Concerning Small Business in Enterprise Zones.* The Commonwealth encourages participation by small businesses, whose primary or headquarters facility are physically located in areas designated by the Commonwealth as designated enterprise zones, as prime contractors, joint ventures and subcontractors/suppliers.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for businesses in the information technology sales or service business).

There is no database or directory of small business in designated enterprise zones. Information on the location of designated enterprise zones can be obtained by contacting Aldona M. Kartoire, Center for Community Building, Department of Community and Economic Development, 4th Floor Keystone Building, 400 North Front Street, Harrisburg, PA 17120, (717) 720-7409, fax: (717) 787-4088, [akartoire@state.pa.us](mailto:akartoire@state.pa.us).

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

- Small disadvantaged business qualifying as a result of MBE/WBE certification from the BMWBO must provide a photocopy of their BMWBO certificate.
- Disadvantaged businesses qualifying as a result of 8(a) certification from the United States Small Business

Administration must submit proof of Small Business Administration Certification. The owners of these businesses must also submit proof of United States citizenship.

- All companies claiming small disadvantaged business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

- All companies claiming small disadvantaged business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) disadvantaged business, must submit proof that their gross annual revenues are less than \$20 million (\$25 million for businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

Companies claiming status as a socially disadvantaged business must include in the Disadvantaged Business portion of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender. The submitted evidence of prejudice or bias must:

- Be rooted in treatment which the business person has experienced in American society, not in other countries.

- Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

- Indicate that the businessperson's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his entry into and/or advancement in the business world.

The BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

In addition to these verifications, to receive credit for being a small disadvantaged business or a socially disadvantaged business, this portion of the proposal must include the following:

- (1) The name and telephone number of the project (contact) person for the small disadvantaged business or socially disadvantaged business.

- (2) The company name, address and telephone number of the prime contact person for each specific small disadvantaged business or socially disadvantaged business included in the proposal. The contractor must specify the small disadvantaged business or socially disadvantaged business to which it is making commitments. The contractor will not receive credit by stating that it will find a small disadvantaged business after the contract is awarded or by listing several companies and stating it will select one later.

- (3) The specific work, goods or services the small disadvantaged business or socially disadvantaged business will perform or provide.

- (4) The location where the small disadvantaged business or socially disadvantaged business will perform these services.

- (5) The timeframe for the small disadvantaged business or socially disadvantaged business to provide or deliver the goods or services.

- (6) The amount of capital, if any, the small disadvantaged business or socially disadvantaged business will be expected to provide.

- (7) The form and amount of compensation each small disadvantaged business or socially disadvantaged business will receive.

- (8) The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the small disadvantaged business or socially disadvantaged business.

- (9) In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- (10) Include in the Disadvantaged Business submittal, any and all information concerning the contractor's proposed utilization of small businesses located in a designated enterprise zone.

The Disadvantaged Business portion of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed. The dollar value of the commitment to each small disadvantaged business or socially disadvantaged business must be sealed in the same envelope with the Disadvantaged Business portion of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of a Disadvantaged Business and services to be provided, including timeframe for performing services, will be included as a contractual obligation when the contract is executed.

*Enterprise Zone Small Business Utilization Response.* To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, a company must include the following information in the Disadvantaged Business submittal of the proposal:

- Proof of the location of the business' headquarters (such as a lease, deed or Department of State corporate registration).

- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

- Proof of United States citizenship of the owners of the business.

- Certification that the business employs 100 or fewer employees.

- Proof that the business' gross annual revenues are less than \$20 million (\$25 million for businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, this portion of the submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each enterprise zone small business included in the proposal. The contractor must specify the enterprise zone small business to which it is making commitments. The contractor will not receive credit by stating that it will find an enterprise zone small business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods or services the enterprise zone small business will perform or provide.

- The location where the enterprise zone small business will perform these services.
- The timeframe of the enterprise zone small business to provide or deliver the goods or services.
- The amount of capital, if any, the enterprise zone small business will be expected to provide.
- The form and amount of compensation each enterprise zone small business will be expected to provide.
- The form and amount of compensation each enterprise zone small business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each enterprise zone small business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the enterprise zone small business.
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business submittal of the proposal.

The dollar value of the commitment to each enterprise zone small business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's enterprise zone small business commitment amount, name of enterprise zone small business and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.

*Disadvantaged Business Participation.* The following options will be considered as part of the final criteria for selection:

*Priority Rank 1.* Proposals submitted by small disadvantaged businesses.

*Priority Rank 2.* Proposals submitted from a joint venture with a small disadvantaged business as a joint venture partner.

*Priority Rank 3.* Proposals submitted with subcontracting commitments to small disadvantaged businesses.

*Priority Rank 4.* Proposals submitted by socially disadvantaged businesses.

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

To the extent that a proposal is submitted by a small disadvantaged business or a socially disadvantaged business and the small disadvantaged business or socially disadvantaged business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business participation scoring shall be proportionally lower for that proposal.

*Enterprise Zone Small Business Participation.* The following options will be considered as part of the final criteria for selection.

*Priority Rank 1.* Proposals submitted by an enterprise zone small business will receive the highest score

*Priority Rank 2.* Proposals submitted by a joint venture with an enterprise zone small business as a joint venture partner will receive the next highest score for this criterion.

*Priority Rank 3.* Proposals submitted with a subcontracting commitment to an enterprise zone small business will receive the lowest score for this criterion.

*Priority Rank 4.* Proposals with no enterprise zone small business utilization shall receive no points under this criterion.

To the extent that a proposal is submitted as a prime contractor by an enterprise zone small business, the enterprise zone small business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

Contracts containing disadvantaged business participation and/or enterprise zone small business participation must also include a provision requiring the contractor to meet and maintain those commitments made to disadvantaged businesses and/or enterprise zone small businesses at the time of the proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. Contracts containing disadvantaged business and/or enterprise zone small business participation must include a provision requiring small disadvantaged business subcontractors, enterprise zone small business subcontractors and small disadvantaged businesses or enterprise zone small businesses in a joint venture to perform at least 50% of the subcontract or small disadvantaged business/enterprise zone small business participation portion of the joint venture.

Commitments to disadvantaged businesses and/or enterprise zone small businesses made at the time of the proposal submittal or contract negotiation must be maintained throughout the term of the contract. A proposed change must be submitted to the BMWBO, which will make a recommendation as to a course of action to the contracting officer. If a contract is assigned to another contractor, the new contractor must maintain the disadvantaged business participation and/or enterprise zone small business participation of the original contract.

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

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

#### **G. Pre-Proposal Conference**

There will not be a pre-proposal conference. However, potential bidders may seek answers to questions by

submitting questions in writing to Frank B. Wilmarth, Deputy Chief Counsel, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, P.O. Box 3265, Harrisburg, PA 17105, (717) 772-8841, fax: (717) 783-3458, fwilmarth@state.pa.us. Questions regarding this Request for Proposals (RFP) must be received before May 28, 2004. Bidders can access prior audit reports at the "Pennsylvania Universal Service Fund" portion of the Commission's website.

## H. Proposal Review

### 1. Evaluation Procedure

The Committee (which consists of at least five individuals with appropriate technical and managerial experience) will perform a preliminary evaluation based upon the criteria in this RFP and will score the technical portion of the proposals using an evaluation score sheet. Proposals that meet the RFP requirements are ranked in order of merit. A maximum point value for each criterion and a total point value for all criteria will have been established by the Committee before opening the proposals.

The Committee will review proposals according to four major criteria:

- *Price*

Price will be a principal consideration. Since bids may include one or more segments that are being bid at a monthly or otherwise variable price, bids may not be directly comparable in terms of a single dollar amount. However, the Commission will consider all of the fixed and variable prices contained in the bid in evaluating it. Compensation paid to the Auditor will be paid from the Fund, and the Commission will pay no compensation.

- *Quality of Performance*

The bidder's expected quality of performance will be the second principal consideration. Within this category, the Commission will consider the bidder's understanding of the duties of the Fund Auditor, the bidder's probable success in discharging the duties of Auditor and the bidder's prior experience with auditing other similar funds. The Commission will also consider the quality of each person expected to work, as well as the number of hours each person is expected to work, and on what specific tasks.

- *Neutrality*

The Commission is seeking a neutral, independent third-party. Independence from affiliated relationships with any telecommunications carriers is preferred. If the bidder, or any of its associates, has an affiliate or representational relationship with a Commission-regulated telecommunications carrier, the bidder must disclose that relationship and explain, in detail, the measures that will be taken to avoid any conflict of interest that may arise as a consequence of this contract.

- *Disadvantaged Business Status*

### 2. Best and Final Offers

The Commission will disqualify a bidder who the Commission believes cannot be expected to perform reliably as Auditor.

(a) Discussions and negotiations may be conducted with offerors for the purpose of obtaining best and final offers.

(1) Discussions are limited to responsible offerors. Responsible offerors are offerors that have submitted responsive proposals and possess the capability to fully

perform the contract requirements in all respects and the integrity and reliability which assure good faith performance.

(2) In conducting these discussions and negotiations, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(3) Offerors may be given the opportunity to revise their proposals.

(4) It is imperative that offerors be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

(b) *Procedure.* The Committee chairperson will send a letter to each offeror inviting the offerors to discuss the technical and cost changes to the proposal desired by the agency. A list of the changes will be appended to each letter. The list should be based on the suggested changes by Committee members as documented during the tentative evaluation.

(1) The Committee chairperson or a designated member of the Committee will conduct the discussions and negotiations. All Committee members should be present and actively assist the negotiator. Discussions and negotiations involving Disadvantaged Business participation will be conducted by the BMWBO. The discussions/negotiations should be free, full and open. When appropriate, the offeror should be given an explanation of the agency's reason for a requested change. This is especially true when the offeror appears reluctant to accept the change. However, it is not expected that offerors will accept the agency's position on all issues. After discussions/negotiations of each issue, the Committee chairperson or designee should state the agreement reached on that issue. The agreement need not be precisely what either the agency or the offeror are willing to accept should a contract ensue. The discussions/negotiations should be tape recorded, if convenient. If not, a Committee member or a stenographer should record the substance of the agreement.

(2) At the conclusion of the discussions/negotiations, the contractor will be asked to confirm the agreements reached, in writing, in the form of formal amendments to its proposal.

### 3. Final Evaluation

The Committee will rank the offerors in descending order according to the total score assigned to each based upon the final Committee scores. The Committee recommendation and all working papers will then be forwarded to the Commission's Law Bureau and the Bureau of Administrative Services to ensure compliance with the Department's Contractor Responsibility Program (Management Directive 215.9) (66 Pa.C.S. § 501 et seq.).

## J. Selection

The Commission will select for contract negotiation the offeror whose proposal is determined to be the most advantageous and notify that contractor in writing. The Commission will then notify the selected and nonselected offerors of the selection for contract negotiation. The Commission may hold a debriefing conference if it is requested by the nonselected offerors.

## K. Negotiations with the Selected Offeror

Post-selection negotiations will be conducted by a negotiation team (consisting of individuals on the Committee or other individuals with technical, contracting, fiscal and legal expertise). The purpose of the negotiations is to ensure a clear understanding of the work statement, to

reach an agreement on the inclusion of the contract provisions, to reach an agreement on the type of contract and to determine a fair and reasonable price or reasonable cost estimate.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-882. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it 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 June 7, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-00120710. Pittsburgh Information and Research Company t/d/b/a Onyshko Investigative Services** (P. O. Box 99181, Pittsburgh, Allegheny County, PA 15233-4181), a corporation of the Commonwealth—persons in paratransit service, who are claimants of the State Workers Insurance Fund, between points in the Counties of Erie, Crawford, Warren, McKean, Venango, Forest, Elk, Cameron, Mercer, Lawrence, Beaver, Butler, Clarion, Armstrong, Washington, Greene, Westmoreland, Jefferson, Clearfield, Indiana, Cambria, Blair, Huntingdon, Fayette, Somerset, Bedford and Fulton, and from points in the County of Allegheny, to points in the aforementioned counties, and return.

**A-00120706. Rock River and Trail Outfitters, Inc.** (57 Bellefonte Avenue, Lock Haven, Clinton County, PA 17745), a corporation of the Commonwealth—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in Clinton County, and from points in said county, to points in this Commonwealth, and return.

**A-00120701. Cetrionia Ambulance Corps Incorporated t/d/b/a Cetrionia Ambulance Corps** (7355 William Avenue, Suite 700, Allentown, Lehigh County, PA 18106-9397), a corporation of the Commonwealth—persons in paratransit service, between points in the Counties of Berks, Bucks, Carbon, Lehigh, Monroe and Northampton, and from points in said counties, to points in this Commonwealth, and return. *Attorney:* Douglas M. Wolfberg, 5010 E. Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-00120700. Randall Faust t/d/b/a Faust Taxi Service** (825 Fairmount Avenue, Pottsville, Schuylkill County, PA 17901)—persons upon call or demand in the City of Pottsville, Schuylkill County, and within an airline distance of 5 statute miles of the limits thereof.

**A-00120713. Gittings Protective Security** (110 West High Street, Ebsenburg, Cambria County, PA 15931), a corporation of the Commonwealth—persons in paratransit service, between points in the Borough of Ebsenburg, Cambria County, and within an airline distance of 60 statute miles of the limits thereof, and from points in said area, to points in this Commonwealth, and return; limited to the transportation of insurance claimants to scheduled medical appointments.

#### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

**A-00120712. Airport Orbit, Inc.** (140 South Main Street, Slippery Rock, Butler County, PA 16057), a corporation of the Commonwealth—persons in airport transfer service: (1) from the Borough of Slippery Rock, Butler County, to the Greater Pittsburgh International Airport, located in the Township of Moon, Allegheny County, and vice versa; (2) from points in the Borough of Slippery Rock, Butler County, and within an airline distance of 25 statute miles of the limits thereof, to the Greater Pittsburgh International Airport, located in the Township of Moon, Allegheny County, and vice versa; (3) from points in the Counties of Mercer and Lawrence, to the Pittsburgh International Airport located in the Township of Moon, Allegheny County; and (4) from points in the Counties of Clarion, Crawford and Venango to the Pittsburgh International Airport, located in the Townships of Findlay and Moon, Allegheny County; which is to be a transfer of the rights of the rights authorized under the certificate issued at A-00105543 to Cultural Studies Academy, Inc. t/d/b/a Lenz Travel Airport Shuttle, subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

**A-00120699. Rhoads Limousine Service, Inc.** (96 Weavertown Lane, Douglassville, Berks County, PA 19518), a corporation of the Commonwealth—persons in limousine service, between points in this Commonwealth; which is to be a transfer of the rights authorized under the certificate issued at A-00107913, F.2 to Mary E. Klein t/d/b/a Klein Tours, subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, P. O. Box 1146, Harrisburg, PA 17108-1146.

#### Application of the following for certificate of *public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods by transfer as described under the application.*

**A-00120717. Mildred A. Kissel t/d/b/a Kissel Moving & Storage** (550 Pine Creek Road, Wexford, Allegheny County, PA 15090)—(1) property, between points in this Commonwealth; and (2) household goods in use, between points in Allegheny County, and from points in said county, to points in this Commonwealth, and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00099886 to Patrick A. Kissel, Sr. (D), subject to the same limitations and conditions.

#### Application of the following for *amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

**A-00117323, Folder 1, Am-A. Carl Corporation t/d/b/a Campbell Limousine** (402 Club 21 Road, McClellandtown, Fayette County, PA 15458), a corporation of the Commonwealth—discontinuance of service—persons, in limousine service, between points in this Commonwealth. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Exclusively Yours Transportation and Protective Services, Inc.; Doc. No. A-00117412C0301*

### 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 Exclusively Yours Transportation and Protective Services, Inc., respondent, maintains a principal place of business at 504 Dogwood Circle, Havertown, PA 19083.

2. That respondent was issued a Certificate of Public Convenience by this Commission on November 16, 2001, at Application Docket No. A-00117412.

3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c) and 52 Pa. Code §§ 32.11(a), § 32.12(a) or § 32.13(a).

WHEREFORE, unless respondent causes its insurer to file evidence of insurance with this Commission 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 held by respondent at Docket No. A-00117412, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) 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 above 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 of the date of service, 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, Contract Carrier Permit, or Brokerage license, 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 causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

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 that the Commission enter an order 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 optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 04-883. Filed for public inspection May 14, 2004, 9:00 a.m.]

### Telecommunications

**A-310906F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and ACN Communication Services, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and ACN Communication Services, Inc. for approval of a master

interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and ACN Communication Services, Inc., by its counsel, filed on April 28, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and ACN Communication Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-884. Filed for public inspection May 14, 2004, 9:00 a.m.]

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### Telecommunications

**A-310804F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and dPi Teleconnect, LLC.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and dPi Teleconnect, LLC for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and dPi Teleconnect, LLC, by its counsel, filed on May 4, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and dPi Teleconnect, LLC joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-885. Filed for public inspection May 14, 2004, 9:00 a.m.]

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### Telecommunications

**A-310749F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Ernest Communications, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Ernest Communi-

cations, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Ernest Communications, Inc., by its counsel, filed on May 4, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Ernest Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-886. Filed for public inspection May 14, 2004, 9:00 a.m.]

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### Telecommunications

**A-310633F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Level 3 Communications, LLC.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Level 3 Communications, LLC for approval of an opt-in master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Level 3 Communications, LLC, by its counsel, filed on May 4, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Level 3 Communications, LLC joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-887. Filed for public inspection May 14, 2004, 9:00 a.m.]

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### Telecommunications

**A-311213F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Local Line America,**

**Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Local Line America, Inc. for approval of an opt-in master interconnection and resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Local Line America, Inc., by its counsel, filed on May 4, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Local Line America, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-888. Filed for public inspection May 14, 2004, 9:00 a.m.]

**Telecommunications**

**A-310482F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Metro Teleconnect Companies, Inc.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Metro Teleconnect Companies, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of The Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Metro Teleconnect Companies, Inc., by its counsel, filed on April 29, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Metro Teleconnect Companies, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-889. Filed for public inspection May 14, 2004, 9:00 a.m.]

**Telecommunications**

**A-310513F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Spectrum L. P. as agent for WirelessCo, L. P., Sprintcom, Inc., Cox Communications PCS, L. P., APC PCS, LLC and PhillieCo, L. P., entities jointly d/b/a Sprint PCS.** Joint petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Spectrum L. P. as agent for WirelessCo, L. P., Sprintcom, Inc., Cox Communications PCS, L. P., APC PCS, LLC and PhillieCo, L. P., entities jointly d/b/a Sprint PCS for approval of amendment no. 1 to commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Spectrum L. P. as agent for WirelessCo, L. P., Sprintcom, Inc., Cox Communications PCS, L. P., APC PCS, LLC and PhillieCo, L. P., entities jointly d/b/a Sprint PCS, by its counsel, filed on May 4, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Sprint Spectrum L. P. as agent for WirelessCo, L. P., Sprintcom, Inc., Cox Communications PCS, L. P., APC PCS, LLC and PhillieCo, L. P., entities jointly d/b/a Sprint PCS joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-890. Filed for public inspection May 14, 2004, 9:00 a.m.]

**PUBLIC SCHOOL  
EMPLOYEES'  
RETIREMENT BOARD**

**Hearings Scheduled**

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

- |               |   |        |
|---------------|---|--------|
| June 23, 2004 | Matthew J. Taylor (D)<br>(Death Benefit)                  | 1 p.m. |
| June 30, 2004 | Florence M. Pozda<br>(Reimbursement of Nursing Home Care) | 1 p.m. |



Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-891. Filed for public inspection May 14, 2004, 9:00 a.m.]

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## STATE BOARD OF PSYCHOLOGY

**Bureau of Professional and Occupational Affairs v.  
Richard Joseph Alapack; Doc. No. 0701-63-02**

On March 26, 2004, the State Board of Psychology (Board) revoked Richard Joseph Alapack's license for failing to understand the boundaries which he breached.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Psychology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

ALEX M. SIEGEL, J.D., Ph.D.,  
*Chairperson*

[Pa.B. Doc. No. 04-892. Filed for public inspection May 14, 2004, 9:00 a.m.]

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