

# PENNSYLVANIA BULLETIN

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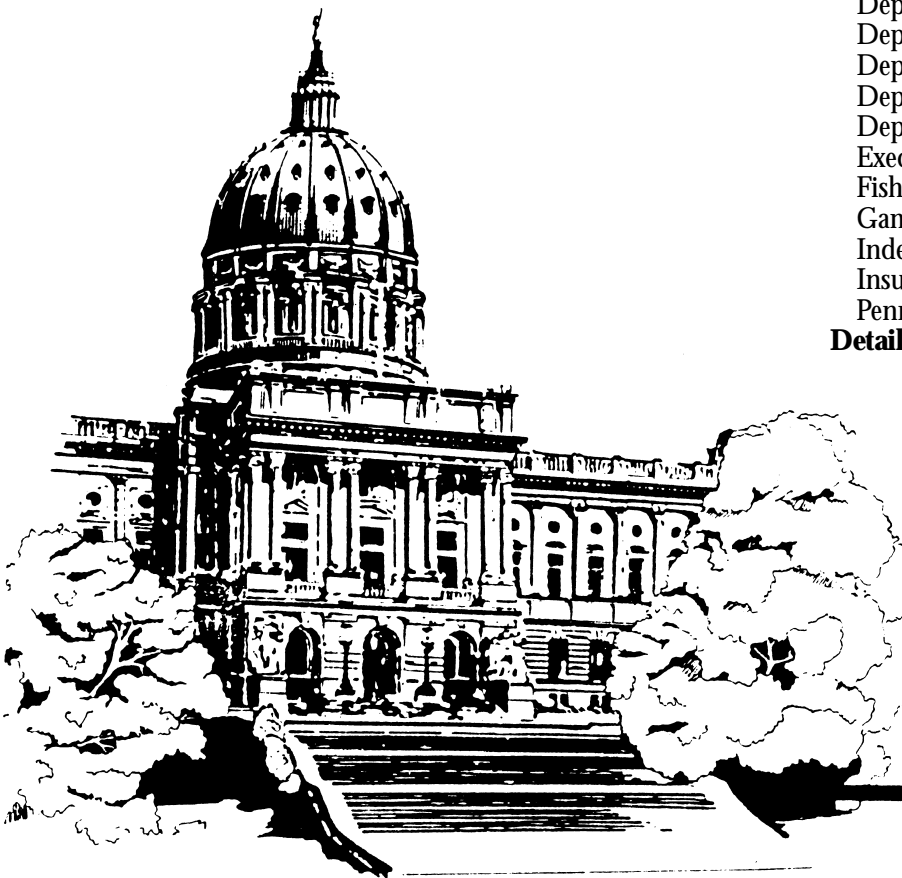
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Pages 2791—2900

**Agencies in this issue:**

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Delaware River Basin Commission  
Department of Aging  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Executive Board  
Fish and Boat Commission  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 354, May 2004**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2004.

### 1 Pa. Code (General Provisions)

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### 4 Pa. Code (Administration)

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### 12 Pa. Code (Commerce, Trade and Local Government)

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### 22 Pa. Code (Education)

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### 25 Pa. Code (Environmental Protection)

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### 28 Pa. Code (Health and Safety)

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 2798, 2801

# THE COURTS

## Title 255—LOCAL COURT RULES

### WESTMORELAND COUNTY

**Adoption of New Civil Rules W1910.12, W1920.33, W1920.50, W1920.51, W1920.51a, W1920.53, W1920.54, W1920.55-2, and W1920.55-2a; No. 3 of 2004**

#### Order

*And Now*, this 7th day of May, 2004, *It Is Hereby Ordered* that Westmoreland County Rules of Civil Procedure W1910.12, W1920.33, W1920.50, W1920.51, W1920.51(4), W1920.53, W1920.54, W1920.55-1, and W1920.55-2 are rescinded, and that new Rules W1910.12, W1920.33, W1920.50, W1920.51, W1920.51a, W1920.53, W1920.54, W1920.55-2, and W1920.55-2a are adopted. In addition, current forms WF1920.50(f), Notice of Presentation and Order of Court are rescinded. New forms WF1920.50, Motion to Schedule All Counts Conciliation Conference, Order, and Marital Asset Liability Summary are adopted. Finally, all current forms numbered WF1920.50(g) will retain their current titles but be renumbered WF1920.50. The effective date of this Order is June 1, 2004.

*By the Court*

DANIEL J. ACKERMAN,  
*President Judge*

#### **Rule W1910.12 Office Conference. Hearing. Record. Exception. Order.**

(a) Hearings

(1) Hearings before a hearing officer will not be scheduled unless demanded. No demand for a hearing officer will be accepted if an agreement is reached at the office conference.

(2) When demanding a hearing before a hearing officer, the demanding party must pay costs in the amount of \$50.00 to the domestic relations section. No hearing will be scheduled unless costs are paid within ten (10) days of the mailing of the interim order.

(3) The demanding party shall serve a copy of the demand for a hearing on the non-excepting counsel or party if not represented.

(4) The domestic relations section shall give each counsel or party if not represented notice of the date, time, and place of the hearing.

(b) Exceptions

(1) Upon filing exceptions to the hearing officer's report, the excepting party shall:

A. Serve on the domestic relations section a copy of the exceptions and deposit \$50.00 toward the cost of transcript preparation.

B. Serve a copy of the exceptions on the non-excepting counsel or party if not represented.

(2) The domestic relations section shall:

A. Notify the assigned judge, receive a time and date for the hearing on the exceptions, and notify all counsel of record, or parties, if not represented of the time and date of the hearing.

B. Bill the excepting party the balance of the transcription fee when the transcript is delivered.

(3) Oral arguments shall be restricted to issues addressed in written briefs filed as follows:

A. The excepting party must file a brief with a copy to the assigned judge and opposing counsel or party, if not represented, no later than 20 days before the hearing.

B. The non-excepting party must file a brief with a copy to the assigned judge and opposing counsel or party, if not represented, no later than 10 days before the hearing.

NOTE: The form of briefs is governed by W210.

#### **W1920.33 Joinder of Related Claims. Distribution of Property. Enforcement.**

(a) Each party in all cases in which a master has been appointed shall file a pre-trial statement, pursuant to Pa.R.C.1920.33(b). The original pretrial statement shall be filed with the prothonotary within 20 days of receipt of the order appointing the master. Each party shall serve copies of the pretrial statement on the master and opposing counsel, or on the unrepresented adverse party, by first class mail on the same day as filing.

(b) The exhibit list as set forth in [item 6 above] Pa.R.C.P. 1920.33(b)(4) shall be served in duplicate and shall be in substantially the following format:

Exhibit List			
Description	Stipulated Authentic	Stipulated Admissible	Objection
A.			
B.			
C.			
D.			
etc.			

(c) Each party shall have 10 days from the date of receipt of the exhibit list to complete the exhibit list and to return the list to the other party.

(d) Failure to comply with this rule may be enforced by sanctions, with attorney's fees costs and expenses to be determined by the master or court.



**Rule W1920.50 All Counts Conciliation Conference**

(a) After completion of discovery and prior to the appointment of a master to take testimony on remaining issues pursuant to W1920.51, and after filing "Addendum A" substantially in the form prescribed by WF1920.50, and any attachments; the court shall order, upon the request of either party, an all counts conciliation conference.

(b) Either party may request an all counts conciliation conference by presenting or mailing to the family court administrator a Motion to Schedule All-Counts Conciliation Conference, Order, and a copy of Addendum A and any attachments. Upon receipt of the Motion to Schedule All Counts Conciliation Conference and Order, the family court administrator shall note the day and time of the conference on the original order, forward the motion and order to the court for signature, and file the original motion and order with the prothonotary. After filing the original motion and order, the family court administrator shall mail a copy of the motion and order to the moving party. The moving party shall then serve the non-moving counsel or party, if not represented, with a copy of the motion and order, Addendum A, and any attachments. A copy of the forms and attachments shall be served on the opposing counsel or party, if not represented, and on the family court administrator.

(c) In the event a party opposes the scheduling of the all counts conciliation conference, the party that wants an all counts conciliation conference may file and present to the Court a motion to proceed.

(d) The non-moving party shall file their Addendum A and any attachments at least twenty (20) days prior to the scheduled conference, and serve a copy of Addendum A and any attachments on the moving counsel or party, if not represented, and on the family court administrator.

(e) Both parties shall submit a written proposal for settlement at the time of the conference.

(f) Failure to file the required forms, attachments and proposals may result in sanctions.

NOTE: This rule requires the completion of an All Counts Conciliation Conference worksheet for submission with the written proposal for settlement. A sample of the Motion to Schedule All Counts Conciliation Conference and Order and the forms included in "Addendum A," including the Income and Expense Statement, Inventory and Appraisal of Property and Marital Asset and Liability Summary forms are provided in the Forms section of the Westmoreland County Rules of Court.

**Rule W1920.51 Hearing by the Court; Appointment of Master; Notice of Hearing**

(a) Before any certificate of appointment shall be issued by the prothonotary to any master in those cases initiated by an uncontested complaint in annulment, or a section 3301 (a) or (b) divorce, or where an agreement has been reached by the parties on any such other claims that have been raised by the parties, the plaintiff shall deposit the sum of \$138.00 with the prothonotary; \$113.00 of the deposit shall be minimum fee for the master, and \$25.00 shall be minimum fee for the stenographer. In addition, the plaintiff shall pay the prothonotary's fee. The court may order additional compensation for the master their report is filed.

(b) In all other cases, before any certificate of appointment shall be issued by the prothonotary to any master, the party moving for the appointment shall deposit an initial sum of \$248.00 with the prothonotary; \$223.00

shall be a minimum fee for the master, and \$25.00 shall be a minimum fee for the stenographer. In addition, the moving party shall pay the prothonotary's fee. The initial deposit of \$248.00 shall be for one-half days' work. For each half day thereafter the master shall receive a minimum fee of \$150.00; and for each half day of transcribing, the stenographer shall receive a minimum fee of \$20.00. The mast shall certify the time expended to the court. The master may petition the court for additional compensation after the report is filed.

(c) No master shall be appointed if a complaint in divorce has been filed under section 3301 (c) or (d) and no issues other than divorce are raised.

Note: Subsection (c) expands the prohibitions found at Pa. R.C.P. 1920.51(2) (ii) to include all Section 3301(d) divorces when divorce is the only issue raised.

(d) The master shall give the attorneys for each party at least 10 days' written notice of the time and place of taking testimony and of the claims the master will hear. If there is no appearance entered on behalf of the defendant, the master shall give notice to the defendant by registered mail, return receipt requested at the last known address of the defendant.

NOTE: See Pa.R.C.P. 1920.33(b) and W1920.33 for requirements regarding the mandatory filing of a pre-trial statement.

**Rule W1920.51a. Hearing by the Court. All Counts Master. Notice of Hearing**

All interim issues in a divorce action including the claim of alimony pendente lite, counsel fees, costs and expenses, and injunctive relief, when appointed to a master, shall be heard by the permanent all counts master.

(a) The all counts divorce master may address the amount of child support if the amount is consented to by the parties. If the parties do not agree to the amount of child support, the all counts divorce officer shall only take testimony on the claim of child support at the direction of the court, or in the event the support-hearing officer certifies a conflict.

(b) The all counts divorce master shall take testimony on claims for child support, alimony pendente lite, or counsel fees and expenses prior to taking testimony on any other claims.

(c) In the event the master does not complete taking testimony on all issues, the master shall prepare a report and order for those issues resolved or consented to, and schedule the remaining issues for a date and time certain. Exceptions may be filed pursuant to Pa.R.C.P. 1920.55-2 and W1920.55-2a.

**Rule W1920.53. Hearing by Master. Report.**

Subject to the direction and control of the court, the court appointed master shall have the usual powers of a referee in equity in regard to the detention of witnesses for examination and the general course of the proceedings. The master shall rule on objections to the competency or relevancy of testimony. If the master sustains the objection the testimony shall not be heard or reported. Parties may file exceptions to the master's rulings.

**Rule W1920.54 Hearing by Master. Report. Related Claims.**

Subject to the direction and control of the court, the all counts divorce master shall have the usual powers of a referee in equity in regard to the detention of witnesses for examination and the general course of the proceed-

ings. The master shall rule on objections to the competency or relevancy of testimony. If the master sustains the objection the testimony shall not be heard or reported. Parties may file exceptions to the master's rulings.

**Rule W1920.55-2 Master's Report. Notice. Exceptions. Final Decree.**

(a) The excepting party shall serve a copy of exceptions on the family court administrator when filing the original exceptions to the report of a master appointed pursuant to W1920.51. Upon receiving exceptions pursuant to Pa.R.C.P. 1920.55-2(b) and (c), the family court administrator shall immediately schedule a hearing, mail notices of the hearing date to the parties by first class mail, and forward its copy of the exceptions to the assigned judge.

(b) The excepting party must file briefs with the assigned judge no later than 20 days before the hearing, and the non-excepting party must file its brief with the assigned judge no later than 10 days before the hearing.

(c) Oral argument shall be restricted to issues addressed in written briefs.

(d) If no party files Exceptions to the Master's Report within 10 days of the mailing of the report, the prothonotary shall immediately deliver the file to the court for entry of the decree.

(e) Unless otherwise directed by the Court, the prothonotary shall pay no master's fee until the master files the report and transcript of testimony. Failure of the master to file the report as required shall result in a forfeiture of the master's fee, and the prothonotary will refund the fee to the party who paid it.

**Rule W1920.55-2a All Counts Master's Report. Notice. Exceptions. Final Decree.**

(a) The all counts master's shall report pursuant to Pa.R.C.P.1920.55-2.

(b) When filing the original exceptions to an all counts master's report with the prothonotary, the excepting party shall also serve a copy on the family court administrator. The family court administrator shall immediately schedule the hearing on the exceptions upon receipt of the exceptions and the fifty (50) dollars deposit towards completion of the transcript required by subsection (c) below. The court administrator shall mail notices of the hearing date to the parties by first class mail before forwarding its copy of the exceptions to the assigned judge.

(c) The excepting party must request the transcript and make a deposit of fifty (50) dollars towards the preparation of the transcript pursuant to Pa.R.J.A. 5000.5 and 5000.6. The final cost of the transcript will be billed against the excepting party at a rate of \$2.00 per page less the fifty (50) dollars deposited. Failure to request or pay for the transcript may result in dismissal of the exceptions.

(d) The excepting party must file briefs with the assigned judge no later than 20 days before the hearing, and the non-excepting party must file its brief with the assigned judge no later than 10 days before the hearing.

(e) Oral argument shall be restricted to issues addressed in written briefs.

(f) If no party files exceptions within 10 days of the mailing of the report, the order shall be final.

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CIVIL ACTION—DIVORCE**

Plaintiff, )  
 )  
v. ) NO: \_\_\_\_\_ of 20 \_\_ -D  
 )  
Defendant )

**MOTION TO SCHEDULE ALL COUNTS CONCILIATION CONFERENCE**

AND NOW, comes \_\_\_\_\_, (Counsel for) (Plaintiff/Defendant), in the above-captioned divorce matter, and requests that an All Counts Conciliation Conference be scheduled in accordance with Westmoreland County, PA Local Rule 1920.50 with respect to the following claims:

- \_\_\_\_\_ Equitable Distribution
- \_\_\_\_\_ Alimony/APL
- \_\_\_\_\_ Counsel fees, costs and expenses

Your Movant acknowledges that Plaintiffs/Defendant's All-Counts Conciliation Conference form is filed of record and has been served on the opposing counsel/party; that discovery in this matter is complete; and that the non-moving counsel/party consents to this request.

\_\_\_\_\_  
Date Counsel for Plaintiff/Defendant

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CIVIL ACTION—DIVORCE**

\_\_\_\_\_, )  
Plaintiff, )  
v. ) NO: \_\_\_\_\_ of 20 \_\_ -D  
 )  
\_\_\_\_\_, )  
Defendant. )

**ORDER OF COURT**

AND NOW, to wit: this \_\_ day of \_\_\_\_\_ 200 \_\_, it appearing that the parties are prepared to proceed with the economic claims pending between them; and it further appearing that it is consistent with the efficient administration of justice that the parties exchange information and documents prior to the All Counts Conciliation Conference; and at the request of \_\_\_\_\_'s counsel, IT IS HEREBY ORDERED AND DECREED as follows:

1. that an All Counts Conciliation Conference is scheduled before the All-Counts Conciliation Master for \_\_\_\_\_, the \_\_ day of \_\_\_\_\_, 200 \_\_, at \_\_\_\_\_ o'clock \_\_.M. The parties and their counsel are directed to attend.

2. that within 10 days of the date of the Order, the parties shall enter into a stipulation as to the date of separation. To the extent they cannot so stipulate, set forth by both parties. The non-requesting party shall also file their Addendum A and any attachments at least 20 days prior to the conference. Counsel shall certify service of these documents. Each party shall provide the other with the date each believes separation occurred, as well as the rationale therefore.

3. that at least 20 days prior to the conference set forth above, the parties shall exchange complete (e.g. including all schedules) personal federal income tax returns for the previous three years; a pay stub subsequent to the date of this Order containing year to date information, retirement account(s) information (including, but not limited to,

ERISA, IRA, 401(d) and savings plan statements) and, to the extent applicable, summary plan descriptions for such accounts. Such retirement documents should be dated as close as is possible to the separation date. In the event the parties dispute the date of separation and such dispute may result in material and substantial difference in the valuation of retirement accounts, documents shall be exchanged for the dates of separation.

4. that the parties are not required to obtain expert valuations regarding any assets prior to the first conciliation. However, they shall discuss and attempt to reach agreement on all significant valuation issues, including, but not limited to, any disputes arising regarding retirement accounts; value of the marital residence and its contents; and the marital debt of the parties. To the extent that the parties are unable to reach agreement on any valuations issues, they are strongly encouraged to see an impartial appraiser to conduct a joint valuation to the disputed asset, and to stipulate to the results thereof.

5. that the parties are encouraged to jointly prepare a Marital Asset and Liability Summary substantially in the form of the attached example. If the parties are unable to do so, each party shall prepare his or her own Summary. Five (5) days prior to said conciliation, counsel shall serve on the family court administrator the summary and a written proposal for the resolution of the existing claims.

6. that absent compelling reasons, this case will not be continued within 30 days of the scheduled date.

Counsel and parties should note that failure to strictly comply with the terms of this Order may result in continuation of the conciliation, finds and/or counsel fees. Parties may not consent to waive any provision of this Order.

BY THE COURT: \_\_\_\_\_ J.

ATTEST: \_\_\_\_\_

cc: \_\_\_\_\_ (Counsel for) Plaintiff  
\_\_\_\_\_ (Counsel for) Defendant

**MARITAL ASSET AND LIABILITY SUMMARY**

Case Caption: \_\_\_\_\_  
Date of Marriage: \_\_\_\_\_  
Docket Number: \_\_\_\_\_  
Date of Separation: \_\_\_\_\_  
Plaintiff's Counsel: \_\_\_\_\_  
Date of Divorce: \_\_\_\_\_  
Defendant's Counsel: \_\_\_\_\_

	Description of Property		Husband's Value:	Wife's Value:
	Lien	Comments		
1.				
2.				
3.				
4.				

TOTAL:

[Pa.B. Doc. No. 04-939. Filed for public inspection May 28, 2004, 9:00 a.m.]

**WESTMORELAND COUNTY  
Civil Rules; No. 3 of 2004**

**Order**

And Now, this 10th day of May, 2004, It Is Hereby Ordered that the present Westmoreland County Rules of Civil Procedure W200, W200.2, W200.3, W200.4, W200.7, W205.1, W206, W210, W211, W212.1, W212.3, W227.1, W227.2, W229, W611, W1007, W1012, W1018, W1018.1, W1028, W1035, W1047, W1531, W2227, W2232, and W2253; the Praecepte for Trial; Cover Sheet; and Argument Court Form are rescinded. New Rules W205.2(a), W205.2(b), W206.1(a), W206.4(c), W208.2(c), W208.2(d), W208.2(e), W208.3(a), W210, W212.1, W212.3, W227.1, W229, W261, W1018, W1018.1, W1028(c), W1034(a), W1035.2(a), W1531, and W2232; Certification of Readiness; and Cover Sheet are adopted. The effective date of this Order is July 26, 2004.

By the Court

DANIEL J. ACKERMAN,  
President Judge

**Rule W205.2(a). Pleadings and Legal Papers**

(1) All pleadings and legal papers filed with the Prothonotary should be on white paper approximately 8-1/2 inches by 11 inches, [with printed matter 6-1/2 inches by 9 inches] with one inch margins on all four (4) sides. The lettering should be clear and legible and no smaller than point 11.

(2) Pleadings and legal papers, including the original documents, should be filed without "blue backs" or other covers, and should be bound in the upper left hand corner with a single binder clip or staple. No tape should be used to cover the top of the paper or document.

(3) The front page of the document should indicate the total number of pages, including exhibits, submitted for filing. (For example: Page 1 of 10).

**Rule W205.2(b). Pleadings and Legal Papers**

All parties initiating a civil action shall also file an original and one copy of a cover sheet, which shall be in the form set forth in the Forms section of the Westmoreland County Rules of Court. A civil action shall not be assigned to a judge until a cover sheet has been filed in accordance with this rule.

**Rule W206.1(a). Petitions—Rule to Show Cause**

No applications to the court other than those listed in Pa.R.C.P. 206.1(a) have been designated by local rule as "Petitions."

**Rule W206.4(c). Procedures for Issuance of a Rule to Show Cause**

(1) The petition for the rule to show cause and a proposed Order substantially in the form prescribed by Pa.R.C.P. 206.5(d) shall be presented in Motions Court. The petitioner shall serve a copy of the petition and proposed Order on the respondent or respondents, together with written notice of the time, date and location for presentation, at least four (4) days in advance of the date when presentation is to occur. Service shall be made in accordance with the Rules of Civil Procedure governing service of legal papers other than original process.

(2) A certificate that the petition and proposed Order, and written notice of the time, date and location of presentation have been served on the respondent or

respondents, shall be attached to the petition at the time of presentation.

(3) At the time of presentation, the court shall use the discretion granted by Pa.R.C.P. 206.4 to determine if a rule to show cause should be issued and whether any interim relief requested should be granted. The interim relief may include a stay of execution.

(4) In the event the court grants the rule to show cause:

(a) The court shall enter an Order in accordance with Pa.R.C.P. 206.5.

(b) The petitioner shall file the petition and Order with the Prothonotary, who shall issue the rule. Within three (3) days thereafter, the petitioner shall serve the rule as directed in the Order, together with a copy of the petition and Order upon which the rule was issued, which service shall be made in accordance with the Rules of Civil Procedure governing service of legal papers other than original process.

(c) Within three (3) days of such service, the petitioner shall file a certificate of service with the Prothonotary, and shall deliver or mail a copy of the rule, petition, Order and certificate of service filed to the chambers of the judge assigned to the case.

(5) Upon filing an Answer, a respondent shall deliver or mail a copy thereof to the chambers of the judge assigned to the case.

(6) If no answer is filed on or before the date Ordered, the petitioner may file a motion to make the rule absolute in accordance with Rule W208.3(a).

**Rule 208.2(c). Motions. Statement of Applicable Authority**

All motions shall contain a specific citation to relevant constitutional provisions, case law, statutes, regulations, Rules of Court or other applicable legal authority that permit the court to grant the relief requested.

**Rule W208.2(d). Motions with Consent or No Contest**

(1) All uncontested motions, or motions to which the consent of all parties has been obtained, must be accompanied by a certificate stating that

(a) a copy of the motion and any proposed Order has been served on every other party or attorney of record at least 4 days in advance of the date when the presentation is to occur,

(b) written notice of the time, date and location for presentation was given at the time the motion and any proposed Order was served, and

(c) the motion is in fact uncontested or has the consent of all parties.

(2) Failure to comply with the foregoing shall result in the refusal of the court to hear the motion.

**Rule W208.2(e). Motions. Discovery**

(1) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or attempted to confer with all interested parties in order to resolve the matter without court action, and shall set forth the nature of the efforts made to resolve the matter.

(2) Failure to comply with the foregoing shall result in the refusal of the court to hear the motion.

**Rule W208.3(a). Motions Procedure**

(1) The trial judge assigned to a specific case will hear all motions or petitions relating to that case. Motions Court shall be held each Friday at 9:00 A.M.

(2) Argument on contested motions will be heard in Motions Court. The moving party shall serve a copy of the motion and any proposed Order on every other party or attorney of record and give written notice of the time, date and location for presentation, at least 4 days in advance of the date when the presentation is to occur. The motion must be accompanied by a certificate stating that a copy of the motion, proposed Order and written notice has been so furnished. Failure to provide such certificate shall result in the court's refusal to hear the motion.

(3) Uncontested motions or motions to which the consent of all parties has been obtained shall be presented in accordance with Rule W208.2(d), and may be presented at Motions Court or in chambers at any time convenient to the court.

Note: Counsel are expected to appear for Motions Court promptly by 9:00 A.M. It is anticipated that all motions should be heard by 10:00 A.M. If, upon presentation of the motion, the Court determines that extended argument is required, the court shall specially set a time for argument.

(4) Emergency motions in civil matters may be presented at a time prearranged with the court. In emergency matters, the moving party must give telephone notice to every other party or attorney of record prior to presenting the motion, and shall, at the time of presentation of same, provide to the Court a certificate describing what notice was given. Failure to provide such certificate may result in the court's refusal to hear the motion.

**Rule W210. Form of Briefs**

(a) The Brief of the moving party shall contain a statement of the case, a statement of the issues involved, the argument, and a short conclusion stating the precise relief sought.

(b) The Brief of the responding party need only contain argument.

(c) A copy of a Brief shall be served on every other party or attorney of record on the same day it is filed. A copy of a Brief shall be delivered or mailed to the chambers of the judge assigned to the case.

**Rule W212.1. Certification of Readiness for Trial. Time for Completing Discovery and Filing Pre-Trial Statement**

(a) In civil actions in which the damages sought exceed the jurisdictional limit for compulsory arbitration, any party may file a certification with the Prothonotary that the case is ready for trial. A copy of the certification found in the Forms section of these rules shall be served on the judge assigned to the case, on the Court Administrator and on all other parties or their counsel.

(b) The term "ready for trial" means that

(1) the pleadings are closed;

(2) witnesses are presently available to appear at trial; and

(3) discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial, such as the depositions of expert witnesses.

(c) Upon receipt of the certification of readiness, the judge assigned to the case shall issue an Order addressing the following matters:

(1) When Pre-Trial Statements shall be due pursuant to Pa.R.C.P. 212.1(c)2, which dates shall be set prior to the Pre-Trial Conference.

(2) The date of the Pre-Trial Conference pursuant to Pa.R.C.P. 212.3.

(3) Such other matters that may aid in the disposition of the case.

**Rule W212.3. Pre-Trial Conference.**

(a) In addition to those matters for consideration at the Pre-Trial Conference held pursuant to Pa.R.C.P. 212.3, the court shall place the case on a civil court Jury Trial List, or set the date for the trial of a case without a jury.

(b) An Order shall be entered following the pre-trial conference pursuant to Pa.R.C.P. 212.3(b). A copy of the Order shall be provided to the Court Administrator.

(c) The Court Administrator shall place each case to be tried by jury on a Jury Trial List for each civil court judge, and shall distribute the Jury Trial Lists to all named parties or their counsel.

(d) Each civil court judge shall call his Jury Trial List during the week preceding the first week of the civil jury trial period. All attorneys responsible for trial shall be represented at the call, and shall advise the court of the approximate length of the trial and disclose any other relevant matters.

(e) The cases placed on the Trial List shall be continued only on the grounds and under the procedures set forth in Pa.R.C.P. 216. Applications for continuance shall be presented at Motions Court at least ten (10) days prior to the call of the Trial List. At the call of the Trial List or at any time thereafter, continuances will be granted only for the most compelling reasons; the need to schedule depositions shall not in itself be a compelling reason.

Note: Rule W212.3 replaces the former rule of the same number entitled "Settlement Conference."

**Rule W227.1. Post-Trial Relief**

(a) Requirements for Filing and Service of Motion for Post-Trial Relief at the Office of the Prothonotary.

(1) The original Motion for Post-Trial Relief should be filed at the Office of the Prothonotary.

NOTE: Pursuant to Pa. R.C.P. 227.1(c), Motions for Post-Trial Relief must be filed within ten (10) days after verdict, etc.

NOTE: Post-Trial motions shall comply with Pa. R.C.P. 227.3 concerning the request for a transcript and objections thereto. See Pa.R.J.A. 5005.5, et seq., regarding the request for transcript and payment of the transcript fee.

(2) At the same time the Motion for Post-Trial Relief is being filed with or mailed to the Prothonotary, the moving party shall present or mail a copy of the Motion for Post-Trial Relief to the chambers of the judge assigned to the case. The judge assigned to the case shall prepare a Scheduling Order for oral argument, file the original Order, and give or mail a copy of that Order to the moving party. Within three (3) days of receipt of the

Scheduling Order from the judge assigned to the case, the moving party shall serve copies of the Scheduling Order on every other party or attorney of record, shall file with the Prothonotary a certificate of service of the Scheduling Order and shall mail or deliver a copy of the certificate of service to the judge assigned to the case.

NOTE: The oral argument should be scheduled on the date set for argument court in the second month following the month in which the verdict or decision was rendered.

(3) Within three (3) days of filing the Motion for Post-Trial Relief, the moving party shall serve every other party or attorney of record with a copy of the Motion for Post-Trial Relief, shall file with the Prothonotary a certificate of service of the Motion for Post-Trial Relief and shall mail or deliver a copy of the certificate of service to the judge assigned to the case.

(b) Filing and Service Requirements for Briefs in Support and in Opposition of the Motion for Post-Trial Relief

(1) The moving party shall file a Brief in Support with the Prothonotary within twenty (20) days of filing the Post-Trial Motion, unless the court shall otherwise establish the briefing schedule. Any other party may file a Brief in Opposition within twenty (20) days after service of the moving party's brief.

(2) Within three (3) days of filing the Brief, the writer shall serve a copy of the Brief on every other party or attorney of record and shall mail or deliver a copy of the Brief to the chambers of the judge assigned to the case. The writer shall file a certificate of service with the Prothonotary, and shall mail or deliver a copy of the certificate of service to the chambers of the judge assigned to the case on the same day the certificate of service is filed.

(c) Sanctions

(1) Failure of the moving party to comply with the requirements of this rule shall result in the dismissal of the Motion.

(2) If a non-moving party shall fail to comply with the requirements of this rule, the party shall not be permitted to present any oral argument.

**Rule W229. Discontinuance**

(a) All costs of the Prothonotary and Sheriff shall be paid before a discontinuance is accepted by the Prothonotary.

(b) The Prothonotary shall promptly give notice of the case's final termination to the Westmoreland County Court Administrator and to the assigned Judge when the case is discontinued.

**Rule W261. Records**

(a) The Court Administrator and members of a judge's staff may remove records from the Prothonotary's office for official court business. In addition, referees, auditors, masters, attorneys and other similar officers appointed by the court shall have authority to remove records from the Prothonotary's office. All such records shall be returned within three months after their taking unless the court authorizes a longer retention.

(b) Except as provided in section (a), no record shall be removed from the Prothonotary's office except upon subpoena duces tecum or Order of court.

**Rule W1018. Caption**

The caption for all matters filed in Divorce, Support and Custody, Partial Custody, or Visitation shall be as follows:

- (a) The caption in Divorce matters shall be:

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY, PENNSYLVANIA

CIVIL ACTION—DIVORCE

- (b) The caption in Support matters shall be:

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY, PENNSYLVANIA

CIVIL ACTION—SUPPORT

- (c) The caption in Custody, Partial Custody or Visitation matters shall be:

IN THE COURT OF COMMON PLEAS OF  
WESTMORELAND COUNTY, PENNSYLVANIA

CIVIL ACTION—CUSTODY

**Rule W1018.1. Notice to Defend**

The Lawyer Referral Service of the Westmoreland Bar Association is the agency to be named in the notice to defend from which legal help can be obtained. The address is:

Lawyer Referral Service  
Westmoreland Bar Association  
P. O. Box 565  
Greensburg, PA 15601  
(724) 834-8490

**Rule W1028(c). Preliminary Objections**

(1) Requirements for Filing and Service of Preliminary Objections at the Office of the Prothonotary

(a) At the same time the Preliminary Objections are being filed with or mailed to the Prothonotary, the filing party, i.e., the objecting party, shall present or mail a copy of the Preliminary Objections to the chambers of the judge assigned to the case.

Note: Preliminary Objections seeking relief pursuant to Pa.R.C.P. 1028(a)(1), (5), (6), (7) or (8) shall be endorsed with a Notice To Plead.

(b) Within three (3) days of filing the Preliminary Objections, the objecting party, shall serve that pleading on every other party or attorney of record and file a certificate of service.

(2) Filing and Service of Brief in support of Preliminary Objections

(a) The objecting party shall file a Brief with the Prothonotary within thirty (30) days of filing the pleading if the Preliminary Objections only set forth grounds under subdivisions (2), (3) or (4) of Pa.R.C.P. 1028. Parties filing Preliminary Objections raising any ground other than under subdivisions (2), (3) or (4) of Pa.R.C.P. 1028 shall file a Brief within sixty (60) days of filing the Preliminary Objections, unless the court, on motion of any party, sets a briefing schedule to accommodate depositions or a hearing pursuant to 1028(c)(2).

Note: Preliminary Objections setting forth grounds other than under subdivisions (2), (3) or (4) of Pa.R.C.P. 1028 must be endorsed with a Notice to Plead or no response will be required under Pa.R.C.P. 1029(d). See Rule W210 for the form of the Brief.

(b) The objecting party shall serve a copy of the Brief on every other party or attorney of record on the same day it is filed. A copy of the Brief, a certificate of service, together with a copy of any subsequent pleadings filed, shall be mailed or delivered to the chambers of the judge assigned to the case.

(3) Filing and Service of Brief in opposition to Preliminary Objections

(a) A party to whom Preliminary Objections are directed shall file a Brief in opposition with the Prothonotary within thirty (30) days of being served with the objecting party's Brief.

Note: See Rule W210 for the form of the Brief.

(b) Within three (3) days of filing the Brief in opposition, a party to whom Preliminary Objections are directed shall serve a copy of the Brief on every other party or attorney of record, and shall file a certificate of service with the Prothonotary.

(c) A party to whom the Preliminary Objections are directed shall deliver or mail a copy of the Brief, along with a copy of the certificate of service, to the chambers of the judge assigned to the case on the same day the certificate of service is filed

(4) Oral argument

Oral argument will only be scheduled upon the presentation of a motion in accordance with the motions procedure in Rule W208.3(a).

(5) Sanctions

(a) Failure of the objecting party to comply with the requirements of this rule shall result in the dismissal of the Preliminary Objections.

(b) If a party to whom the Preliminary Objections are directed fails to comply with the requirements of this rule, that party shall not be permitted to present any oral argument.

Note: A party filing an amended complaint pursuant to Pa.R.C.P. 1028(c)(1) shall promptly notify the judge assigned to the case.

Rule W1028(c) shall not apply to family law actions governed by Pa.R.C.P. 1901 through 1940.9 or actions pursuant to the Eminent Domain Code of 1964.

**Rule W1034(a). Motion for Judgment on the Pleadings**

(1) Requirements for Filing and Service of a Motion for Judgment on the Pleadings and Supporting Brief at the Office of the Prothonotary

(a) The original Motion for Judgment on the Pleadings shall be filed with or mailed to the Prothonotary. A supporting Brief is required to be filed with a Motion for Judgment on the Pleadings.

Note: See Rule W210 for the form of the Brief.

(b) A copy of the Motion for Judgment on the Pleadings and a copy of the supporting Brief required shall, at the time the Motion is filed or mailed, be presented or mailed to the chambers of the judge assigned to the case by the party filing the Motion. The judge assigned to the case shall prepare a Scheduling Order for oral argument, direct the filing of the original Order, and give or mail a copy of that Order to the moving party.

(c) Within three (3) days of receipt of the Scheduling Order from the judge assigned to the case, the moving party shall serve copies of the Motion for Judgment on the Pleadings, the Scheduling Order and the Brief on every other party or attorney of record.

(d) The moving party shall file with the Prothonotary a certificate of service of the Motion, the Scheduling Order and the Brief. A copy of the certificate of service shall be mailed or delivered to the judge assigned to the case.

(2) Filing and Service requirements for Briefs in opposition to the Motion for Judgment on the Pleadings

(a) A party to whom a Motion for Judgment on the Pleadings is directed shall file a Brief in opposition with the Prothonotary within thirty (30) days of service of the moving party's Motion and Brief.

Note: See Rule W210 for the form of the Brief.

(b) Within three (3) days of filing the Brief, the party to whom the Motion is directed shall serve a copy of the Brief on every other party or attorney of record, and shall file a certificate of service with the Prothonotary.

(c) The party to whom the Motion is directed shall deliver or mail a copy of the Brief, along with a copy of the certificate of service, to the chambers of the judge assigned to the case on the same day the certificate of service is filed.

(3) Sanctions

(a) Failure of the moving party to comply with the requirements of this rule shall result in the dismissal of the Motion for Judgment on the Pleadings.

(b) If a non-moving party fails to comply with the requirements of this rule, that party shall not be permitted to present any oral argument.

#### **Rule W1035.2(a). Motion for Summary Judgment**

(1) Requirements for Filing and Service of a Motion for Summary Judgment and Supporting Brief at the Office of the Prothonotary

(a) A party intending to file a Motion for Summary Judgment should note the requirements of Pa.R.C.P. 1035.2 that the Motion must be made after completion of discovery relevant to the motion, including the production of expert reports, as well as after the relevant pleadings are closed. See the Explanatory Comment to Pa.R.C.P. 1035.2.

(b) A supporting Brief is required to be filed with a Motion for Summary Judgment.

Note: See Rule W210 for the form of the Brief.

(c) A copy of the Motion for Summary Judgment and a copy of the supporting Brief required, shall, at the time the Motion is filed or mailed, be presented or mailed to the chambers of the judge assigned to the case by the party intending to file the Motion. The judge assigned to the case shall prepare a Scheduling Order for oral argument, file the original Order, and give or mail a copy of that Order to the moving party.

(d) Within three (3) days of receipt of the Scheduling Order from the judge assigned to the case, the moving party shall serve copies of the Motion for Summary Judgment, the Scheduling Order and the Brief on every other party or attorney of record.

(e) The moving party shall file with the Prothonotary a certificate of service of the Motion, Brief and Scheduling

Order. A copy of the certificate of service shall be mailed or delivered to the judge assigned to the case.

(2) Filing and Service requirements for Briefs in opposition to the Motion for Summary Judgment

(a) Within thirty (30) days of service of the moving party's Motion and Brief, a party to whom a Motion for Summary Judgment is directed shall file a Brief in opposition, unless that party has requested and obtained an Order of court granting leave to supplement the record pursuant to Pa.R.C.P. 1035.3, in which event the court shall set a briefing schedule. If an Order granting such leave is not obtained, there shall be no extension of the thirty (30) day period for filing the Brief or continuance of the argument to allow supplementation of the record.

Note: See Rule W210 for the form of the Brief.

(b) Within three (3) days of filing the Brief, a party to whom the Motion is directed shall serve a copy of the Brief on every other party or attorney of record and shall file a certificate of service with the Prothonotary.

(c) A party to whom the Motion is directed shall deliver or mail a copy of the Brief, the required, specific response filed by that party pursuant to Pa.R.C.P. 1035.3, and a copy of the certificate of service, to the chambers of the judge assigned to the case on the same day the certificate of service is filed.

(3) Sanctions

(a) Failure of the moving party to comply with the requirements of this rule shall result in the dismissal of the Motion.

(b) If a non-moving party shall fail to comply with the requirements of this rule, that party shall not be permitted to present any oral argument.

#### **Rule W1531. Special Relief. Injunctions**

Where a preliminary or special injunction (one needing immediate relief) is assigned to a judge who is unavailable, the Court Administrator (the civil division of the court administrator's office) shall reassign the case to a judge who is immediately available.

#### **Rule W2232. Defective Joinder. Change of Parties**

(a) Notice under Pa. R.C.P. No. 2232(a) to a person required to join in an action as a party plaintiff pursuant to Pa. R.C.P. No. 2228 shall be given within thirty (30) days of service of the complaint on the defendant.

(b) The notice shall be made using the following form:

#### NOTICE OF PENDING ACTION

To \_\_\_\_\_ (Name of spouse or parent)

You are hereby notified that \_\_\_\_\_ (Name of Plaintiff) has commenced this action against me to recover damages arising from personal injuries to \_\_\_\_\_ (Name of person injured) occurring on \_\_\_\_\_ (state date and sufficient facts to identify the occurrences causing the injuries).

You are hereby directed to join in this action as a party plaintiff within thirty (30) days if you desire to assert against me any claim for damages arising therefrom. IF YOU FAIL TO JOIN THIS ACTION, YOUR CLAIM WILL BE BARRED (LOST) AND THE CASE WILL PROCEED WITHOUT YOU.

\_\_\_\_\_ (Defendant)

(c) The defendant shall serve the notice in accordance with the procedures provided in Pa. R.C.P. No. 402.

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY PENNSYLVANIA CIVIL

COVER SHEET

_____	Date Filed: _____
_____	Case No: _____
_____	Judge: _____
Plaintiff(s)	Counsel of Record: _____
vs.	Attorney For: _____
_____	PA I.D. No.: _____
_____	Firm: _____
_____	Address: _____
_____	_____
Defendant(s)	Phone No. _____

PLEASE ANSWER ALL OF THE FOLLOWING SECTIONS.

- I. IS THIS A MEDICAL MALPRACTICE CASE? \_\_\_\_\_ YES \_\_\_\_\_ NO
- II. IS THE AMOUNT IN CONTROVERSY LESS THAN \$30,000? \_\_\_\_\_ YES \_\_\_\_\_ NO
- III. DO YOU ANTICIPATE THAT A TRIAL IN THIS CASE WILL TAKE MORE THAN 5 DAYS? IF "YES," THE PLAINTIFF MUST INFORM THE ASSIGNED JUDGE WHEN ALL ANSWERS DUE HAVE BEEN FILED. \_\_\_\_\_ YES \_\_\_\_\_ NO
- IV. ARE THERE ANY RELATED CASES PENDING? IF YES, PROVIDE THE CASE No. \_\_\_\_\_ \_\_\_\_\_ YES \_\_\_\_\_ NO
- V. DOES THIS CASE INVOLVE A CONSTRUCTION CONTRACT? \_\_\_\_\_ YES \_\_\_\_\_ NO

VI. PLEASE INDICATE IF THE CAUSE OF ACTION IS ONE OF THE FOLLOWING:

- LAND USE APPEAL
- CONDEMNATION
- TAX CLAIM BUREAU CASE
- APPEAL BOARD OF ASSESSMENT
- PETITION TO GARNISH WAGES - LANDLORD/TENANT
- APPEAL OF DISTRICT JUSTICE CONTEMPT ORDER
- APPEAL SUSPENSION DRIVER'S LICENSE
- APPEAL SUSPENSION REGISTRATION
- APPEAL SUSPENSION TEMPORARY CARD/PLATE
- APPEAL SUSPENSION INSURANCE
- APPEAL SUSPENSION INSPECTION LICENSE
- WRIT OF SEIZURE/COMPLAINT REPLEVIN
- MOTION/PETITION CHANGE OF NAME
- APPLICATION FOR LICENSE INCLUDING APPOINTMENT OF HUMANE OFFICER
- STATEMENT OF OBJECTION

VII. To The Prothonotary: Please enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth above.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY PENNSYLVANIA CIVIL

_____	)
Plaintiff	)
v.	) No.
_____	)
Defendant	) Jury_____
	) Non Jury_____
	)
	) Judge_____



CERTIFICATION OF READINESS

I hereby certify pursuant to Westmoreland County Rule of Civil Procedure W212.1 that the above captioned case is Ready For Trial. All pleadings are closed; all witnesses are presently available to appear at trial; and discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial, such as the depositions of expert witnesses.

\_\_\_\_\_  
Signature \_\_\_\_\_ Date  
Counsel For \_\_\_\_\_

State the number of days you estimate are needed for trial \_\_\_\_\_ .

CHECK ALL OF THE FOLLOWING THAT APPLY TO THIS CASE.

This case can be classified as or involves the following:

- \_\_\_\_\_ Wrongful death
- \_\_\_\_\_ Professional negligence
- \_\_\_\_\_ Products liability
- \_\_\_\_\_ Construction contract
- \_\_\_\_\_ Arbitration Appeal
- \_\_\_\_\_ Equity
- \_\_\_\_\_ Other

[Pa.B. Doc. No. 04-940. Filed for public inspection May 28, 2004, 9:00 a.m.]

\_\_\_\_\_

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued May 11, 2004, Nicholas Panarella, Jr., is suspended from the practice of law for a period of four years, retroactive to July 10, 2001. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-941. Filed for public inspection May 28, 2004, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CH. 25]

### Hearing Aid Sales and Registration

The Department of Health (Department) amends Chapter 25 (relating to controlled substances, drugs, devices and cosmetics) to read as set forth in Annex A.

#### A. Purpose and Background

The Hearing Aid Sales Registration Law (act) (35 P. S. §§ 6700-101—6700-802) governs the sale of hearing aids and regulates the related activities of hearing aid dealers and fitters. It imposes duties upon, and prohibits certain acts by, hearing aid dealers and fitters, and provides for penalties that may include denial, suspension or revocation of a dealer's or fitter's registration. The act was amended by the act of December 21, 1998 (P. L. 1190, No. 153) (Act 153). The changes made by Act 153 included imposing continuing education requirements upon hearing aid fitters and making failure to comply with those requirements a cause for denial, suspension or revocation of a registration certificate. Act 153 also raised the fees for registration certificates and required disclosure agreements and money-back-guarantees to be provided to purchasers and prospective purchasers of hearing aids. Act 153 required the Department to promulgate regulations to effectuate the continuing education requirements imposed by it.

Prior to Act 153, certain portions of the act were preempted due to regulations promulgated by the Federal Food and Drug Administration (FDA) under the Federal Food Drug, and Cosmetic Act (21 U.S.C.A. §§ 301—397, specifically 21 U.S.C.A. § 360k). The Federal regulations regarding hearing aids were published at 21 CFR 801.420 and 801.421 (relating to hearing aid devices; professional and patient labeling; and hearing aid devices; conditions for sale). A few Pennsylvania requirements that conflicted with the Federal regulations were conditionally exempted from preemption under the final rule issued by the FDA in Docket No. 77N-0333, dated October 10, 1980 (45 FR 67321) (Final Rule). This final-form rulemaking is responsive to the preemption issues raised by the Federal regulations and is intended to clarify the state of the law.

#### B. Summary

This final-form rulemaking breaks Chapter 25 into Subchapters A and B (relating to controlled substances, drugs, devices and cosmetics; and hearing aid sales and registration) to differentiate the regulations adopted under the act and pertaining to hearing aid sales and registration from the rest of Chapter 25, which otherwise consists entirely of regulations adopted under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

The Department received four comments on the proposed rulemaking. The commentators included the Independent Regulatory Review Commission (IRRC); James P. Rametta, Rametta Audiology and Hearing Aid Center; Dorothy Kardos, Central Pennsylvania Eye and Ear; and Dorothy Kardos, President, Pennsylvania Hearing Aid Alliance (PHAA), on behalf of PHAA. The comments and the Department's responses follow.

#### C. Comments

##### § 25.201 (relating to application)

This section explains to whom the final-form rulemaking applies. No comments were received regarding this section. This section is adopted as proposed.

##### § 25.202 (relating to definitions)

This section defines terms used in Subchapter B. IRRC commented that the terms "hearing aid user," "prospective hearing aid user" and "purchaser" should also be defined to avoid confusion. The Department accepts this recommendation and has added definitions of these terms.

IRRC also questioned whether Commonwealth residents would be permitted to seek medical treatment for hearing problems from out-of-State physicians given that the definition of "physician" included in the proposed rulemaking is an individual who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth. Commonwealth residents may seek medical treatment from whomever they wish. However, the act requires an examination and recommendation from a physician, unless waived by the prospective purchaser. Since section 403 of the act (35 P. S. § 6700-203) permits a registrant to accept a medical recommendation from any licensed physician, the Department has deleted the proposed definition in response to the IRRC comment.

##### § 25.203 (relating to Advisory Council)

This section establishes the Hearing Aid Advisory Council and requires annual meetings. The final-form rulemaking deletes the specific requirements as to the frequency and time of notice of meetings. This section did not engender comment. It is adopted as proposed.

##### § 25.204 (relating to application for and renewal of registration)

This section establishes how registration certificates may be applied for and renewed. The proposed amendments to subsection (d) required registrants to apply to renew a registration certificate at least 30 days before it expired. IRRC suggested that, since all registration certificates expire on April 15, subsection (d) should state specifically that renewals must be submitted by March 16. The Department accepts this comment and has changed subsection (d) to include the date by which registrants must apply for renewal.

The Department clarified proposed amendments to subsection (e), which would provide that an expired registration certificate may be renewed within 5 years of its expiration by applying for renewal, paying the renewal fee and any delinquency fee due, and satisfying the applicable continuing education requirements. The Department has clarified that this also applies to registration certificates that their holders request be placed on inactive status. When a registration is placed on inactive status, it may be renewed for up to 5 years from the date it was made inactive. Although the statute does not specifically mention inactive certificates, the 5-year limit on renewal ensures that an individual who is "out of practice" cannot simply resume practicing after more than 5 years have passed without demonstrating competency to do so. The 5-year time limit therefore logically applies to individuals who have in effect directly informed the Department that they will not be practicing.

Proposed amendments to subsection (f) permitted an applicant to petition for more than two renewals of a temporary registration certificate, for good and sufficient cause. IRRC commented that subsection (f) should set forth the process for applicants to be able to do this. The Department accepts this comment and has included language that requires applicants to send a letter stating their reasons for requesting an additional renewal to the Division of Home Health's (Division) address. The Department will then determine whether or not the cause is sufficient so as to merit the additional renewal.

Proposed subsection (g), intended to inform registrants that a renewal not requested 30 days prior to the expiration of a registration certificate may not be received on time, did not specifically state the expiration date for registration certificates. IRRC suggested that the specific date of April 15 be used. The Department accepts this comment and has changed subsection (g) to state that a registrant who files for renewal after March 16 may not receive a renewal before the certificate expires.

*§ 25.205 (relating to additional registration requirements)*

This section establishes additional requirements to receive temporary and regular registration certificates. IRRC pointed out that proposed amendments to subsection (d)(3), which list the requirements for an apprentice hearing aid fitter to change sponsors, use the word "affirmed" to apply to statements which must be filed by the apprentice giving reasons for the desired change, and by the prospective sponsor. IRRC suggested that the Department should explain how affirmation is accomplished. The Department accepts this comment, and has changed § 25.205(d)(3) to make clear that affirmation may be given in any form so long as it is in writing, signed and contains a statement to the effect that it is truthful.

IRRC also asked whether subsection (d)(3) and (4), having to do with how an apprentice may change sponsors or how a sponsor may terminate responsibilities with regard to an apprentice, requires good cause to be shown. The Department will not require good cause. An explanation is required when an apprentice wishes to change sponsors, largely to enable the Department to ensure that a sponsor is not repeatedly failing in his duties when the sponsor agrees to take on an apprentice. However, a simple representation that the relationship is not working out to the satisfaction of one or both parties will suffice. The Department has made no changes to subsection (b) in response to the comment.

*§ 25.206 (relating to examinations)*

This section establishes a schedule for the fitter examinations. IRRC commented that the Department should provide the actual address to which a prospective exam taker should write to obtain the date of the next examination, and should also clarify whether it would be possible to request an examination date by e-mail or telephone. The Department accepts these comments, and has modified subsection (b) to refer to the address in § 25.204(a). Subsection (b) has also been changed to state that individuals may telephone or e-mail the Division, and also provides the Department's website, on which the Department intends to post the examination dates and contact information.

*§ 25.207 (relating to categories of registrations; fee schedule)*

This section establishes registration fees and requirements for registration certificates. IRRC commented that the Department could reword the proposed amendments

to subsection (h) to make it more understandable. The Department accepts this comment, and has reworded subsection (h) as suggested.

*§ 25.208 (relating to display of registration certificates; offices)*

This section sets out requirements for the information contained on registration certificates. IRRC asked that the Department explain the process for filing a notice of a change in the registrant's place of business, as required in the proposed amendments to subsection (d). The Department has modified subsection (d) to state that registrants should file notice of a change in their business addresses by writing to the Department at the address given in § 25.204(a).

*§ 25.209 (relating to facilities, procedures and instrumentation)*

This section includes requirements for physical facilities, testing and fitting procedures and standards for instruments. IRRC pointed out that the Department proposed to delete from subsection (b)(1) a list of persons who the fitter should verify performed the test and to substitute the phrase "individual authorized by law." IRRC suggested that the Department should restore the phrase to facilitate understanding of who the Department considers to be individuals who are authorized by law. However, the Department feels that without the change, subsection (b) could lead a registrant to believe that anyone supervised by a physician, audiologist or fitter is authorized by law to perform hearing tests, which is not necessarily the case. To clarify the proposed changes to subsection (b) and to respond to concerns, the Department has revised subsection (b)(1) to state that a registrant may rely on a representation made by an appropriately licensed individual under whose auspices the testing is being done, that the testing was performed by an appropriately authorized individual.

IRRC pointed out that subsection (c)(1), requiring test instruments to be calibrated in accordance with current standards set by the American National Standards Institute (ANSI), refers to standards that were published in 1969. The most recent ANSI standards in this area were published in 1996. The Department has revised subsection (c) to reference the 1996 ANSI standards.

*§ 25.210 (relating to receipt, disclosure agreement and money back guarantee to purchaser—purchaser protection)*

This section lists requirements for receipts, establishes a form disclosure agreement/money back guarantee and provides instructions for its use. All of the commentators indicated that initial screening and testing would be necessary to determine whether a patient needs a hearing aid. However, proposed subsection (b), which included the disclosure agreement requirements, required completion of the entire disclosure agreement and money back guarantee form to be completed prior to the provision of any services. Given the variety of hearing aids available, costs cannot be accurately estimated prior to completing an examination. The commentators indicated that the form should be restructured to accommodate the order in which the activities of testing, fitting and selecting a hearing aid are done. IRRC specifically stated that the final-form rulemaking should require that Part A of the form be completed with the patient's signature, date and time prior to testing. Once the testing has been finished, Part B should be completed.

The act, however, requires registrants to provide a disclosure agreement that is to be explained in detail and

signed by the registrant and the consumer prior to the provision of any service. The disclosure agreement must contain a complete description of what the fitting procedure does and does not include, and an itemization and disclosure of all fees associated with the fitting procedure or process and the sale and delivery of a hearing aid or similar device, including any cancellation fees authorized by the act.

In deference to these comments, particularly from the practitioners who indicate that it is necessary for them to be able to do the disclosure agreement in stages, the Department has revised the disclosure agreement/money back guarantee form and proposed subsections (b) and (c) to accommodate both the statutory requirements and the needs of the commentators. Subsection (b) has been revised to clarify that the disclosure agreement/money back guarantee must be provided and explained in detail in accordance with subsection (c) before the provision of any service.

The revisions to subsection (c)(1) require registrants to complete and explain Part A of the disclosure agreement/money back guarantee in detail, in deference to the statutory requirement that a complete description of what the fitting procedure or process includes must be given and fees associated with the fitting procedure or process and the sale and delivery of the hearing aid must be itemized and disclosed. This is intended to ensure that purchasers understand what services they are paying for and requires registrants to break out each service separately. Registrants should be especially certain to separate those services which are rendered in connection with the fitting process from those which are connected with the sale and delivery of a hearing aid and which might occur after a hearing aid is actually delivered. This statutory requirement is particularly important to understand in light of the fact that if a purchaser cancels an order for a hearing aid prior to delivery, any moneys paid for services not yet rendered must be refunded. These services must, therefore, be itemized separately.

Registrants would also be required to preliminarily explain Part B, including any cancellation fees that might be incurred if an individual purchases and then returns a hearing aid. Subsection (c)(1) states that, if registrants do not charge fees for services, they should note that in Part A of the disclosure agreement.

Revised subsection (c)(2) requires the registrant to sign and have the prospective user or authorized representative sign the disclosure agreement after Part A has been explained and completed and Part B has been preliminarily explained. The disclosure form itself has changed to permit both the registrant and the customer to sign the disclosure agreement/money back guarantee under Part A at this juncture. The statement below Part A, which has been added to as proposed, states that the disclosure agreement was provided, Parts A and B were explained, Part A was completed before any services were provided and that Part B was completed after services were provided and before any payment was made. The disclosure agreement thus contemplates the possibility that the registrant or prospective hearing aid user may elect not to proceed after testing by stating that "If Part B is not completed, it is because a hearing aid was not recommended or not desired." This allows for the fact that the prospective user may not need a hearing aid, the registrant may not wish to recommend one or the prospective user may not wish to purchase one at the time the testing is done. These possibilities are reflected in subsection (c)(3), which instructs the registrant how to proceed if

Part B becomes inapplicable. If Part B is completed, it must also be fully explained at that time, before any payment is provided.

A statement has been added after Part A to clarify that refunds of fees which are ordered by a court under the Commonwealth's consumer protection laws will not be affected by the characterization in the disclosure agreement of these fees as "not refundable." The Attorney General, who enforces the Commonwealth's consumer protection laws, was concerned that the disclosure agreement would mislead consumers and registrants to believe that refunds could not be ordered by a court of competent jurisdiction. Clarifying language suggested by the Attorney General was added to the disclosure agreement.

The next step in the process is for the registrant to explain the money-back guarantee. If the prospective user or authorized representative decides to purchase a hearing aid, the purchaser and registrant sign the signature lines under the guarantee and the purchaser should complete the time and date line. See subsection (c)(4). Proposed subsection (c)(4)—(6) has been deleted and replaced in accordance with the revisions to the disclosure agreement. The information in those paragraphs that is relevant to the revised form has been included elsewhere in subsection (c).

Subsection (c)(5) makes clear that a registrant may still extend the money back guarantee beyond 30 days if the registrant wishes to do so and that the 30 day period starts on the date of delivery of the hearing aid. Subsection (c)(6) explicitly instructs the registrant to provide the customer with a copy of the disclosure agreement after it is fully completed except for the serial number of the hearing aid and the block that is concerned with the date and time of delivery.

IRRC also questioned why it is necessary to have the time and date recorded twice on the form if the entire form must be completed prior to rendering any services. It is important to recognize the separation between the services that are rendered in connection with the fitting of the hearing aid, the sale of the hearing aid and the delivery of the hearing aid to the purchaser. The form as proposed did allow for the prospective user to sign before any fitting services were provided, and then sign again when the decision to purchase was made. It is important that the registrant provide the required information and services before the prospective user agrees to the sale. Recording the time that each signature is made is intended to provide some evidence that the time between the initial explanation of the form and the decision of the prospective user or authorized representative to purchase the hearing aid has allowed for the provision of services. If the serial number is not known until the hearing aid is delivered, this information may be filled in or updated at that time. Now that the Department has clarified the fact that the first signatures are to be completed before any services are provided and the second signatures are to be contemporaneous with the sale, the time of each signature remains an important piece of evidence that registrants have properly followed the process as outlined in subsection (c). In addition, the requirement to record the date of delivery on the form provides evidence of the start of the 30-day money back guarantee period.

IRRC further suggested that the Department allow for registrants to use forms other than those provided by the Department. The Department accepts this comment, and has revised subsection (b) to include the words "or on a form approved by the Department."

Two commentators pointed out that ear molds are not part of the hearing aid, and should not be included in the price of the hearing aid for refund purposes. Because the ear molds are not returnable to a manufacturer (as hearing aids are), registrants should be able to retain the entire cost of the ear mold even if the hearing aid is returned. However, as one of the commentators indicated, the act mandates that a purchaser is entitled to a refund of the price of the hearing aid and accessories together, except for a cancellation fee of the lesser of \$150 or 10% of the price of the hearing aid and accessories. Ear molds are included in "accessories." The Department, therefore, has made no changes to the final-form rulemaking in response to these comments.

Commentators also referenced a statement in the preamble to the proposed rulemaking which stated that registrants do not suffer a great financial loss when a purchaser returns a hearing aid, since manufacturers give credit for returns. The commentators pointed out that return of a hearing aid has an ultimate financial impact on registrants and end users alike. Under FDA regulations, manufacturers cannot resell a returned hearing aid as new or use any part of it in a hearing aid that is to be designated as new. Any losses suffered by manufacturers as a result of a return are recovered in the prices of new hearing aids. More returns must necessarily result in higher prices for hearing aids. The commentators did not suggest changes to the rulemaking in connection with this point. As the act establishes the return policy and FDA regulations govern when a hearing aid may be considered new, the Department made no changes to the regulations in response to these comments.

*§ 25.211 (relating to medical recommendations; waiver forms)*

This section requires registrants to obtain medical recommendations or waiver forms signed by the prospective user before selling a hearing aid. IRRC pointed out that proposed amendments to subsection (a) incorrectly allow an individual who is "18 years of age" to sign a waiver form. In fact, the act requires a medical examination for individuals 18 years of age or younger who are buying a new hearing aid. The language has been corrected to read "19 years of age or older."

IRRC stated that the phrase "a legally proper waiver" as used in proposed subsection (b) is unclear, and questioned whether both the State and Federal medical waiver forms are legally proper. Both the State and Federal waiver forms are legally proper where the sale of a used hearing aid is concerned. Subsection (b) has been revised to explicitly state that a legally proper waiver in this limited circumstance is either the State or Federal waiver form.

*§ 25.212 (relating to medical recommendations by examining physicians)*

This section as proposed sets out the requirements for medical recommendations provided by physicians. No comments were received regarding this section. This section is adopted as proposed.

*§ 25.213 (relating to consumer review)*

This section establishes additional documentation that must be provided to a prospective hearing aid user, and incorporates certain requirements of the Unfair Trade Practices and Consumer Protection Law (UTPCPL) (73 P. S. §§ 201-1—209-6). IRRC expressed concern with subsection (b), which permits consumers to avoid contracts for sale entered into in connection with a contact with or call on a purchaser at the purchaser's home. The pro-

posed amendments to subsection (b) state that a notice of rescission is effective "when deposited" in the United States mail. IRRC asked when the notice is considered to be "deposited." This common legal presumption does allow for a rescission to be effective when it is deposited in the mail, even though the registrant will not be aware of the rescission until it is delivered. In this way, the consumer has the full 3 days to change his mind; if the consumer had to ensure that the rescission was delivered within the 3 days, there would effectively be no "cooling off" period. The issue pointed out by IRRC is a possible evidentiary problem, which could arise in the context of a dispute as to when the notice was deposited, particularly in the absence of a postmark or other written evidence as to when the notice was deposited (such as a receipt for certified mail). The evidentiary question at that point would rest with the factfinder in the dispute.

IRRC was also concerned that subsection (b) is not clear enough as to the other permissible ways that the registrant may be given notice of rescission, and recommended that the Department list those ways. The Department will not implement this recommendation. These requirements are found in the UTPCPL. They are applicable whether or not incorporated in the Department's regulations; they are so incorporated because the act permits the Secretary to deny, suspend or revoke a registrant's certificate for untruthfulness or bad reputation in general, and more specifically for being enjoined from a violation of the UTPCPL. Incorporation in this manner places a registrant on more specific notice of the UTPCPL requirements. However, the Attorney General has primary responsibility for enforcement of the UTPCPL. The Department believes that specifically listing methods of service by which registrants are placed on notice of rescission could prove to be misleading to registrants, since the Attorney General's Office may ultimately interpret what is permitted under the UTPCPL differently than the Department. The Department has combined subsections (b) and (c) to clarify that all the requirements discussed are drawn directly from the UTPCPL and that the statute is controlling in this matter.

*§ 25.214 (relating to recordkeeping)*

This section contains recordkeeping requirements for registrants. No comments were received regarding this section. This section is adopted as proposed.

*§ 25.215 (relating to denial, revocation or suspension of a registrant's certificate)*

This section as proposed listed reasons for which a registration certificate may be denied, revoked or suspended. No comments were received regarding this section. The reference to the "United States Department of Health, Education and Welfare" was corrected to say "United States Department of Health and Human Services." This section is otherwise adopted as proposed.

*§ 25.216 (relating to continuing education requirements)*

This section as proposed established continuing education requirements and stated how they relate to the renewal of a registration certificate. The Department has changed the phrase "would need to," found in subsection (b), to "shall." This enhances the clarity and grammatical correctness of the provision, but does not change the requirement therein. IRRC properly pointed out that the date on which the first 2-year period for which continuing education requirements are applicable did not begin on April 15, 2002, as stated in the preamble in the Department's submission to IRRC, but on April 15, 2003. This

correction was made by the Legislative Reference Bureau prior to publication of the proposed rulemaking.

*§ 25.217 (relating to approval of continuing education programs)*

This section as proposed established requirements for continuing education programs. IRRC commented that the content of proposed subsection (a)(1) is adequately covered in proposed subsection (a)(2). The Department has deleted proposed subsection (a)(1). IRRC questioned how the Department will enforce the requirement in proposed subsection (a)(4) (adopted as subsection (a)(3)) that materials will be "well written." The Department has responded to this comment by requiring that written materials used in continuing education programs must be "clear, informative and grammatical," which the Department believes may be ascertained by reading the materials.

IRRC also asked what it meant to be a "qualified" instructor, as stated in proposed subsection (a)(5) (adopted as subsection (a)(4)). The Department does not wish to implement rigid standards having to do with credentials or being approved by certain National organizations that fulfill these functions. Some fitters who have submitted and led their own continuing education programs have done an excellent job, and the Department would like these individuals to continue to contribute to the continuing education process. To be responsive to IRRC's concerns, the Department has deleted the word "qualified" and substituted the phrase "experienced and knowledgeable in the subject matter taught." Whether an instructor is experienced and knowledgeable will be evaluated on a number of factors including qualifications, experience, the quality of the materials submitted in support of the program and any other relevant information that can be obtained, including any feedback offered by registrants who are familiar with the instructor or the program.

Finally, IRRC questioned what is meant by a "suitable setting," as that phrase is used in proposed subsection (a)(5) (adopted as subsection (a)(4)). The Department does not intend, nor have the resources, to investigate all of the physical areas in which programs may be offered. However, it is anticipated that complaints may be received if the setting in which a continuing education course was offered was particularly inappropriate in some aspect. If complaints prove to be valid, including this requirement will enable the Department to ensure that a provider does not continue to provide a course in an inappropriate setting. The Department has therefore reworded this subsection to require "a setting conducive to learning the material being taught, including any necessary equipment or facilities."

A commentator suggested that no more than 1/3 of all continuing education credits should be able to be obtained from any one manufacturer, and stated that certain manufacturers exclude persons from educational programs they offer. The commentator further stated that no continuing education credits should be accepted from any group that does not open their seminars to all fitters. In accordance with subsection (a)(5) (proposed as subsection (a)(6)), continuing education programs must be open to all persons with a current, suspended or expired registration certificate in order to be approved by the Department.

*§ 25.218 (relating to credit for continuing education)*

This section as proposed sets out the requirements for obtaining continuing education credits. Proposed subsection (e) (adopted as subsection (f)) required registrants to

supply the Department with the materials the Department requests for evaluation prior to preapproving a self-study continuing education course. In its comments, IRRC asked what materials are to be provided. The Department has changed the subsection to clarify that the Department may require any of the materials to be used in the course to be provided for review. The Department also clarified, in response to IRRC's comments, that approval may be applied for after the course is taken, although the Department cannot guarantee that it will approve a course which has already been taken.

IRRC further commented that proposed subsections (c) and (g) deal with similar issues and should be combined. The Department respectfully disagrees. Proposed subsection (c) permitted a fitter to receive continuing education credits for serving as an instructor, with the caveat that only half of the required credit hours for a renewal may be fulfilled through instruction; the other half must be acquired by attending continuing education programs. Proposed subsection (g) stated that the same program may not be attended or taught for credit towards a single renewal of a fitter's registration certificate, but that the same program may be taught or attended again for a subsequent renewal. The Department considers these to be two different subjects, which should be placed in separate subsections. Because both of the provisions are related in that they do discuss teaching for continuing education credit, proposed subsection (g) was moved to become subsection (d) so that it could be read and compared more easily with subsection (c). It is intended that the subsections will be understood more clearly as a result. The remainder of the section has been renumbered accordingly.

The Department has changed proposed subsection (a) to state that no credit shall be "given" rather than "received" if the person offering the program determines that a fitter has not participated in a continuing education program adequately to earn the credit. This change contributes to grammatical correctness and clarity, but does not change the requirement stated in subsection (a).

It should be noted that section 311 of the act (35 P. S. § 6700-311) requires fitters to have completed, during the 2 years immediately preceding the expiration date of the certificate, 20 credits of continuing education. The practical effect of the requirement not permitting the same program to have been taught or attended twice for the renewal of a registration, means that during the 2-year "look back" period for that renewal, the same course cannot appear as having been taught or attended twice. The first full 2-year period begins April 15, 2003. On April 15, 2005 (the first renewal for which the full 20 credits will be required), a fitter cannot have taken or taught the same course twice for credit. If a fitter took one particular course May 1 of 2003, that course could be taken again for credit toward the April 15, 2006, renewal, because the 2-year look back period for the April 2006 renewal would run from April 15, 2004, to April 15, 2006, so the credits acquired May 1, 2003, would no longer be valid. If the fitter took the same course on May 1 of 2004, however, the course could not be taken again until after April 15, 2006, because the course would be included in the 2-year look back for the April 15, 2006 renewal.

*§ 25.219 (relating to responsibilities of persons offering continuing education programs)*

This section as proposed imposed certain requirements on providers of continuing education programs. No comments were received regarding this section. This section is adopted as proposed.

*§ 25.220 (relating to right to enter, inspect and obtain records)*

This section as proposed established under what circumstances a Department representative may inspect or obtain records from a registrant. No comments were received regarding this section. This section is adopted as proposed.

*§ 25.221 (relating to exceptions)*

This proposed section permitted the Department to grant exceptions to the regulations for good cause, except for statutory requirements repeated therein. No comments were received regarding this section. This section is adopted as proposed.

*D. Fiscal Impact*

The final-form rulemaking adopts the increased registration fees for hearing aid dealers and fitters imposed by Act 153. Additionally, hearing aid fitters will incur costs to obtain the continuing education credits required by Act 153. Because the fees set forth in the final-form rulemaking merely repeat the fees imposed by the act and the amount of continuing education required is also imposed by statute, almost all costs directly attributable to the regulations are costs that will be incurred by persons who need to meet regulatory requirements to offer continuing education courses. However, persons offering continuing education credits are permitted to charge persons who attend those courses, and may recoup their costs through enrollment fees. One cost that is directly attributable to the regulations will be the cost incurred by registrants due to having used the Department's disclosure agreement/money back guarantee form. Registrants may also incur some costs due to the establishment, in Act 153, of a 30-day money-back guarantee to purchasers, which may enable purchasers to return hearing aids where registrants otherwise might not have permitted them to do so. However, Act 153 does allow registrants to retain the lesser of \$150 or 10% of the purchase price of each hearing aid with accessories, so it is unlikely that registrants will suffer actual financial loss due to the new requirement.

*E. Paper Requirements*

The final-form rulemaking will result in some additional paperwork for the Commonwealth in that the Department will be responsible for ensuring that hearing aid fitters have met their continuing education requirements. Hearing aid fitters will also need to retain records enabling them to establish that these requirements are met. Registrants will need to provide to each customer the disclosure agreement and money-back guarantee required by Act 153, and will also be required to retain copies of those documents in their records. Persons who offer continuing education courses will need to satisfy paperwork requirements.

The final-form rulemaking attempts to reduce necessary paperwork by enabling registrants to use alternative forms of payment to pay fees, including credit cards, and by including the Department's website, which will contain much of the information that registrants need to fulfill the regulatory requirements.

*F. Effective Date/Sunset Date*

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*. No sunset date is established. The Department will monitor the effectiveness of the regulations on a continuing basis and make changes as needed.

*G. Statutory Authority*

The Department's general authority to promulgate regulations is established by section 2102(g) of The Administrative Code of 1929 (71 P.S. § 532(g)). The Department is given specific authority to promulgate rules and regulations to enforce the act in section 205 of the act (35 P.S. § 6700-205), which section was amended by Act 153 to include the authority to promulgate regulations to effect the new requirements of Act 153.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 22, 2003, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 3223 (July 6, 2002), to IRRC and the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 11, 2003, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 4, 2003, and approved the final-form rulemaking. The Office of Attorney General approved the regulations on May 12, 2004.

*I. Contact Person*

Questions regarding the final-form rulemaking should be submitted to Theresa A. Ritchie, R.Ph., Director, Hearing Aid Program, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-1379. Persons with disabilities who require an alternative format of these regulations (for example, large print, audiotape or Braille) should contact Theresa A. Ritchie so that necessary arrangements may be made, for speech or hearing, or both, impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

*J. Findings*

The Department finds:

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

(2) A public comment period was provided as required by law.

(3) The adoption of the final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

*K. Order*

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

(a) The regulations of the Department, 28 Pa. Code Chapter 25, are amended by amending §§ 25.201—25.215 and by adding §§ 25.216—25.221 to read as set forth in Annex A

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

(c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and action as required by law.

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 6376 (December 20, 2003).)*

**Fiscal Note:** Fiscal Note 10-165 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 28. HEALTH AND SAFETY

#### PART III. PREVENTION OF DISEASES

#### CHAPTER 25. CONTROLLED SUBSTANCES, DRUGS, DEVICES AND COSMETICS

#### Subchapter A. CONTROLLED SUBSTANCES, DRUGS, DEVICES AND COSMETICS

#### Subchapter B. HEARING AID SALES AND REGISTRATION

##### § 25.201. Application.

(a) *Scope.* This subchapter applies to all persons engaged in the business of selling or fitting hearing aids in this Commonwealth; except that physicians and audiologists are exempted from all provisions regarding hearing aid fitters.

(b) *Authority.* This subchapter is adopted under the act.

##### § 25.202. Definitions.

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

*Act*—The Hearing Aid Sales Registration Law (35 P. S. §§ 6700-101—6700-802).

*Advertise and any of its variants*—The use of a newspaper, magazine or other publication, book, notice, circular, pamphlet, letter, handbill, poster, sign, placard, label, tag, window display, store sign, radio, television announcement, Internet, or other means or methods employed to bring to the attention of the public the practice of selling or fitting hearing aids.

*Audiologist*—A person who holds a current license as an audiologist issued by the State Board of Examiners in Speech-Language and Hearing, or a person who is permitted to practice audiology pursuant to an exemption to the audiologist licensure requirement under section 6(b) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1706(b)).

*Authorized representative*—A person who is authorized by law to make a decision, required pursuant to this subchapter, for a hearing aid user or prospective hearing aid user.

##### *Business of selling hearing aids*—

(i) Selling, leasing or offering for sale or lease new, used or reconditioned hearing aids exclusive of parts, attachments or accessories, at retail, either as exact replacements for damaged or worn out units or written specifications provided by an audiologist, otologist or otolaryngologist.

(ii) The term does not include fitting or the practice of fitting and selling hearing aids.

*Continuing education program*—A program approved by the Department for credit towards the continuing education requirements for the renewal of the registration certificate of a hearing aid fitter.

*Conviction*—A plea or verdict of guilty, or a conviction following a plea of nolo contendere to a charge of a crime involving moral turpitude.

*Department*—The Department of Health of the Commonwealth.

*Fitting*—Includes the physical acts of adjusting the hearing aid to the individual, taking audiograms, making ear molds, advising the individual with respect to hearing aids, making audiogram interpretations and assisting in the selection of a suitable hearing aid to sell a hearing aid.

*Hearing aid*—A wearable instrument or device designed or offered to aid or compensate for impaired human hearing together with any parts, attachments or accessories for those instruments or devices, including ear molds but excluding batteries and cords.

*Hearing aid dealer*—A person engaged in the business of selling hearing aids.

*Hearing aid fitter*—An individual engaged in the practice of fitting and selling hearing aids.

*Hearing aid user*—An individual who uses a hearing aid.

*Practice of fitting and selling hearing aids*—Those practices used solely for making selections, adaptations and sales of hearing aids.

*Prospective hearing aid user*—An individual who is considering buying a hearing aid or whose hearing is being evaluated by a registrant.

*Purchaser*—An individual who has agreed to purchase a hearing aid from a registrant.

*Registrant*—A hearing aid dealer or fitter holding a current certificate of registration.

*Secretary*—The Secretary of Health of the Commonwealth.

*Sponsor*—An individual registered in this Commonwealth as a hearing aid fitter who agrees to supervise an apprentice hearing aid fitter.

##### *Used hearing aid*—

(i) A hearing aid that has been worn for any period of time by a user.

(ii) A hearing aid is not a used hearing aid if it has been worn only by a prospective user as part of a bona fide hearing aid evaluation conducted in the presence of the registrant or an individual selected by the registrant and authorized by law to assist the prospective user in making such an evaluation.



**§ 25.203. Advisory Council.**

(a) The Advisory Council (Council) will be composed as provided for under section 201 of the act (35 P. S. § 6700-201).

(b) It will be the duty of the Council to advise the Secretary, to the best of its ability, on the administration of the act.

(c) The Council will hold at least one annual meeting at a time and place designated by the Secretary for the purpose of providing information and advice to the Department.

(d) A Council member may convey the impression, either publicly or privately, that the member is acting officially for the Council only with prior authorization from the Council.

**§ 25.204. Application for and renewal of registration.**

(a) *Application.* An application for registration or renewal of registration as a hearing aid dealer, hearing aid fitter, apprentice hearing aid fitter or temporary hearing aid fitter can be obtained from the Division of Home Health, Pennsylvania Department of Health, 132 Kline Plaza, Suite A, Harrisburg, Pennsylvania 17104.

(b) *Apprentice hearing aid fitter.* A completed application for registration as an apprentice hearing aid fitter shall be filed with the Department at least 30 days before the fitter's examination that the applicant intends to take, together with a check, money order or other approved method of payment as the Department publishes in a notice in the *Pennsylvania Bulletin*, in the amount of \$50. An additional \$150 shall be paid before taking the fitter's examination. The application fee is not refundable, but the \$150 fee for the examination will be refunded to an applicant who is found to be ineligible to take the examination.

(c) *All other registrations.* A completed application for any registration certificate, other than a registration certificate as an apprentice hearing aid fitter, may be filed at any time, together with a check, money order or other approved method of payment as the Department publishes in a notice in the *Pennsylvania Bulletin*, in the amount of the appropriate application fee.

(d) *Renewal of current certificate.* A registrant shall apply to renew a current registration certificate by March 16 prior to the certificate's expiration, by submitting a completed renewal application, available from the Department, along with the renewal fee of \$100. To renew a hearing aid fitter's registration certificate, the applicant shall also demonstrate satisfaction of the continuing education requirements under § 25.216 (relating to continuing education requirements).

(e) *Renewal of expired certificate.* An expired registration certificate may be renewed within 5 years after its expiration or inactive date by filing an application for renewal, with payment of the renewal fee, and payment of the delinquency fee if the application is received more than 30 days after the expiration date. To renew an expired hearing aid fitter's registration certificate, the applicant shall also demonstrate satisfaction of the continuing education requirements under § 25.216.

(f) *Renewal of fitter's temporary registration certificate and apprentice certificate.* Upon application, the Secretary

may renew a temporary certificate or apprentice certificate for a period which shall expire 30 days after the next available fitter's qualifying examination has been given. The Secretary will not issue more than two renewals of these certificates, except upon petition of an applicant for good and sufficient cause shown. An applicant may petition the Department for an additional renewal. The petition shall include the reasons for which the additional renewal is requested. An applicant shall send a petition for additional renewal to the Division at the address given in subsection (a). The Department will then decide whether to issue the renewal.

(g) *Late application for renewal.* A person who files for renewal of a registration certificate after March 16 may not receive the renewal before the registration certificate expires.

**§ 25.205. Additional registration requirements.**

(a) *Hearing aid dealers.* No requirement is imposed in addition to those imposed under § 25.204(c) (relating to application for and renewal of registration).

(b) *Hearing aid fitters.* A hearing aid fitter shall pass the qualifying examination as provided by the act.

(c) *Reciprocal registration—certificate by endorsement.*

(1) An applicant for registration to practice as a hearing aid dealer or as a hearing aid fitter who is licensed or registered in any other state, which has requirements equal to or greater than those in this Commonwealth for registration as a hearing aid dealer or fitter and which maintains reciprocal practice privileges with this Commonwealth, may be granted a registration certificate by endorsement by the Secretary. Being qualified to apply for a hearing aid fitter's registration certificate by endorsement relieves the applicant from having to take the qualifying examination otherwise required under the act.

(2) In all other respects, the applicant for a registration certificate by endorsement shall be registered in the same manner and meet the same requirements as other registrants.

(3) If the Commonwealth does not maintain reciprocal practice privileges with a state in which a person is registered or otherwise authorized to function as a hearing aid fitter or dealer, the person may apply for a temporary registration certificate under subsection (e).

(d) *Apprentice registration.* Apprentice registration shall conform to the following:

(1) An applicant for registration as an apprentice hearing aid fitter shall have a sponsor responsible for the training and supervision of the applicant.

(2) An application shall be accompanied by a statement of the sponsor:

(i) Setting forth the type of supervision which shall be given the applicant.

(ii) Providing an outline of the training program to be followed in preparing the applicant for examination. The training program shall include education and training in at least the following areas:

(A) The anatomy and physiology of the ear.

(B) The function of hearing aids.

(C) The grounds for revocation or suspension of a certificate of registration, or probation of a registrant, under the act.

(D) The violations and penalties under the act.

(E) The procedures and use of equipment established by the Department for the fitting and selling of hearing aids.

(F) The taking of ear mold impressions.

(G) The medical and rehabilitation facilities for children and adults that are available in the areas served.

(H) The criteria for medical referral when found to exist either from observation by the registrant or on the basis of information furnished by the prospective hearing aid user, to include those criteria in § 25.211(d) (relating to medical recommendations; waiver forms).

(iii) Providing the registration number of the sponsor.

(3) An apprentice hearing aid fitter desiring to change sponsors shall furnish the Department a sworn or affirmed request giving reasons for the change and a sworn or affirmed statement from the new sponsor setting forth the information required by paragraph (2), and accompanied by the apprentice's certificate of registration. An affirmed statement may be given in any form so long as it is in writing, signed, and contains a statement to the effect that it is truthful.

(4) A sponsor desiring to terminate responsibilities with regard to an apprentice shall give the apprentice 10 days written notice of the reasons for the action and shall notify the Department at the same time by certified mail.

(e) *Temporary registration.* Temporary registration shall conform to the following:

(1) A temporary fitter's registration certificate will be issued to an applicant who satisfactorily demonstrates having been engaged in the fitting and selling of hearing aids at an established place of business in a state other than this Commonwealth for 2 years within a 5-year period immediately before making application and who otherwise fulfills the requirements of the act and this subchapter.

(2) The temporary registrant shall take the hearing aid fitter's examination to qualify for a regular hearing aid fitter's registration certificate.

(3) The temporary registration certificate shall expire 30 days after the administration of the qualifying examination that the temporary registrant takes. The temporary registrant shall take the qualifying examination no earlier than 90 days after the date the temporary registration certificate was issued, and no later than 1 year after the date the temporary registration certificate was issued.

#### § 25.206. Examinations.

(a) An examination to obtain registration as a hearing aid fitter shall be held at least twice each year, at a time and place to be fixed by the Secretary at least 45 days before the examination date.

(b) The date of an examination may be obtained by writing to the Division at the address given in § 25.204(a) (relating to application for and renewal of registration), by checking the Department's website at [www.health.state.pa.us](http://www.health.state.pa.us), or by phone or e-mail to the Division.

(c) The passing grade on an examination will be determined by the Secretary.

#### § 25.207. Categories of registrations; fee schedule.

(a) A registration certificate, other than a temporary or apprentice registration certificate, shall expire at midnight of April 15 of each year, if not renewed.

(b) For a hearing aid dealer, the initial registration fee is \$200 if the Department issues the registration certificate between April 15 and October 14, and \$100 if the Department issues the registration certificate between October 15 and April 14. The annual renewal fee is \$100 for both dealers and fitters.

(c) For a hearing aid fitter's registration certificate, the initial registration fee is \$200, \$150 of which will be refunded if the applicant is ineligible to take the qualifying fitter's examination. The annual renewal fee is \$100.

(d) For a registration certificate by endorsement the fees shall be the same as in subsection (b).

(e) For a temporary hearing aid fitter's registration certificate, the initial registration fee is \$200, \$150 of which is for the examination. A refund of the \$150 will be made if the applicant is ineligible to take the qualifying examination for a fitter's registration certificate. Instead of paying the full \$200 when making the application, the applicant may pay \$50 when making the initial application, and \$150 before taking the examination for the first time. The renewal fee is \$100.

(f) For an apprentice fitter's registration certificate, the fee is \$50 plus an additional \$150 before the apprentice takes the fitter's examination. The renewal fee is \$100.

(g) For a duplicate or replacement registration certificate, the fee is \$10. The registrant shall obtain a duplicate certificate upon the loss of an original certificate or for a branch office. The registrant shall obtain a replacement registration certificate upon a name change by the person holding a certificate.

(h) The fee to retake the fitter's examination for an applicant who has previously failed the examination is \$50.

(i) A delinquency fee will be assessed if an applicant applies for renewal of a registration certificate after May 15. The delinquency fee is \$50.

(j) For renewal of a suspended registration certificate, the fee is \$100 plus the delinquency fee if one has otherwise accrued.

#### § 25.208. Display of registration certificates; offices.

(a) A registrant shall display the dealer's or fitter's registration certificate at the place of business listed in the registrant's application.

(b) If a registrant maintains more than one place of business within this Commonwealth, the registrant shall apply for a duplicate registration certificate for each branch office. The registrant shall display the appropriate duplicate registration certificate in each office.

(c) The place of business identified in a registrant's application shall be an office at a fixed location. An office which is part of a building normally used as a residence shall be in a space set aside for office purposes only.

(d) A registrant shall file notice of a change in the registrant's place of business with the Department at least 10 work days before the change by writing to the Department at the address given in § 25.204(a) (relating to application for and renewal of registration).

(e) A registrant shall make the registration certificate available for inspection on request of any client, prospective client, Department employee or law enforcement official.

**§ 25.209. Facilities, procedures and instrumentation.**

(a) *Facilities.* A registrant shall engage in the practice of fitting or selling a hearing aid only if the registrant provides:

(1) An appropriate test area, the ambient noise level of which shall have a documented readout of 55 dB or lower on the A scale of a sound level meter.

(2) A selection of hearing aid models, supplies and accessories to provide for the immediate needs of hearing aid users or prospective hearing aid users.

(b) *Procedures.* A registrant shall satisfy the following:

(1) The registrant shall sell a hearing aid only if within 6 months before the sale an examination of the prospective hearing aid user was conducted using pure tone air conduction, bone conduction and speech audiometry tests. This requirement does not apply when the registrant is replacing a hearing aid with another of the same make, model and response. The registrant shall sell a hearing aid replacing another of the same make, model and response only if within 12 months before the sale an examination of the prospective hearing aid user was conducted using pure tone air conduction, bone conduction and speech audiometry tests. The registrant shall verify that the tests were performed by an individual authorized by law to do so. The registrant may rely on a representation by the physician, audiologist or fitter who performed or supervised the tests that the individual who performed the tests was authorized to do so.

(2) The registrant shall:

(i) Perform air conduction tests for hearing level thresholds at frequencies of 250 Hz, 500 Hz, 1,000 Hz, 2,000 Hz, 4,000 Hz and 6,000 Hz or 8,000 Hz, with masking if necessary.

(ii) Perform bone conduction tests for hearing level thresholds at frequencies of 500 Hz, 1,000 Hz, 2,000 Hz and 4,000 Hz, with masking if necessary.

(iii) Maintain records of the test results for each ear for 7 years.

(iv) Perform a speech reception or speech awareness threshold test using an electronic speech audiometer with head or insert ear phones.

(v) Perform a word discrimination or other speech intelligibility test for conversational level speech using an electronic speech audiometer with head or insert ear phones.

(3) The registrant shall sell a hearing aid only if the hearing aid is fitted to the wearer to ensure physical and operational comfort and improvement in hearing function is demonstrated and documented in at least one of the following areas: speech detection, speech awareness levels, speech intelligibility, orientation or speech reception threshold.

(c) *Instrumentation.* A registrant shall satisfy the following:

(1) All test instruments shall be calibrated once each year or more often if necessary to meet current American National Standards Institute standards for pure tone and speech audiometry as identified by 1996 A.N.S.I. standards or applicable succeeding A.N.S.I. standards.

(2) Instruments transported to test sites shall be calibrated to the standard set forth in paragraph (1) every 6 months, or more frequently as needed.

(3) Calibration shall be performed by a qualified individual other than the owner.

(4) A signed certificate identifying the most recent date of calibration shall be maintained for inspection by the Department.

**§ 25.210. Receipt, disclosure agreement and money back guarantee to purchaser—purchaser protection.**

(a) *Receipt.* Upon the sale of a hearing aid, the registrant shall provide the purchaser a signed receipt. The receipt may be made out on more than one sheet of paper and shall contain the following:

(1) The date of sale.

(2) The make, model and serial number or, if no serial number is applicable, an identification number of the hearing aid.

(3) The address of the principal place of business of the registrant.

(4) If the hearing aid is used or reconditioned, a statement which provides that information and which meets the requirements of § 25.215(23) (relating to denial, revocation or suspension of registrant's certificate).

(5) The registrant's registration certificate number.

(6) The terms of any guarantee or express warranty made to the purchaser with respect to the hearing aid.

(7) A copy of the written forms as required by § 25.211 (relating to medical recommendations; waiver forms).

(8) A statement on or attached to the receipt, in no smaller than 10 point type, as follows:

"The purchaser has been advised at the outset of his relationship with the hearing aid dealer that any examination or representation made by a registered hearing aid dealer and fitter in connection with the practice of fitting and selling of this hearing aid, is not an examination, diagnosis or prescription by a person licensed to practice medicine in this Commonwealth and therefore must not be regarded as medical opinion."

(9) A statement on the face of the receipt, in no smaller than 10 point bold type, as follows: "If your rights are violated, you may contact the State Bureau of Consumer Protection, the Pennsylvania Department of Health in Harrisburg, or your local district attorney."

(b) *Disclosure agreement and money back written guarantee.* Before the provision of any service incidental to or connected with the potential sale of a hearing aid, the registrant shall provide a disclosure agreement and money back written guarantee to the prospective hearing aid user or authorized representative, and shall explain it in detail in accordance with subsection (c). This shall be in 10 point type or larger, and may be made out on more than one sheet of paper, but shall employ the following format or be on a form approved by the Department:

HEARING AID DISCLOSURE AGREEMENT/MONEY BACK GUARANTEE

(Business Name) \_\_\_\_\_ (Business Address) \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

**PART A.**

Description of services included in fitting procedure or process, and sale and delivery of hearing aid.	FEE (State whether fee is waived if hearing aid purchased)	REFUNDABLE (Upon return of hearing aids)	NOT REFUNDABLE

THIS DISCLOSURE AGREEMENT WAS PROVIDED, PARTS A AND B WERE EXPLAINED, AND PART A (FEES FOR SERVICES NOT PART OF THE PRICE OF THE HEARING AID) WAS COMPLETED AT \_\_\_\_\_ (time) ON \_\_\_\_\_ (date), BEFORE ANY SERVICES WERE PROVIDED. PART B (CANCELLATION FEES THAT WILL BE INCURRED IF A HEARING AID IS RETURNED UNDER THE 30-DAY MONEY BACK GUARANTEE BELOW), WAS COMPLETED AND EXPLAINED AFTER SERVICES WERE PROVIDED AND BEFORE ANY PAYMENT WAS MADE. IF PART B IS NOT COMPLETED, IT IS BECAUSE A HEARING AID WAS NOT RECOMMENDED OR NOT DESIRED.

NOTHING IN THIS DISCLOSURE AGREEMENT SHALL RELIEVE A REGISTRANT OF THE OBLIGATION TO REFUND ALL OR PART OF THE ABOVE FEES, INCLUDING THOSE LISTED AS NOT REFUNDABLE, IF A COURT DETERMINES THAT THE REGISTRANT HAS VIOLATED A PENNSYLVANIA CONSUMER PROTECTION LAW IN THE SALE OR FITTING OF THE HEARING AID (OR SIMILAR DEVICE) AND IF THE COURT ORDERS SUCH REFUND.

\_\_\_\_\_  
Customer's Signature

\_\_\_\_\_  
Registrant's Signature

**PART B.**

HEARING AIDS & ACCESSORIES	DESCRIPTION of GOODS—include make, model, serial number(s)	PRICE	REFUNDABLE (upon return of hearing aid)	NOT REFUNDABLE (Cancellation Fee)
Hearing Aid(s)	Right			
	Left			
Accessories (Describe, if applicable)				
<b>TOTAL</b>				
<b>Total maximum Cancellation Fee is lesser of 10% or \$150 per hearing aid including accessories.</b>				

**30 Day Money Back Guarantee:** If a hearing aid is returned within 30 days of date of delivery in the same condition, ordinary wear and tear excluded, you are entitled to a refund of the portion of the purchase price of the hearing aid and accessories as itemized on the receipt and above, less the cancellation fee stated above. If a cancellation fee is imposed the nonrefundable amount for each aid and accessories cannot exceed 10% of the purchase price of the hearing aid and accessories or \$150.00 per aid and accessories, whichever is less. You will, however, be responsible for all nonrefundable service fees listed in Part A. If you cancel your order prior to delivery, you are entitled to full refund of the purchase price of the aid and accessories, and a full refund for services not yet rendered.

\_\_\_\_\_  
Customer's Signature

\_\_\_\_\_  
Date and time of Sale

\_\_\_\_\_  
Registrant's Signature

\_\_\_\_\_  
Registration No.

_____ DATE of DELIVERY
_____ Customer's Signature or Initials

(c) *Additional responsibilities of registrant with respect to the disclosure agreement/money back guarantee.*

(1) Before providing any services incidental to the possible sale of a hearing aid to the prospective hearing aid user, the registrant shall explain Part A of the disclosure agreement/money back guarantee to the prospective hearing aid user or authorized representative and shall complete Part A. The registrant shall also give a preliminary explanation of Part B, including any cancellation fees that may be retained if a purchaser decides to return a hearing aid. The registrant shall include in Part A a complete description of what the fitting procedure or process includes, and shall itemize and disclose fees associated with the fitting procedure or process and the sale and delivery of the hearing aid. For each service provided, the registrant shall identify by dollar amount the portion of the fee that is refundable and the portion that is not refundable. If a fee will be waived if a hearing aid is purchased, that shall be stated. If the registrant charges no fees for services, the registrant shall note that in Part A.

(2) After Parts A and B have been explained and Part A has been completed, the registrant shall have the prospective hearing aid user or authorized representative complete the time and date lines provided under Part A. The prospective hearing aid user or authorized representative and registrant shall also sign under Part A when appropriate.

(3) After completing the necessary testing, if it is determined that a hearing aid will be recommended, the registrant shall explain and complete Part B, itemizing any cancellation fee associated with the sale and delivery of a hearing aid and its accessories by designating that amount as "not refundable." Part B shall be fully explained and completed before any payment is made. If Part B becomes inapplicable due to a decision by the registrant, prospective hearing aid user or authorized representative not to proceed further after testing, the disclosure agreement/money back guarantee need not be fully completed. The registrant shall provide a copy of the partially completed disclosure agreement/money back guarantee to the prospective hearing aid user or authorized representative.

(4) If the registrant and the prospective hearing aid user or authorized representative decide to proceed, the registrant shall explain the 30-day money back guarantee. If the prospective user or authorized representative decides to purchase a hearing aid, the registrant shall have the purchaser sign the second signature line on the disclosure agreement/money back guarantee and complete the line for date and time of sale, and shall also sign when appropriate.

(5) The registrant may revise the relevant portion of the disclosure agreement/money back guarantee form to disclose the registrant's policy of offering a money back guarantee return period longer than 30 days. The money back guarantee shall be for at least 30 days from the date of delivery.

(6) After the disclosure agreement/money back guarantee is fully completed except for the date of delivery block and the hearing aid serial numbers, the registrant shall provide a copy of it to the hearing aid user or authorized representative.

(7) At the time the hearing aid is delivered to the hearing aid user or authorized representative, the registrant shall ensure that the signature or initials of the user or authorized representative is obtained and the

date of delivery and serial number are inserted in the block or section provided for that purpose on the disclosure agreement/money back guarantee. After the block is completed with the initials or signature and date and the serial number is inserted, the registrant shall provide a copy of the completed disclosure agreement/money back guarantee to the purchaser.

**§ 25.211. Medical recommendations; waiver forms.**

(a) Except when selling a replacement of a worn out or damaged hearing aid, when selling a hearing aid for the use of a prospective hearing aid user who is 19 years of age or older, a registrant shall either obtain for the prospective user a medical recommendation that complies with § 25.212 (relating to medical recommendations by examining physicians), or ensure that the prospective user or authorized representative signs a waiver form as provided under section 403 of the act (35 P. S. § 6700-403). The waiver form shall be prepared and used as follows:

(1) The waiver form shall be in 10 point type or larger.

(2) The waiver shall be read to the prospective hearing aid user or authorized representative and explained in a manners that the individual is not encouraged to waive a medical examination and so that the individual will be thoroughly aware that signing the waiver will not be in the prospective hearing aid user's best interest.

(3) The waiver form shall read as follows:

I have been advised that my best interests would be served if I had a medical examination by an otologist or otolaryngologist or any licensed physician before my purchase of a hearing aid.

\_\_\_\_\_(Registrant's Name) has fully and clearly informed me of the value of such medical examination. After such explanation, I voluntarily sign this waiver. I choose not to seek a medical examination before the purchase of the hearing aid.

\_\_\_\_\_  
(Signature of Registrant)

\_\_\_\_\_  
(Address of Registrant)

\_\_\_\_\_  
(Signature of Purchaser)

\_\_\_\_\_  
(Date of Signature)

(b) When selling a replacement of a worn out or damaged hearing aid for the use of a prospective hearing aid user who is 18 years of age or older, a registrant shall either obtain for the prospective user a medical recommendation that complies with the requirements of § 25.212, or ensure that the prospective user or authorized representative signs a legally proper waiver of the medical examination. For purposes of this subsection, a legally proper waiver includes a medical waiver form as provided under section 403 of the act and described in subsection (a), or a Federal medical waiver form as approved by the Food and Drug Administration of the United States Department of Health and Human Services.

(c) Except when a registrant is selling a hearing aid to replace an identical hearing aid, the registrant may sell a hearing aid for the use of a prospective user 18 years of age or younger only if the registrant obtains a medical recommendation that complies with the requirements of § 25.212 and is signed by a physician specializing in otolaryngology or otology. When selling an identical re-

placement hearing aid for the use of an individual under 18 years of age, the registrant shall obtain a medical recommendation that complies with the requirements of § 25.212.

(d) Before the sale of a hearing aid a registrant shall inform the prospective hearing aid user or authorized representative, in writing, that it would be in the best interest of the prospective hearing aid user to consult a physician specializing in or qualified to deal with diseases of the ear if the prospective hearing aid user has any of the following conditions:

- (1) Visible congenital or traumatic deformity of the ear.
- (2) Active drainage from the ear within the previous 90 days or a history of this symptom.
- (3) Sudden or rapidly progressive hearing loss within the previous 90 days or a history of this symptom.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Visible evidence of cerumen accumulation or a foreign body in the ear canal.
- (7) Significant air-borne gap of 15dB or greater at 500 Hz, 1000 Hz and 2000 Hz.
- (8) Pain in the ear within the previous 90 days.

**§ 25.212. Medical recommendations by examining physicians.**

(a) Whenever a medical examination is performed under the act or Federal requirements, before fitting and selling a hearing aid the registrant shall ensure that a medical recommendation has been signed by the examining physician, within 180 days before the sale, on a form which includes the following statement or its equivalent: I have medically evaluated the hearing ability of

\_\_\_\_\_  
(Patient's Name)

and a hearing aid may be beneficial to this person.

\_\_\_\_\_  
(Signature of Physician)

\_\_\_\_\_  
(Date of Evaluation)

(b) If the prospective hearing aid user is 18 years of age or younger, the registrant shall ensure that the prospective user's date of birth has been included on the medical recommendation form.

**§ 25.213. Consumer review.**

(a) Before signing a waiver form under § 25.211 (relating to medical recommendations; waiver forms) and before the sale of a hearing aid to or for the use of a prospective hearing aid user, the registrant shall:

- (1) Provide the prospective hearing aid user or authorized representative with a copy of the User Instructional Brochure for the hearing aid that has been or may be selected for the prospective user.
- (2) Review the content of the User Instructional Brochure with the prospective hearing aid user or authorized representative orally or in the predominant method of communication used during the sale.
- (3) Give the prospective hearing aid user or authorized representative an opportunity to read the User Instructional Brochure.

(b) If goods or services having a sale price of \$25 or more are sold or contracted to be sold to a purchaser as a result of or in connection with a contact with or call on the purchaser at the purchaser's residence, the purchaser may avoid the contract or sale by notifying the registrant of that decision, in writing, within 3 full business days following the day on which the contract or sale was made and by returning or holding available for return to the registrant, in its original condition, any merchandise received under the contract or sale. The notice of rescission is effective when deposited in the United States mail or when service is made in another manner which gives the registrant notice of rescission. These and additional provisions relating to the sale of goods in the purchaser's home, including specific items which shall be included on the purchase receipt, are made a part of this section by incorporation of section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7).

**§ 25.214. Recordkeeping.**

A registrant shall, upon the consummation of a sale of a hearing aid, keep and maintain records in the registrant's office or place of business at all times. These records shall be kept for 7 years and shall include the following:

(1) Results of all testing conducted under § 25.209 (relating to facilities, procedures and instrumentation). The minimum acceptable test records shall be records of:

- (i) Pure tone tests including air and bone conduction with masking where appropriate, and the ambient noise level of the test area.
- (ii) Speech reception threshold expressed in decibels of hearing level.
- (iii) Most comfortable level expressed in decibels.
- (iv) Uncomfortable (tolerance) level expressed in decibels.

(v) Word discrimination test results expressed in percentage indicating the test words used, presentation level, masking level (if applicable), and signal to noise ratio (if applicable).

(2) A copy of the written receipt, disclosure agreement and money back guarantee required by § 25.210 (relating to receipt, disclosure agreement and money back guarantee to purchaser-purchaser protection).

(3) The written physician's recommendation required by § 25.212 (relating to medical recommendations by examining physicians) or the waiver form required by § 25.211 (relating to medical recommendations; waiver forms).

**§ 25.215. Denial, revocation or suspension of registrant's certificate.**

The Secretary may deny, suspend or revoke a registration certificate provided under the act or the Secretary may impose conditions of probation upon a registrant for any of the following causes:

- (1) Gross incompetency which includes the improper or unnecessary fitting of a hearing aid.
- (2) Conviction of a felony or misdemeanor involving moral turpitude.
- (3) Obtaining a registration certificate by fraud or deceit.

(4) Using the term “doctor” or “physician” or “clinic” or “audiologist” or any derivation thereof as part of the firm name under which the registrant fits and sells hearing aids, unless authorized by law.

(5) Fraud or misrepresentation in the repair, fitting or selling of a hearing aid.

(6) Employing a person to perform a function within the scope of practice of a hearing aid fitter who is not authorized by law to perform the function.

(7) Habitual intemperance.

(8) Gross immorality.

(9) Permitting another person to use the registration certificate for any purpose, except permitting an audiologist or physician employed by the registrant to sell hearing aids for the registrant.

(10) Violating or, with notice or knowledge permitting an employee to violate, the act or this subchapter.

(11) A cause which would be a ground for denial of an application for a registration certificate.

(12) Having been enjoined from violating a provision of the Unfair Trade Practices and Consumer Protection Law (73 P. S. §§ 201-1—209-6) or being subject to a final order of the Federal Trade Commission, the Department, or the Food and Drug Administration of the United States Department of Health and Human Services, concerning the sale or offering for sale of an unsafe, unhealthful or worthless hearing device or for engaging in conduct which has the tendency to mislead or deceive.

(13) Using, causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, that is misleading, deceiving, improbable or untruthful, such as a misrepresentation relating to:

(i) The grade, quality, quantity, origin, novelty, price, dealer cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of a hearing aid or the psychological well-being induced by a hearing aid.

(ii) A service or adjustment offered, promised, or supplied to a purchaser of a hearing aid, or the fee associated with the service or adjustment.

(14) Making a representation that a hearing aid is “guaranteed,” without clear and conspicuous disclosure of:

(i) The nature and extent of the guarantee.

(ii) A material condition or limitation of the guarantee which is imposed by the guarantor.

(iii) The manner in which the guarantor will perform thereunder.

(iv) The identity of the guarantor, with disclosure, if applicable, that any guarantee made by the registrant which is not backed up by the manufacturer is offered by the registrant only.

(v) The meaning of “life” or “lifetime” to clarify whether it refers to the life of the purchaser, the product, or otherwise, whenever representations are made that a hearing aid is “guaranteed for life” or has a “lifetime guarantee.”

(15) Making a guarantee, warranty, or promise which, under normal conditions, is impractical of fulfillment or

which is for a period of time or of a nature that may cause a purchaser to believe that the hearing aid has a greater degree of service ability, durability or performance capability in actual use than is true.

(16) Making a misrepresentation as to the character of the business conducted by the registrant. Unless it is true, a registrant may not represent directly or indirectly through the use of any word or term, in the corporate or trade name, in advertising, or otherwise, that the registrant owns or maintains a laboratory devoted to hearing aid research, testing, experimentation or development. A registrant may not misrepresent in any other material respect the character, extent or type of business conducted by the registrant.

(17) Causing deception that services or advice of a physician were used in the design or manufacture of hearing aids. Unless it is true, a registrant may not represent, directly or by implication, that the services or advice of a physician have been used in the designing or manufacturing of hearing aids. The prohibitions of this paragraph are applicable to the use of the terms “doctor,” “physician,” “otologist” or “otolaryngologist,” to the use of any abbreviations, variations or derivatives of those terms; and to the use of any symbol, depiction, or representation having a medical connotation.

(18) Making a deceptive representation as to the visibility or the construction of a hearing aid. A registrant may not do any of the following:

(i) Represent, directly or by implication, through the use of such words or expressions as “invisible,” “hidden,” “hidden hearing,” “completely out of sight,” “conceal your deafness,” “hear in secret,” “unnoticed even by your closest friends,” “no one will know you are hard of hearing,” “your hearing loss is your secret,” “no one need know you are wearing a hearing-aid,” “hidden out of sight when inserted in the ear canal” or by any other words or expressions of similar import, that any hearing aid, device, or part is hidden or cannot be seen unless it is hidden or cannot be seen.

(ii) Represent directly or by implication that a hearing aid utilizing bone conduction has a specified feature such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone-conduction principle and that, in many cases of hearing loss, this type of instrument may not be suitable.

(19) Making an advertisement or other representation which may have the tendency or effect of misleading or deceiving a purchaser or prospective purchaser to believe that a hearing aid or device or part or accessory thereof is a new invention or involves a new mechanical or scientific principle, when that is not true. Representations of the following or similar types, when not fully justified by the facts, are among those prohibited by this paragraph: “amazing new discovery,” “revolutionary new invention,” “radically new and different,” “sensational new laboratory development,” “remarkable new electronic device,” “brand new invention,” “marvelous new hearing invention,” “new scientific aid” and “miracle.”

(20) Misrepresenting the commercial nature of the registrant’s business. A registrant may not represent, directly or by implication, that a commercial hearing aid establishment is a governmental or public one or is a nonprofit medical, educational or research institution, through the use of a term having a medical, professional or scientific connotation, such as “Hearing Center,” “Hearing Institute,” “Hearing Bureau,” “Hearing Clinic,”

“State’s Hearing Clinic,” or “State’s Speech and Hearing Center.” Nothing in this paragraph precludes a registrant from representing, if true, that the registrant owns, operates or controls a “Hearing Aid Center” or from using other words or expressions which clearly and nondeceptively identify the registrant’s establishment as a commercial hearing aid enterprise.

(21) Making a deceptive advertisement of a hearing aid part, accessory or component. A registrant may not use or cause to be used any type of advertising or promotional literature depicting or describing only a single part, accessory or component of a hearing aid or device, such as a battery on the finger or a transistor held in the hand, in a manner that may have the tendency to mislead or deceive a purchaser or prospective purchaser to believe that the part, accessory or component is all that must be worn or carried.

(22) Making a deceptive testimonial or other endorsement. A registrant may not advertise or otherwise represent that:

(i) A particular individual, organization or institution endorses, uses or recommends the registrant’s hearing aids or devices when that is not true.

(ii) A particular individual wears the registrant’s hearing aids or devices when that is not true.

(23) Making a representation either directly or indirectly that a hearing aid or part thereof is new, unused or rebuilt when that is not true.

(i) In the marketing of a used hearing aid or a hearing aid which contains used parts, a registrant shall make full and nondeceptive disclosure of the fact in advertising and promotional literature relating to the product on the container, box or package in which the product is packed or enclosed. The required disclosure may be made by use of words such as “used,” “second-hand,” “repaired” or “rebuilt,” whichever applies to the product involved, and it shall appear on a tag physically attached to a hearing aid.

(ii) A registrant may not misrepresent the identity of the rebuilder of a hearing aid. If the rebuilding of a hearing aid was done by other than the original manufacturer, a registrant shall disclose the fact wherever the original manufacturer is identified.

(24) Doing any of the following:

(i) Representing or using a seal, emblem, shield or other insignia which represents, directly or by implication that a hearing aid or device has been tested, accepted or approved by an individual, concern, organization, group or association unless it is true and unless the hearing aid or device has been used in a manner as will reasonably ensure the quality and performance of the instrument in relation to its intended use and the fulfillment of a material claim made, implied or intended to be supported by the representation or insignia.

(ii) Representing that a hearing aid or device tested, accepted or approved by an individual, concern, organization, group or association has been subjected to a test based on a more severe standard of performance, workmanship and quality than is true.

(iii) Making any other false, misleading or deceptive representation respecting the testing, acceptance or approval of a hearing aid device by an individual, concern, organization, group or association. It is not necessary for an individual hearing aid or device to be tested if the

method employed is a sample testing and full and nondeceptive disclosure of this fact is given in advertising and otherwise.

(iv) Making a false, misleading or deceptive representation regarding the practice of another registrant or the quality of a hearing aid product made by a hearing aid manufacturer, which enhances or is likely to enhance the registrant’s business as a repairer, fitter or seller of hearing aids.

(25) Doing any of the following:

(i) Imitating or simulating the trademark, trade name, brand or label of a competitor which may have the tendency or effect of misleading or deceiving a purchaser or prospective purchaser.

(ii) Using in advertising the name, model name or trademark of a particular manufacturer of hearing aids in a manner that implies a relationship with the manufacturer that does not exist or which otherwise may mislead or deceive a purchaser or prospective purchaser.

(iii) Using a trade name, corporate name, trademark or other designation which may have the tendency or effect of misleading or deceiving a purchaser or prospective purchaser as to the name, nature or origin of a hearing aid or of a material used therein or which is false, deceptive or misleading in another material respect.

(26) Advertising a particular model, type or kind of hearing aid for sale when a purchaser or prospective purchaser responding to the advertisement cannot purchase or is dissuaded from purchasing the advertised model, type or kind, if it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(i) In determining whether there has been a violation of this paragraph, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product but was made for the purpose of contacting prospective purchasers and selling them a product or products other than that offered. Among acts or practices which will be considered in making that determination are the following:

(A) The creation, through the initial offer or advertisement, of a false impression of the product offered in a material respect.

(B) The refusal to show, demonstrate or sell the product offered in accordance with the terms of the offer.

(C) The disparagement, by acts or words, of the product offered or the disparagement of the guarantee; credit terms; or availability of service, repairs or parts or the disparagement in another respect, in connection with it.

(D) The showing, demonstrating and in the event of sale, delivery of a product which is unusable or impractical for the purpose represented or implied in the offer.

(E) The refusal, in the event of sale of the product offered, to deliver the product to the purchaser within a reasonable time thereafter.

(F) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

(ii) It is not necessary that each act or practice set forth in subparagraph (i) be present to establish that a particular offer violates this paragraph; any one will be sufficient.



(27) Failing to furnish evidence of the required continuing education or truthful information regarding the continuing education secured when applying for renewal of a registration certificate as a hearing aid fitter.

**§ 25.216. Continuing education requirements.**

(a) *General requirements.* Except as provided in subsection (d), the continuing education requirement for renewal of a hearing aid fitter's registration certificate is 20 hours of continuing education credit in the 2 years immediately preceding the expiration of the current registration certificate. If the applicant for renewal has had a registration certificate for less than 2 years, the required number of continuing education hours shall be calculated by prorating the number of credit hours required over a 2-year period by the number of months in which the applicant for renewal had the registration certificate which is about to expire. Only months in which the applicant had the registration certificate for at least 15 days shall be considered in the calculations.

(b) *Requirements for renewal of an expired registration certificate.* Except as provided in subsection (d), the continuing education requirement for renewal of a hearing aid fitter's registration certificate that has expired is 20 hours of continuing education credit in the 2 years immediately preceding the filing of the application for renewal, provided that the application for renewal is filed within 5 years after expiration of the previous registration certificate. If more than 5 years have passed since the registration certificate expired, the registration certificate may not be renewed. Instead, the individual shall repeat the hearing aid fitter's certification examination and satisfy other requirements then in effect for an original hearing aid fitter's registration certificate.

(c) *Requirements for renewal of a suspended registration certificate.* The continuing education requirement for renewal of a hearing aid fitter's registration certificate which has been suspended is the same as in subsections (a) and (d). If the individual does not satisfy the continuing education requirement during the period in which the hearing aid fitter's registration certificate is suspended, the suspended registration certificate shall be considered to have expired, and the continuing education requirements in subsection (b) shall apply for renewal of the expired registration certificate.

(d) *Phase-in requirements.* The first 2-year period for which continuing education requirements shall be required began on April 15, 2003.

(e) *Subject matter requirements.* Any subject matter that contributes directly to the professional competence, skills and education of a hearing aid fitter is acceptable subject matter for a continuing education program. At least one-half of all continuing education credit hours by which the hearing aid fitter seeks to qualify for renewal of the registration certificate shall be secured in some combination of the following core subject matter: hearing evaluation, hearing instrumentation technology, ear mold technology, hearing aid repair and maintenance, technical devices to assist the hearing-impaired, psychology of the hearing-impaired, and office procedures and compliance with the act.

**§ 25.217. Approval of continuing education programs.**

(a) A person may apply to the Department for approval of a continuing education program by submitting to the Department an application on a form supplied by the Department. The applicant shall supply the information requested in the application, including specification of

whether the program is fully or partially devoted to any of the core subjects specified in § 25.216(e) (relating to continuing education requirements). The Department will grant approval of a continuing education program and designate whether the program is assigned full or partial credit in one of the core subjects, if the applicant satisfies the Department that the program the applicant will offer will meet the following minimum standards:

(1) The program shall contribute directly to the professional competence, skills and education of a hearing aid fitter.

(2) The program instructors shall possess the necessary practical and academic skills to conduct the program effectively.

(3) Program materials shall be clear, informative, grammatical, carefully prepared, readable and distributed to attendees at or before the time the program is offered whenever practical.

(4) The program shall be presented by a responsible instructor who is experienced and knowledgeable in the subject matter being taught, in a setting that is conducive to learning the material being taught, including any necessary equipment and facilities, and is devoted to the educational purpose of the program.

(5) The program shall be open to persons who have a current, suspended or expired hearing aid fitter's registration certificate.

(b) Approval of a continuing education program shall be effective for 3 years.

(c) If renewal of the Department's approval of a continuing education program is desired, at least 90 days before expiration of the 3-year period the person who offered the program shall apply to the Department to renew the Department's approval of that program. The criteria and process applicable to the Department's initial approval of a continuing education program shall apply to renewal of the approval of that program.

**§ 25.218. Credit for continuing education.**

(a) *Credit hour.* A hearing aid fitter shall receive 1 hour of credit for each 50 minutes of instruction in a continuing education program presented in a classroom setting. Credit may not be given if attendance or other participation in the program is not adequate to meet the educational objectives of the program as determined by the person offering the program. For completing a continuing education program that is not presented in a classroom setting, the hearing aid fitter shall receive the number of credit hours assigned to the program by the Department.

(b) *Program completion.* A hearing aid fitter shall receive no credit for a continuing education program not completed, as evidenced by satisfaction of the check-in/check-out process for a continuing education program presented in a classroom setting and the continuing education report verifying that the hearing aid fitter completed the program, both of which are submitted to the Department by the person who offered the program. The program shall also not be considered completed if the hearing aid fitter does not satisfy other program completion requirements imposed by this subchapter and the continuing education provider.

(c) *Continuing education credit for instruction.* A hearing aid fitter shall receive credit equal to the number of hours served as an instructor in a continuing education program approved by the Department, or in a program

that satisfies requirements for initial certification as a hearing aid fitter, except that only half of the credit hours necessary for renewal of a hearing aid fitter's registration certificate may be obtained through serving as an instructor. The remaining credits necessary to renew a certificate shall be obtained through attendance at continuing education programs.

(d) *Repeat completion or teaching of a continuing education program.* The Department will not accept more than one completion or teaching of a continuing education program for credit toward renewal of a fitter's registration certificate, but will accept a subsequent completion or teaching of the same continuing education program for a subsequent renewal of a fitter's registration certificate.

(e) *Continuing education credit through endorsement.* A hearing aid fitter who attends or teaches a continuing education program offered outside this Commonwealth may apply to the Department to receive credit for the program. The hearing aid fitter shall have the burden of demonstrating to the Department that the course meets standards substantially equivalent to the standards imposed in this subchapter. The Department will assign credit to the program, including the possibility of no credit or partial credit, based upon considerations of whether the program bears entirely upon appropriate subject matter and whether the method of presenting the program meets standards substantially equivalent to those prescribed in this subchapter.

(f) *Continuing education credit assigned to self-study courses.* Credit may be sought from the Department for a self-study continuing education program. The hearing aid fitter shall submit an application to the Department to approve the self-study program for credit before commencing the program and shall supply the Department with the materials the Department requests to conduct the evaluation, which may include any of the materials used in the course. The Department will assign credit to the program based upon considerations of whether the program addresses appropriate subject matter and whether the method of completing the program meets standards substantially equivalent to those prescribed in this subchapter. The Department may require modifications to the proposed self-study as a precondition to approving it for credit. If the materials are unavailable to the fitter prior to taking the course, the fitter may apply to the Department for credit after completing it. However, the Department reserves the right to disapprove the course for credit after it has been completed if it does not meet the standards prescribed in this subchapter.

(g) *Continuing education credit assigned to courses not presented in a classroom setting.* A hearing aid fitter shall be awarded credit for completing a continuing education program without the hearing aid fitter physically attending the program in a classroom setting, provided the program has been approved by the Department for credit when presented in that manner.

(h) *Resolution of discrepancies.* The Department will resolve all discrepancies between the number of continuing education credits reported and the number of continuing education credits a hearing aid fitter alleges to have earned. To help resolve disputes, the hearing aid fitter should retain the original certificate of completion of a continuing education program if a certificate of completion has been received by the hearing aid fitter.

**§ 25.219. Responsibilities of persons offering continuing education programs.**

(a) *Record of attendance.* A person who offers a continuing education program shall maintain a record of atten-

dance for a program presented in a classroom setting by maintaining a check-in/check-out process approved by the Department, and shall assign at least one person to ensure that all individuals attending the course check in when entering and check out when leaving. If an individual enters a course after the starting time, or leaves a course before the finishing time, the assigned person shall ensure that the time of arrival or departure is recorded for the individual.

(b) *Reporting attendance.* A person who offers a continuing education program shall report to the Department, in the manner and format prescribed by the Department, attendance at each continuing education program presented in a classroom setting.

(c) *Course evaluation.* A person who offers a continuing education program shall develop and implement methods to evaluate the program to determine its effectiveness. The methods of evaluation shall include providing a program evaluation form to each person who attends the continuing education program, and requesting each person to complete the form.

(d) *Record retention.* A person who offers a continuing education program shall retain the completed program evaluation forms and the check-in/check-out record for a program presented in a classroom setting. The person shall retain the records for at least 4 years from the presentation of the program.

(e) *Providing records.* A person who offers a continuing education program shall promptly provide the Department with complete and accurate records relating to the program as requested by the Department.

(f) *Program not presented in a classroom setting.* A person who offers a continuing education program shall be exempt from the requirements of subsections (a) and (b) for a program which is not presented in a classroom setting, if the program is approved by the Department for credit when presented in that manner. When presenting the program to the Department for approval for credit, the person shall present a procedure for monitoring, confirming and reporting hearing aid fitter participation in a manner that achieves the purposes of subsections (a) and (b).

(g) *Monitoring responsibilities.* A person who offers a continuing education program shall ensure that the program was presented in a manner that met all of the educational objectives for the program, and shall determine whether each hearing aid fitter who enrolled in the program met the requirements of this subchapter and of the continuing education program to receive credit for completing the program.

(h) *Program completion.* A person who offers a continuing education program shall report to the Department, in a manner and format prescribed by the Department, completion of a continuing education program by a hearing aid fitter who completes the program, and shall identify to the Department a hearing aid fitter who seeks credit for a program but who did not meet the requirements of the program or this subchapter to receive continuing education credit. The person who offers a continuing education program shall also provide a hearing aid fitter who completes the program with a document certifying completion of the program.

**§ 25.220. Right to enter, inspect and obtain records.**

Upon request of a Department representative during regular and usual business hours, or at other times when that representative possesses a reasonable belief that a

violation of this subchapter may exist, and upon the representative presenting documentation to identify himself as a representative of the Department, a registrant or person who offers a continuing education program shall:

(1) Produce for inspection equipment and supplies maintained pursuant to this subchapter.

(2) Produce for inspection, permit copying and provide within a reasonable period of time, records maintained under this subchapter.

**§ 25.221. Exceptions.**

The Department may grant an exception to a requirement of this subchapter for good cause shown, except for a statutory requirement that is repeated in this subchapter.

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# Title 58—RECREATION

## GAME COMMISSION [58 PA. CODE CH. 141] Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2004, meeting, adopted the following final-form rulemaking:

Amend § 141.22 (relating to small game) to create a no discharge zone around Commission vehicles to reduce the chances of employees who are releasing pheasants from being accidentally shot.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 484 (January 24, 2004).

**1. Introduction**

Every year, as Commission employees release pheasants for hunting during the open season, hunters shoot at the pheasants at or near the vehicles being used to transport the pheasants. Not only is this scenario contrary to the notion of fair chase, but it also jeopardizes the safety of Commission employees releasing the pheasants. Adding § 141.22(a)(7) should help reduce the chances of Commission employees being shot when stocking pheasants.

**2. Purpose and Authority**

Because of the increasing number of incidents of careless hunters shooting at pheasants being released by Commission employees during the hunting season at or near Commission vehicles and the potential of serious physical injury, the Commission will now impose a 150-yard no discharge zone around Commission vehicles. This no discharge zone is the same distance currently found in safety zones surrounding occupied dwellings and structures as per section 2505(a) of the code (relating to safety zones). The intent of this final-form rulemaking is to provide the same safety parameters and protections for Commission employees releasing pheasants from Com-

mission vehicles that are currently afforded to the general public at their residences and certain other structures.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 141.22(a) was adopted under this authority.

**3. Regulatory Requirements**

The final-form rulemaking makes it unlawful for hunters to shoot at pheasants within 150 yards of a Commission vehicle releasing pheasants.

**4. Persons Affected**

Persons who hunt for pheasants will be affected by the final-form rulemaking.

**5. Comment and Response Summary**

There were no official comments received regarding this final-form rulemaking.

**6. Cost and Paperwork Requirements**

The final-form rulemaking should not result in additional cost or paperwork.

**7. Effective Date**

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

**8. Contact Person**

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

**Findings**

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

**Order**

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.22 to read as set forth in Annex A.

*(Editor’s Note:* A final-form rulemaking containing an amendment to § 141.22 was published at 34 Pa.B. 2328 (May 1, 2004).)

(b) The Executive Director of the Commission shall certify this order, 34 Pa.B. 2328 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-173 remains valid for the final adoption of the subject regulation.

#### Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

##### Subchapter B. SMALL GAME

#### § 141.22. Small game.

- (a) *Unlawful activities.* It is unlawful to:
- (1) Take small game, protected mammals or protected birds using shot larger than #4 lead, #4 Bismuth/tin or #2 steel.
  - (2) Take furbearers using shot larger than size BB lead, size BB Bismuth/tin or size T steel.
  - (3) Possess a firearm while hunting with a raptor.
  - (4) Use or possess single projectile ammunition or use or possess single projectile ammunition designed for use in a firearm while hunting small game during the muzzleloading firearms deer or bear season, except for a rimfire rifle or handgun .22 caliber or less. This exception does not apply to the Southeast Special Regulations Area. See § 141.1(b)(2) (relating to special regulations areas).
  - (5) Hunt in a party of more than six persons.
  - (6) Unless otherwise provided in the act or this title, hunt or take small game with anything other than a shotgun with fine shot, muzzleloading rifle or handgun .40 caliber or less, rimfire rifle or handgun .22 caliber or less, or bow and arrow with or without broadheads. The caliber restrictions do not apply to rifles or handguns while hunting woodchuck.
  - (7) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.
- (b) *Definition.* For the purpose of enforcing section 2308(a)(4) of the act (relating to unlawful devices and methods), the term "plugged" means a magazine shotgun which is plugged with a one-piece filler, incapable of removal without disassembling the shotgun or magazine.
- (c) *Permitted acts.* Woodchucks may be trapped by properly licensed furtakers with permission of the person in charge of the land from February 1 through September 30 and during the general furbearer trapping season. For the purposes of this subsection, a person means a person as defined in section 2121(c) of the act (relating to definition). Traps and methods shall comply with section 2361 of the act (relating to unlawful acts concerning taking of furbearers) except that traps shall be set within 5 feet of any woodchuck hole or den.

[Pa.B. Doc. No. 04-943. Filed for public inspection May 28, 2004, 9:00 a.m.]

### [58 PA. CODE CH. 143]

#### Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2004, meeting, adopted the following final-form rulemaking:

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

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 484 (January 24, 2004).

#### 1. Introduction

The amendment to § 143.45 changes terminology and eliminates subsection (g), which contained the legal requirement that an applicant for an antlerless license circle the appropriate number on the application envelope. The amendment to § 143.52 adjusts the date for county treasurers accepting over-the-counter applications so as not to conflict with the mail-in application processing demands.

#### 2. Purpose and Authority

By eliminating the requirement that the preprinted number on the outside of the envelopes be circled to indicate the number of applications enclosed by those applying for antlerless deer licenses, the Commission will be relieved of being forced to place deficient envelopes into a dead letter file because of an inadvertent mistake by the filer. Rather, the Commission will be legally permitted to accept them and the enclosed applications and process them without unnecessary delay and extra mail handling.

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

Section 2705(13) of the code (relating to classes of licenses) lists antlerless deer licenses as one of the licenses that the Commission administers by establishing regulations, requirements and conditions. Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that "The commission shall adopt regulations for the administration, control and performance of activities conducted pursuant to the provisions of this Chapter." The amendments to §§ 143.45 and 143.52 were adopted under this authority.

3. *Regulatory Requirements*

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

4. *Persons Affected*

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

5. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

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

*Findings*

The Commission finds that:

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

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.52 to read as set forth at 34 Pa.B. 484 and by amending § 143.45 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 34 Pa.B. 484 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-176 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTKAKER LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.45. Completing and submitting applications.**

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than from the Commission. County treasurers with unsold antlerless deer licenses shall accept applications over the counter and may immediately issue licenses beginning on the first Monday in November.

(b) The Commission will not accept antlerless deer license applications other than by regular first class mail delivered through and by the United States Postal Service.

(c) Applications will not be accepted by the Commission prior to the start of the normal business day on the first Monday in August.

(d) The application shall be legibly completed, in its entirety, in accordance with instructions on the application.

(e) The application shall be mailed only in the envelope provided.

(f) Applications are limited to not more than three per envelope.

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

(h) Unless otherwise ordered by the Director, remittance shall be in the form of a negotiable check or money order payable to "County Treasurer" for applications enclosed, and in the total amount specified in the act for each license. Cash may be accepted by county treasurers for over the counter sales.

[Pa.B. Doc. No. 04-944. Filed for public inspection May 28, 2004, 9:00 a.m.]

**[58 PA. CODE CH. 147]**

**Special Permits; Commercial Wildlife Pest Control**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2004, meeting, adopted the following final-form rulemaking:

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

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 485 (January 24, 2004).

### 1. Introduction

The Commission is amending § 147.721 to include the act of "soliciting" as an activity requiring a commercial wildlife pest control permit. It is currently not unlawful to solicit for wildlife pest control without a commercial wildlife pest control permit. Unfortunately, this has resulted in several incidents of nonpermitted persons taking advantage of the public.

### 2. Purpose and Authority

The purpose of the amendment to § 147.721 is to protect the public from unscrupulous persons who advertise to perform commercial wildlife pest control services while not currently possessing a valid and current commercial wildlife pest control permit. Unfortunately, there have been several incidents of persons offering their services and activities for wildlife pest control when neither they nor their employees who were to perform the actual control service possessed a current commercial wildlife pest control permit issued by the Commission. Since the timing of some of these wildlife pest control methods and techniques is often critical, it is vitally important to more effectively regulate the activity.

Section 2901(b) of the code (relating to authority to issue permits) provides that "Unless otherwise provided in this title, the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendment to § 147.721 was adopted under this authority.

### 3. Regulatory Requirements

The final-form rulemaking makes the act of soliciting to provide commercial wildlife pest control services unlawful without a current permit issued by the Commission.

### 4. Persons Affected

Persons who advertise or solicit wildlife pest control services and who are not currently permitted by the Commission will be affected by the final-form rulemaking. Wildlife pest control permittees will be protected from the competition from unpermitted individuals. The general public will be affected by not having someone advertising wildlife pest control services when they are not permitted by the Commission.

### 5. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

### 6. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

### 7. Effective Date

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

### 8. Contact Person

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

### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.721 to read as set forth at 34 Pa.B. 485.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 485 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-174 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-945. Filed for public inspection May 28, 2004, 9:00 a.m.]

## [58 PA. CODE CH. 147]

### Special Permits; Falconry

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2004, meeting, adopted the following final-form rulemaking:

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

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 34 Pa.B. 486 (January 24, 2004).

### 1. Introduction

Formerly, section 2901 of the code (relating to authority to issue permits) and § 147.103(a) required a person to be 18 years of age to apply for a falconry permit. The act of June 17, 2003 (P. L. 12, No. 5) (Act 5) amended section 2901 of the code to allow residents of this Commonwealth who are at least 16 years of age to apply for a falconry permit. The Commission has made the two provisions consistent by amending § 147.103(a).

### 2. Purpose and Authority

Act 5 amended section 2901 of the code by amending the age requirement for eligible residents of this Commonwealth to apply for apprentice falconry permits from 18 years of age to 16 years of age. Former regulations

required persons applying for a falconry permit to be at least 18 years of age. To make the regulations compatible with section 2901 of the code, § 147.103(a) is amended to allow persons at least 16 years of age to apply for an apprentice falconry permit.

Section 2901(b) of the code states that unless otherwise provided in the code, the Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued. The amendment to § 147.103(a) was adopted under this authority.

3. *Regulatory Requirements* The final-form rulemaking will allow a person 16 years of age to apply for a falconry permit.

4. *Persons Affected*

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

5. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

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

8. *Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.103 to read as set forth at 34 Pa.B. 486.

(b) The Executive Director of the Commission shall certify this order and 34 Pa.B. 486 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-175 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 04-946. Filed for public inspection May 28, 2004, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective May 14, 2004.

The organization chart at 34 Pa.B. 2831 (May 29, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 04-947. Filed for public inspection May 28, 2004, 9:00 a.m.]

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#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective May 14, 2004.

The organization chart at 34 Pa.B. 2832 (May 29, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

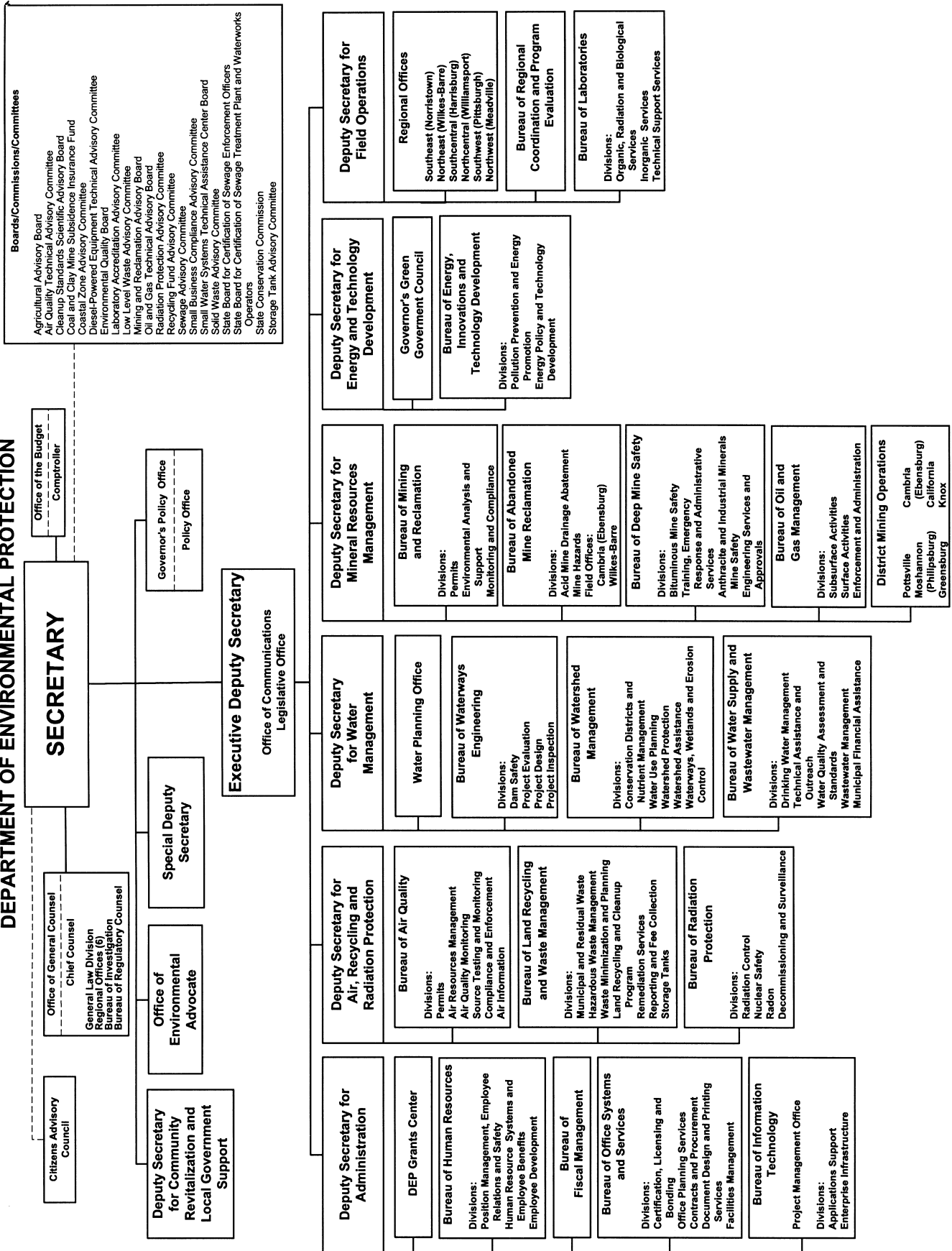
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 04-948. Filed for public inspection May 28, 2004, 9:00 a.m.]

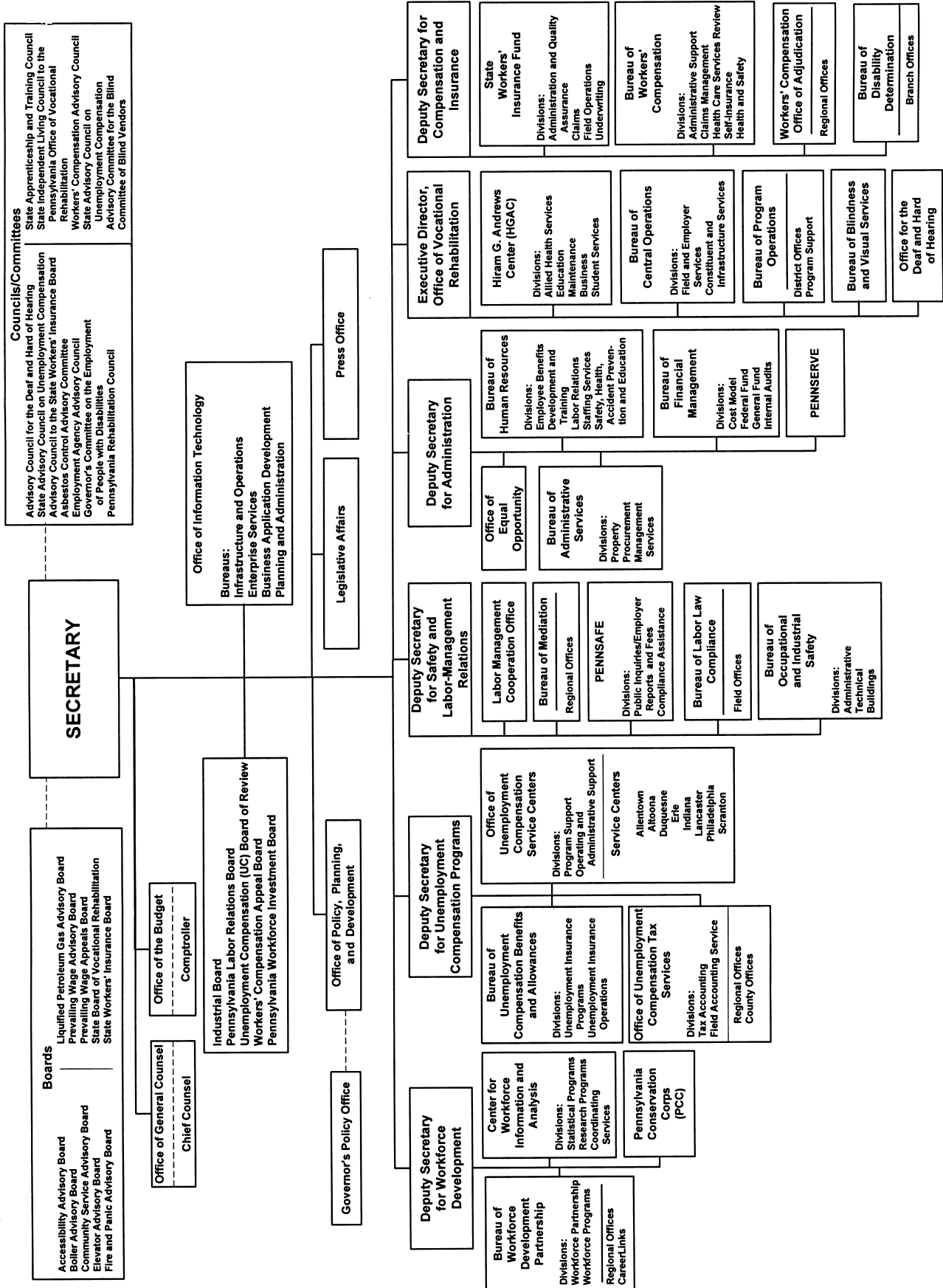
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DEPARTMENT OF ENVIRONMENTAL PROTECTION



DEPARTMENT OF LABOR AND INDUSTRY



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, June 2, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10 a.m. Topics of discussion will include: an update on the development and completion of the Water Resources Plan for the Delaware River Basin; a proposed resolution amending the Water Quality Regulations, Water Code and Comprehensive Plan by authorizing the Commission to require waste minimization plans for point and nonpoint dischargers; and a proposed resolution amending the Water Code and Comprehensive Plan regarding basin reservoir operations during drought.

The subjects of the public hearing to be held during the 1 p.m. business meeting include the following dockets:

1. *Borough of Catasauqua D-87-60 CP Renewal* 2. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 40 million gallons (mg)/30 days to supply the applicant's public water supply distribution system from existing Wells 1, 2, 4 and 5 in the Epler formation. The project is located in Catasauqua Borough, Lehigh County.

2. *Northampton Borough Municipal Authority D-2004-6 CP*. An application to increase the surface water withdrawal from 6 million gallons per day (mgd) to 8 mgd from the applicant's existing intakes on the Lehigh River, which are located at the northern tip of Whitehall Township, Lehigh County. The water will continue to supply the applicant's distribution system which serves the Boroughs of Northampton and North Catasauqua, Northampton County, and the Borough of Coplay and a portion of Whitehall Township, Lehigh County. The project requires only the upgrade of two raw water pumping stations with new pumping facilities.

3. *Stony Creek Anglers, Inc. D-2004-12*. An application for approval of a ground water withdrawal project to supply up to 5.2 mg/30 days of water to the applicant's trout nursery from Well 2 in the Stockton Formation and to retain the existing withdrawal from all wells to 5.2 mg/30 days. The project well is located in the Stony Creek Watershed in West Norriton Township, Montgomery County, and is located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Warminster Municipal Authority D-2004-21 CP*. An application to construct a 1.2 mgd sewage treatment plant to provide tertiary treatment of wastewater from the proposed commercial redevelopment of the Naval Air Warfare Center (NAWC) site. The project is located on Jacksonville Road near the intersection of Street Road at the NAWC in Warminster Township, Bucks County. Following tertiary treatment, the effluent will be discharged to an unnamed tributary of the Little Neshaminy Creek in the Neshaminy Creek Watershed.

The Commission's 1 p.m. business meeting also will include consideration of a resolution to initiate a notice and comment rulemaking process to amend the Water Quality Regulations, Water Code and Comprehensive Plan by authorizing the Commission to require waste minimization plans for point and nonpoint dischargers; a resolution to initiate a notice and comment rulemaking process to amend the Water Code and Comprehensive Plan regarding basin reservoir operations during drought for purposes of clarification; a resolution authorizing the executive director to enter into agreements with the United States Army Corps of Engineers, PPL Holtwood, LLC and others as appropriate to fund a study to determine flow needs of the dwarf wedgemussel in the upper basin; a resolution authorizing the executive director to enter into a contract for analytical services to support the Lower Delaware monitoring program; a resolution providing for election of the Commission chair, vice chair and second vice chair for the 2004-2005 beginning July 1, 2004. In addition, the meeting will include: adoption of the minutes of the April 21, 2004, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on June 2, 2004, are posted on the Commission's website: [www.drbc.net](http://www.drbc.net) (select "Next DRBC Meeting"). Additional documents regarding the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221 with docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 04-949. Filed for public inspection May 28, 2004, 9:00 a.m.]

## DEPARTMENT OF AGING

### Public Hearing

The Department of Aging (Department) is making the draft 2004-2008 State Plan on Aging (Plan) available for public review and comment. Comments on this document will be used to formulate the Department's final plan submitted to the Federal Administration on Aging in order for the Commonwealth to receive Federal funds under the Older Americans Act of 1965, as amended.

The Department of Aging periodically develops a Plan on Aging; the Plan being proposed will guide the Department during the Federal fiscal years October 1, 2004, through September 30, 2008. The purpose of the Plan is to structure the Department's priorities and to set an aging agenda for the Commonwealth.

Citizens, local government officials and interested organizations in this Commonwealth are invited to submit

comments on the Plan. Persons wishing to submit written comments on the Plan must do so by July 1, 2004. Comments should be addressed to Robert J. McNamara, Department of Aging, Systems Planning and Consultation Division, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919. Comments may also be submitted through the Department's website at [www.aging.state.pa.us](http://www.aging.state.pa.us).

The Department will hold the following public hearings on the Plan:

<i>Date</i>	<i>Location</i>	<i>Time</i>
June 9, 2004	Allegheny County Courthouse 436 Grant Street Room 410 Pittsburgh, PA	1 p.m.— 3 p.m.
June 16, 2004	The Oaks 200 Rachel Drive Pleasant Gap, PA	10 a.m.— 12 p.m.
June 23, 2004	Reading Area Community College Berks & Penn Rooms Reading, PA	10 a.m.— 12 p.m.

Anyone who wishes to speak must call to schedule a time to give oral testimony at the hearings. Testimony is limited to 10 minutes per person. To schedule oral testimony at any of the hearings, contact Trudy Schell at (717) 783-6207. The listed facilities are accessible by people with disabilities. People with a disability who require an accommodation to attend one of the public hearings should notify Trudy Schell at (717) 783-6207 in advance so accommodations can be made. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Persons with a visual impairment who would like an audiocassette of the Plan should contact Trudy Schell.

Copies of the draft plan are available upon request from the Department of Aging, Systems Planning and Consultation Division, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919, (717) 783-6207. Copies can also be obtained from the Department's website at [www.aging.state.pa.us](http://www.aging.state.pa.us). Copies of the Plan are also available at the Area Agencies on Aging and the following District Libraries:

*Pennsylvania's District Library Centers*

B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa  
Allentown Public Library, 1210 Hamilton Street, Allentown  
Altoona Area Public Library, 1600 Fifth Avenue, Altoona  
Bethlehem Area Public Library, 11 West Church Street, Bethlehem

Berks County Public Libraries, 1037 F MacArthur Road, Reading  
Bucks County Free Library, 150 South Pine Street, Doylestown  
Cambria County Library System, David A. Glosser Memorial Library Building, 248 Main Street, Johnstown  
Centre County Library, 203 North Allegheny Street, Bellefonte  
Chambersburg District Library, Coyle Free Library Building, 102 N. Main Street, Chambersburg  
Chester County Library, 450 Exton Square Parkway, Exton  
Dauphin County Library, 101 Walnut Street, Harrisburg  
Delaware County Library System, 340 North Middletown Road, Fair Acres Building 19, Media  
Easton Area Public Library, 515 Church Street, Easton  
Erie County Library, Blasco Memorial Library, 160 E. Front Street, Erie  
Lancaster Area Library, 125 North Duke Street, Lancaster  
Monessen Public Library, 326 Donner Avenue, Monessen  
Montgomery County, Norristown Public Library, 1001 Powell Street, Norristown  
New Castle Public Library, 207 East North Street, New Castle  
Oil Creek District Library Center, 2 Central Avenue, Oil City  
Philadelphia, Free Library of Philadelphia, 1901 Vine Street, Philadelphia  
Pittsburgh, Carnegie Library of Pittsburgh, 130 South Whitfield Street, Pittsburgh  
Pottsville Free Public Library, 215 W. Market Street, Pottsville  
Scranton Public Library, 500 Vine Street, Scranton  
Warren Library Association, 205 Market Street, Warren  
Washington, Citizens Library, 55 South College Street, Washington  
Wilkes-Barre, Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre  
Williamsport, James V. Brown Library, 19 E. 4th Street, Williamsport  
York, Martin Memorial Library, 159 East Market Street, York

NORA DOWD EISENHOWER,  
*Secretary*

[Pa.B. Doc. No. 04-950. Filed for public inspection May 28, 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 18, 2004.

**BANKING INSTITUTIONS****Holding Company Acquisitions**

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-13-04	Community Bank Systems, Inc., Dewitt, NY, to acquire 100% of voting shares of First Heritage Bank, Wilkes-Barre, PA	DeWitt, NY	Approved
As a result of the acquisition transaction, First Heritage Bank will be merged with and into Community Bank, National Association, Canton, NY.			

**New Charters**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-11-04	Gateway Bank of Pennsylvania McMurray Washington County	3402 Washington Road McMurray Washington County	Commenced Operations
5-13-04	MoreBank Philadelphia Philadelphia County  <i>Correspondent:</i> Eric Tazelaar Richard B. Reading Associates 759 State Road Princeton, NJ 08540	Philadelphia	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-10-04	First Savings Bank of Perkasie Perkasie Bucks County	Quakertown Commons 1051 South West End Blvd. Quakertown Richland Township Bucks County	Opened
5-13-04	Bank of Hanover and Trust Company Hanover York County	2300 South Queen Street York York County	Filed
5-13-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Aliquippa Giant Eagle Green Garden Shopping Center 3000 Green Garden Road Aliquippa Beaver County	Opened
5-17-04	Citizens Bank of Philadelphia Philadelphia Philadelphia County	Warwick Square Shopping Center York Road and Mill Road Jamison Bucks County	Filed
5-18-04	Bank of Hanover and Trust Company Hanover York County	8-12 Locust Lane Westminster Carroll County Maryland	Approved
5-18-04	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	237 North Pottstown Pike Exton West Whiteland Township Chester County	Approved

**SAVINGS INSTITUTIONS****Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
5-13-04	Union Savings and Loan Association Minersville Schuylkill County	Articles of Dissolution filed with Department of State. Corporate existence terminated.

## CREDIT UNIONS

## Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-13-04	Erie Community Credit Union Erie Erie County	Amendment to Article 8 provides for a change in the field of membership to include the whole of Erie County in conjunction with the Credit Union's conversion to a community charter.	Approved and Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-951. Filed for public inspection May 28, 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**

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0060755 Sewage Minor Renewal	Wyoming County Housing Authority P. O. Box 350 Nicholson, PA 18446	Meshoppen Township Wyoming County	Little Meshoppen Creek 04G	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0085502 SEW	DeAnn Corporation Manada Creek Mobile Home Park RVG Management & Development Company 1000 North Front Street Suite 240 Wormleysburg, PA 17043	Dauphin County East Hanover Township	UNT Manada Creek 7D	Y
PA0024708 SEW	Municipal Authority of the Township of Union P. O. Box 5625 Belleville, PA 17004-9701	Mifflin County Union Township	Kishacoquillas Creek 12A	Y
PA0082457 IW	Alexandria Borough Water Authority Route 305 Alexandria, PA 16611	Huntingdon County Alexandria Borough Porter Township	Robinson Run 11-A	Y

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0102911	Penn Lakes Girl Scouts Camp Lend-A-Hand 220 West Plum Street Edinboro, PA 16412	Sadsbury Township Crawford County	Unnamed tributary to Conneaut Outlet	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.*

**PA0051080**, Industrial Waste, SIC 3634, **Advanced Power Technology RF PA, Inc.**, 140 Commerce Drive, Montgomeryville, PA 18936. This facility is in Montgomery Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated process wastewater, noncontact cooling water and stormwater from a facility that manufactures silicon-based semiconductors.

The receiving stream, an unnamed tributary to Park Creek, is in the State Water Plan watershed 2F and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Aqua PA Southeast Division is on the Neshaminy Creek, approximately 25.8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 (noncontact cooling water) are based on a design flow of 0.024 mgd and are as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Temperature					110°
pH (Std. Units)			6.0	Inst. Min.	9.0
Total Residual Chlorine			0.011		0.026

The proposed effluent limits for Outfall 005 (process wastewater) are based on a design flow of 0.012 mgd and are as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum (mg/l)
Total Suspended Solids			30	60	75
pH (Std. Units)			6.0 Inst. Min.		9.0
Total Residual Chlorine			0.011		0.026
Total Dissolved Solids			1,000	2,000	2,500
Total Toxic Organics				1.37	
Fluoride, Total			3.74	7.48	9.35
Magnesium, Total			Monitor	Monitor	
Turbidity (NTU)			100	200	250
Color (PC units)			75	150	188
Boron			4.6	9.2	11.5

The proposed effluent limits for Outfall 003 (stormwater) are based on the average flow of a stormwater event and are as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum (mg/l)
CBOD <sub>5</sub>				Monitor	
COD				Monitor	
Oil and Grease				Monitor	
pH (Std. Units)				Monitor	
Total Suspended Solids				Monitor	
Total Kjeldahl Nitrogen				Monitor	
Total Phosphorus				Monitor	
Total Toxic Organics				Monitor	
Fluoride				Monitor	
Iron, Dissolved				Monitor	

The EPA waiver is not in effect.

**PA0058831**, Industrial Waste, SIC 2033, **Queens Produce, LLC**, 554 Creek Road, Kennett Square, PA 19348. This facility is in Kennett Township, **Chester County**.

Description of Proposed Activity: Requests approval of an NPDES permit to discharge 15,000 gpd of treated industrial wastewater from rinsing and cooking of mushrooms.

The receiving stream, East Branch Red Clay Creek, is in the State Water Plan watershed 3I and classified for TSF, aquatic life, water supply and recreation. There are no downstream public water supply intakes in this Commonwealth. The State line is 3 miles downstream and a public water supply intake is 7 miles downstream from the state line in Delaware (Stanton Plant Delaware Waterworks).

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum (mg/l)
CBOD <sub>5</sub>					
(5-1 to 10-31)	1.1	2.3	9.0	18.0	
(11-1 to 4-30)	2.3	4.5	18.0	36.0	22.5
Total Suspended Solids	1.3	2.5	10.0	20.0	45.0
NH <sub>3</sub> N					25.00
(5-1 to 10-31)	0.2	0.4	1.5	3.0	
(11-1 to 4-30)	0.4	0.8	3.0	6.0	3.8
NO <sub>2</sub> + NO <sub>3</sub>	1.3	2.5	10.0	20.0	7.5
Total Phosphorus	0.1	0.2	0.5	1.0	25.0
Dissolved Oxygen					1.3
Fecal Coliform			50/100 ml		6.0 Inst. Min.
Total Residual Chlorine			0.5		1.2
Temperature					110°

In addition to the effluent limits, the permit contains the following major special conditions: DMR to the Department; remedial measures if unsatisfactory effluent; BAT/ELG reopener; Cl<sub>2</sub> requirements; proper sludge removal; 2/month monitoring; and DMR for no discharge.

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

**PA0088285 Amendment No. 1**, CAFO, **Kreider Farms (Kreider Dairy Farm)**, 1461 Lancaster Road, Manheim, PA 17455. The Department has decided to reopen and amend the NPDES permit for Kreider Farms under the authority of



25 Pa. Code § 92.2(b)(18) due to the permittee's intention to upgrade its manure storage facilities to prevent pollution. Kreider Dairy Farm is an existing dairy and poultry CAFO in Penn Township, **Lancaster County**, with 6,242 AEU's. Kreider Farms proposes to install synthetic liners within two existing earthen manure impoundments with a total capacity of approximately 9.5 million gallons. The NPDES permit amendment will include a schedule of compliance to install the liners and eliminate conditions that have been satisfied since the permit was originally issued.

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

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

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

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

**PA0083585**, Sewage, **Todd Township Supervisors (Knobsville Wastewater Treatment Facility)**, HRC 75, McConnellsburg, PA 17233. This facility is in Todd Township, **Fulton County**.

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

The receiving stream, Licking Creek, is in Watershed 13-B and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the City of Hagerstown is on the Potomac River, approximately 55 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0202 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	1.0		2.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		26,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**PA0247251**, CAFO, **Glenn Esbenshade (Esbenshade Farms)**, 220 Eby Chiquies Road, Mount Joy, PA 17552. Glen Esbenshade has submitted an application for an Individual NPDES permit for an existing CAFO known as Esbenshade Farms with three locations: Mount Joy Farm, 220 Eby Chiquies Road, Mount Joy, PA 17752, Rapho Township, Lancaster County; North Farm, Mount Joy Township, Lancaster County; and Maytown Farm, East Donegal Township, **Lancaster County**.

The CAFO is situated near: Mount Joy Farm, Chickies Creek in Watershed 7-G (WWF); North Farm, Little Chickies Creek in Watershed 7-G (TSF); and Maytown Farm, unnamed tributary to the Susquehanna River (through Rowenna) in Watershed 7-H (WWF).

The CAFO is designed to maintain an animal population of approximately 7,545 AEU's consisting of 2.168 million layers. The animals are housed in high-rise layer houses. Manure falls directly from the cages to the floor and accumulates in windrows. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

**PA0020834, Amendment No. 1, Sewage, Greencastle Franklin County Authority**, 60 North Washington Street, Greencastle, PA 17225-1230. This facility is in Antrim Township, **Franklin County**.

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

The receiving stream, UNT Conococheague Creek, is in Watershed 13-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is on the Potomac River, more than 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 for a design flow of 0.950 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.3		6.6
(11-1 to 4-30)	9.9		19.8
Total Phosphorus	Monitor and Report		Monitor and Report
Total N	Monitor and Report		Monitor and Report
Total Residual Chlorine	0.23		0.75
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,500/100 ml as a geometric average	

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

The EPA waiver is in effect.

**PA0036269, Sewage, Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363.

Description of activity: Renewal of an NPDES permit for an increased discharge of treated sewage from a publicly owned treatment works in Hopewell Township, **York County**.

The receiving water, Ebaughs Creek, is in Watershed 7-I and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Aberdeen Proving Ground in Maryland is on the Deer Creek, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 based on an annual average flow rate of 0.74 MGD, to become effective 2 years following permit issuance when the upgraded plant is operational, are:

<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)	15	22	XXX	30
(11-1 to 4-30)	25	40	XXX	50
Total Suspended Solids	30	45	XXX	60
Total Phosphorus	2.0	XXX	XXX	4.0
NH <sub>3</sub> -N				
(5-1 to 10-31)	3.0	XXX	XXX	6.0
(11-1 to 4-30)	9.0	XXX	XXX	18
Dissolved Oxygen			minimum of 5.0 at all times	
pH			from 6.0 to 9.0 inclusive	
Fecal Coliform				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		4,800/100 ml as a geometric average		
Total Metals*	XXX	XXX	Monitor and Report	XXX
Whole Effluent Toxicity (TUc)	XXX	XXX	2.04	XXX

\* Total Metals include total copper, total lead, total zinc, total selenium, total silver, total mercury, total cadmium and total antimony.

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

The EPA waiver is in effect.

**PA0082457, Industrial Waste, SIC Code 4941, Alexandria Borough Water Plant**, P. O. Box 336, Alexandria, PA 16611. This facility is in Porter Township, **Huntingdon County**.

Description of activity: Renewal of an NPDES permit for a existing discharge of treated industrial waste.

The receiving stream, Robinson Run, is in Watershed 11-A and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Newport Borough Water Authority is on the Juniata River, approximately 98 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.004 MGD are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Total Aluminum	4	8	10
Total Iron	2	4	5
Total Magnesium	1	2	2.5
pH	from 6.0 to 9.0 inclusive		

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

The EPA waiver is in effect.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327 3666.*

**PA0034576**, Sewerage SIC, 4952, **Towanda Municipal Authority**, 724 Main Street, Towanda, PA 18848. This existing facility is in Towanda Borough, **Bradford County**.

Description of Proposed Activity: Amendment of an NPDES permit to expand an existing discharge of treated sewage wastewater and add stormwater best management practices.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 4C and classified for WWF. The nearest downstream public water supply intake for the Danville Municipal Authority is on the Susquehanna River, 133 miles below the point of discharge.

The proposed effluent limits for the expansion of Outfall 001 based on a design flow of 1.74 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
%UV Transmittance	Report Daily Minimum			
Fecal Coliform				
(5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

In addition to the effluent limits, the permit contains Part C 8 that requires reporting of sanitary sewer overflows and Part C 9 Stormwater Management.

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

**PAS216103**, Industrial Waste, SIC 3295, **Therm-O-Rock East, Inc.**, Pine Street, New Eagle, PA 15067. This application is for issuance of an NPDES permit to discharge stormwater from Therm-O-Rock in New Eagle Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela 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 Pennsylvania American Water Company—Aldrich Station, 410 Cooke Lane, Pittsburgh, PA 15234, 5.6 miles below the discharge point.

*Outfalls 001—008: new stormwater discharges.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Suspended Solids				Monitor and Report	
Nitrate plus Nitrite Nitrogen				Monitor and Report	
pH				Monitor and Report	

The EPA waiver is in effect.

**PA0031291**, Sewage, **YMCA of Pittsburgh—Deer Valley Camp**, 254 Deer Valley Drive, Fort Hill, PA 15540-2116. This application is for renewal of an NPDES permit to discharge treated sewage from the Deer Valley Camp STP in Elk Lick Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cove 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 Ohiopyle Municipal Waterworks on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.015 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)	15.0			30.0
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
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0045802**, Sewage, **Franklin A. Taddeo, Pineview Manor Park**, 600 Pineview Drive, Elizabeth, PA 15037. This application is for renewal of an NPDES permit to discharge treated sewage from the Pineview Manor MHP STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as 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 Municipal Water Authority.

*Outfall 001*: existing discharge, design flow of 0.018 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)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			2.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098761-A1**, Sewage, **NWL Company**, 1001 LaFayette Drive, Farmington, PA 15437. This application is for amendment of an NPDES permit to discharge treated sewage from the Nemaocolin Woodlands Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge either to the receiving waters, known as unnamed tributary of Deadman Run, which are classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation, or to Sundial Lake so that the water can be reused to maintain onsite lake levels for golf course irrigation, snow making and wetlands management. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.5 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>
BOD <sub>5</sub>	10	15		20
Suspended Solids	5	7.5		10
Ammonia Nitrogen (5-1 to 10-31)	1.5	2.2		3.0
(11-1 to 4-30)	2.5	3.7		5.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Phosphorus	1.0	1.5		2.0
Nitrite/Nitrate	10	15		20
Fecal Coliform	2.2/100 ml as a geometric mean			14/100 ml
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Aluminum	0.5		1.0	1.25
Manganese	0.2		0.4	0.5
Total Iron	1.4		2.8	3.5

The EPA waiver is in effect.

**PA0216721**, Sewage, **George E. and Patricia N. Meerhoff, Thomas E. and Kelly G Meerhoff**, 106 Old Route 31, Mount Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from the Meerhoff Small Flow STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Jacobs 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 Municipal Water Authority.

*Outfall 001*: existing discharge, design flow of 0.00086 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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.

**PA0218138**, Sewage, **Armstrong County Industrial Development Authority**, 402 Market Street, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from the Armstrong County Industrial Development Authority STP in North Buffalo Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Nicholson Run, 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 Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001*: existing discharge, design flow of 0.4 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
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	6.0	9.0		12.0
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			
Dissolved Oxygen	not less than 5.0 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 0.8207 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
Ammonia Nitrogen (5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.0	6.0		8.0
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			
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.

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

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

**WQM Permit No. 1504408**, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is in East Fallowfield Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater pump station to serve a proposed 74-lot single family home residential subdivision.

**WQM Permit No. 1501416, Amendment**, Sewerage, **Chester County Parks and Recreation Department**, Government Service Center, 601 Westtown Road, West Chester, PA 19382-4534. This proposed facility is in Wallace Township, **Chester County**.

Description of Proposed Action/Activity: Amending existing permit.

**WQM Permit No. 1503417, Amendment**, Sewerage, **East Coventry Township**, 855 Ellis Woods Road, Pottstown, PA 19465. This proposed facility is in East Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Amending existing permit.

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

**WQM Permit No. 0604405**, Sewerage, **Larry Hain**, P. O. Box 191, Mohrsville, PA 19541-0191. This proposed facility is in Alsace Township, **Berks County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system to serve two apartments.

**WQM Permit No. 3104201**, Industrial Waste, **Alexandria Borough Water Authority**, Route 305, Alexandria, PA 16611. This proposed facility is in Alexandria Borough and Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Replacement of an existing filtration system with a new membrane filtration system.

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

**WQM Permit No. 1704403**, Sewerage 4952, **Clearfield Borough**, 6 South Front Street, Clearfield, PA 16830. This proposed facility is in Clearfield Borough, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of approximately 75,719 lineal feet of sanitary sewers, manholes and appurtenances throughout Clearfield Borough.

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

**WQM Permit No. 0204403**, Sewerage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. This proposed facility is in Center Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the upgrade and operation of a sanitary sewer interceptor to serve the Elkhorn Run.

**WQM Permit No. 5690401-A1**, Sewerage, **Salisbury Borough**, P. O. Box 343, Salisbury, PA 15558. This proposed facility is in Salisbury Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for the modification and operation of a sewage treatment plant expansion to serve Salisbury Borough.

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

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

**WQM Permit No. 3704201**, Industrial Waste, **Castle Cheese, Inc.**, Route 19, Box 378, Portersville, PA 16051. This proposed facility is in Scott Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction of a wastewater treatment facility to treat washdown from floors and equipment and sewage from the restrooms.

**WQM Permit No. 4304201**, Industrial Waste, **Gibraltar DFC Strip Steel, LLC**, 15 Roemer Boulevard, Farrell, PA 16121-2299. This proposed facility is in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This project is for a contact wastewater treatment and discharge system for the no. 1 cold roll facility.

**WQM Permit No. 4304202**, Industrial Waste, **Duferco Farrell Corporation**, 15 Roemer Boulevard, Farrell, PA 16121-2299. This proposed facility is in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This project is for a contact wastewater treatment and discharge system for the no. 2 cold roll facility.

**WQM Permit No. 6204404**, Sewerage, **Eldred Township**, R. D. 2, Box 123A, Pittsfield, PA 16340. This proposed facility is in Eldred Township, **Warren County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a new wastewater treatment facility to serve the area of the Village of Grand Valley.

**WQM Permit No. 2504414**, Sewerage, **Calfin's Place**, 7495 Route 6N, Edinboro, PA 16412. This proposed facility is in Elk Creek Township, **Erie County**.

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

**WQM Permit No. 3704406**, Sewerage, **Bessemer Municipal Authority**, P. O. Box 642, Bessemer, PA 16112. This proposed facility is in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a pump station/sewer extension to serve the Southbreeze Subdivision.

**WQM Permit No. 2504413**, Sewerage, **Sandra E. Olsen**, 290 Avonia Road, Fairview, PA 16415. This proposed facility is in Fairview Township, **Erie County**.

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

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

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

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

<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
Exeter Township R. R. 1, Box 191 Pittston, PA 18643	Luzerne	Exeter Township	Susquehanna River

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

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*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>
PAI011504024	Borough of Avondale White Clay Creek Restoration Project P. O. Box 247 Avondale, PA 19311	Chester	Avondale Borough	White Clay Creek EV
PAI011504025	Keystone Custom Homes Liz Miller Farm Development 214A Willow Valley Lakes Drive Willow Street, PA 17584	Chester	East Nottingham Township	Little Elk and Big Elk Creeks HQ-TSF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504026	TR Moser Builders Ridgecrest Subdivision 1171 Lancaster Avenue, Suite 201 Berwyn, PA 19312	Chester	East Fallowfield Township	Unnamed tributary Brandywine Creek EV
PAI011504027	Commerce Bank Development 1100 Atrium Way Mt. Laurel, NJ 08054	Chester	East Goshen Township	Ridley Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904016	Gavin Herber 327 Star Road Allentown, PA 18106	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904017	Robert Becker 4611 Hamilton Blvd. Allentown, PA 18103	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904018	James Bennett 2300 Hanover Ave. Allentown, PA 18102	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504010	Anthony Maula 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Pocono Township	Butz Run HQ-CWF
PAI024504011	CMC Development Corp. 4511 Falmer Dr. Bethlehem, PA 18020	Monroe	Hamilton Township	Cherry Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804016	Palmer Township 3 Weller Place P. O. Box 3039 Palmer, PA 18043-3039	Northampton	Palmer and Bethlehem Townships	Bushkill Creek HQ-CWF
PAI024804017	Depalo Builders, LLC 107 East Main St. Bath, PA 18014	Northampton	Moore Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030704002	Edgewood Acres Development, LLC	Blair	North Woodbury Township	Clover Creek HQ-CWF
PAI030604003	Allen Brenckman 16 Englewood Lane Mohnton, PA 19540	Berks	Robeson Township	Beaver Run HQ

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



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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PA1041404011	Doug D'Amore Sproul State Forest No. 10 15187 Renovo Road Renovo, PA 17764	Centre Clinton	Curtin Township Beech Creek Township	Beech Creek CWF Big Run CWF West Branch Big Run EV Three Rock Run CWF

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

Beaver County Conservation District: 1000 Third Street, Suite 202, Beaver, PA 15009-2026, (724) 774-7090.

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI050404002	NVR Building Products c/o Dean Stewart 189 Little Beaver Road Enon Valley, PA 16120	Beaver	Darlington Township	Unnamed tributary to Little Fork Creek HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**MS4 Notices of Intent Received**

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use	Department Protocol (Y/N)
PAG132272	Wilkes-Barre City 40 East Market Street Wilkes-Barre, PA 18711-0451	Luzerne	Wilkes-Barre City	UNT to Susquehanna River CWF Solomon Creek CWF Susquehanna River WWF	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 per-

mit. 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**

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

**Permit No. 4604504**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 Township Limerick  
 Responsible Official William C. Kelvington  
 800 W. Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 Reading, PA 19603  
 Application Received Date May 13, 2004  
 Description of Action Construction of a booster pump station and ammonia feed system.

**Permit No. 1504504**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 Township West Sadsbury  
 Responsible Official Ian C. Crooks  
 100 Cheshire Court, Suite 104  
 Coatesville, PA 19320  
 Type of Facility PWS  
 Consulting Engineer Bohler Engineering, Inc.  
 1120 Welsh Road, Suite 200  
 North Wales, PA 19454  
 Application Received Date May 14, 2004  
 Description of Action Construction of a booster pump station.

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

**Permit No. 2104502**, Public Water Supply.  
 Applicant **Aqua Pennsylvania Inc.**  
 Municipality Monroe Township  
 County **Cumberland**  
 Responsible Official Richard T. Subasic, Executive Vice President, General Manager  
 204 East Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility PWS  
 Consulting Engineer William A. LaDieu  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received Date April 26, 2004  
 Description of Action This application is for the permitting of Aqua Pennsylvania's White Rock Acres well no. 4 in Monroe Township which is currently operating under an Emergency Permit.

**Permit No. 0604506**, Public Water Supply.  
 Applicant **Pennsylvania American Water**

Municipality Exeter Township  
 County **Berks**  
 Responsible Official William C. Kelvington, Vice President Operations  
 800 W. Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer Edward K. Fugikawa, P. E.  
 E. Kuser Inc.  
 150 Grings Hill Road  
 Sinking Spring, PA 19608  
 Application Received Date April 9, 2004  
 Description of Action Replacement of Glamour Well GL-2 with Glamour Well GL-2A.  
**Permit No. 0604507**, Public Water Supply.  
 Applicant **Pennsylvania American Water**  
 Municipality Spring Township  
 County **Berks**  
 Responsible Official William C. Kelvington, Vice President Operations  
 800 W. Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility PWS  
 Consulting Engineer Edward K. Fugikawa, P. E.  
 E. Kuser Inc.  
 150 Grings Hill Road  
 Sinking Spring, PA 19608  
 Application Received Date April 9, 2004  
 Description of Action Construct 6-foot by 6-foot block building to replace an existing pressure reducing valve vault. Also installing a 200 gpm booster pump to assist flow from a lower pressure zone to a higher pressure zone when needed.

## 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:

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

**CVS New Garden**, New Garden Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 621 Delaware Street, New Castle, DE 19720, has submitted a Notice of Intent to Remediate. The site was used as an orchard. Soil screenings samples indicate concentrations of lead, arsenic and several organochlorine pesticide compounds. Only arsenic was detected in soil above the residential Statewide Health Standard in near surface soils and leaching tests found that arsenic would not leach. The site will be redeveloped as a CVS Pharmacy.

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

**Bald Mountain Transect**, Newton Township, **Lackawanna County**. Hazem Hijazi, P. E., Vice President, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Notice of Intent to Remediate (on behalf of Buckeye Pipeline Company, LP, 5002 Buckeye Road, Emmaus, PA 18049) concerning the remediation of soils impacted by petroleum hydrocarbons as the result of a release of hydrostatic test water. The

applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in the near future in a newspaper serving the local area.

**Former Kara Property (Route 309 and Interstate 80)**, Butler Township, **Luzerne County**. Curtis M. Herman, P. G., Austin James Associates, Inc., P. O. Box U, Pocono Pines, PA 18350-0630 has submitted a Notice of Intent to Remediate (on behalf of Ballard Enterprises, 14 Sidehill Trail, Sugarloaf, PA 18249) concerning the remediation of groundwater and/or soils found or suspected to have been contaminated with chlorinated solvents and or gasoline constituents. The applicant proposes to meet the Background and/or Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in the near future in a newspaper serving the local area.

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

**Laurel Springs Condominiums**, Exeter Township, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Laurel Homeowners Association, 625A East Neversink Road, Reading, PA 19606, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standards.

**Hanover Shoe Farms**, Union Township, **Adams County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Hanover Shoe Farms, Inc., P. O. Box 339, Hanover, PA 17331-0339, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil no. 2.

**Canoe Creek Quarry**, Frankstown Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of New Enterprise Stone & Lime Co., P. O. Box 77, New Enterprise, PA 16664, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel and other organics. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Altoona Mirror* on February 9, 2004.

**Sun-Stoltzfus Farm Leak Site**, Upper Leacock Township, **Lancaster County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Sunoco, Inc., Post Road and Blueball Avenue, Marcus Hook, PA 19061, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum product. The applicant proposes to remediate the site to meet a combination of the Statewide Health and Site-Specific Standards and the use of the property will continue to be farming and residential.

**Sunoco Station No. 003-6889**, Hampden Township, **Cumberland County**. AquaTerra Technologies, 122 South Church Street, West Chester, PA 19381, on behalf of Sunoco, Inc. (R & M), Ten Penn Center, 1801 Market Street, Philadelphia, PA 19335, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet a combination of the Site-Specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on February 25, 2004. This is a correction to the notice published at 34 Pa.B. 1987 (April 10, 2004).

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

**Former Sunoco, Inc., Retail gasoline facility (a/k/a Tissue's Auto Parts, now Eckerd Store)** Borough of Cheswick, **Allegheny County**. Douglas S. Byers, P. G., GeoEnvironmental Consortium, Inc., 701 Freeport Road, Pittsburgh, PA 15201 (on behalf of Rhonda Giovannitti, Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with MTBE, PAH and unleaded gasoline. 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 April 11, 2004.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

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

*New Applications Received*

**Healthcare Waste Solutions of Pennsylvania, LLC d/b/a Genesis Environmental**, 380 Locust Street, Industrial Manor II, McKeesport, PA 15132. Received February 12, 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.**

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

**48-328-006A: Conectiv Bethlehem LLC** (P. O. Box 6066, Newark, DE 19714) for modification of the Plan Approval 48-328-006 to clarify the start-up and shutdown definitions for the six turbines at their facility in Bethlehem, **Northampton County**.

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

**37-011C: Dairy Farmers of America, Inc.—Farmers Cheese Plant** (Routes 208 and 18, New Wilmington, PA 16142) for revision of the pressure drop range across the collector from Plan Approval PA-37-011B in Wilmington Township, **Lawrence County**. This is a State-only V facility.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0010E: Montenay Montgomery LTD** (1155 Conshohocken Road, Conshohocken, PA 19428) to install a powdered activated carbon storage silo and carbon injection system to replace current Sorbalime® reagent used in the scrubber to control heavy metal emissions in Plymouth Township, **Montgomery County**. This municipal waste combustion facility is a Title V facility. This installation will not result in any emission changes from the two existing municipal waste combustors. Further details on the conditions and the reasons for their inclusion are available upon request. The Plan Approval

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

**23-0074: GS Roofing Products Co., Inc.** (800 West Front Street, Chester, PA 19013) for increase in production of two asphalt roofing production lines and the installation of a replacement thermal oxidizer (regenerative) that will control emissions from the aforementioned production lines at their facility in City of Chester, **Delaware County**. This facility is a non-Title V facility. The facility is making the following modifications: (1) incorporation of a talc unloading, storage and applicator bin (all controlled by one dust collector); (2) the removal of conditions referring to bin vent bypass caps; (3) the removal of the condition to require that the two hot oil heaters be equipped with a gauge to track natural gas usage; and (4) incorporation of requirements to determine capture efficiency of coating lines 1 and 2. Potential emissions of VOCs from coating lines 1 and 2 are less than 12 tons. Potential emissions of PM and CO are less than 16 tons. Potential emissions of NOx are less than 11 tons. Potential emissions of SOx and HAPs are less than 4 tons. The facility shall be required to operate the thermal oxidizer at all times when either of the two production lines are in operation. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**39-309-060: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for installation of a cement/slag blending system and associated air pollution control equipment (two fabric collectors) at their Whitehall Plant in Whitehall Township, **Lehigh County**. The cement/slag blending system will utilize the existing bulk silo group B and include the installation of a blender. The particulate emissions from each fabric collector will not exceed the Best Available Technology standard of 0.02 grain/dscf and will result in a total maximum particulate emission rate of 7.81 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

**08-00003A: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) for their facility in Wysox Township, **Bradford County**. The respective facility is a major facility for which Title V Operating Permit 08-00003 has been issued. The Department intends to issue a plan approval to authorize the applicant to construct the following:

A trim surface coating operation (SCO) to work in conjunction with the existing lap siding line SCO (TVOP Source ID 189P) to produce the MiraTEC trim product. The proposed trim SCO consists of the following air contaminant sources:

1. Spray booth 1.
2. Spray booth 2.
3. Preheat IR oven manufactured by TEC with a rated heat input of 4.263 mmBtu/hr.
4. HVHA oven 1 manufactured by TEC with a rated heat input of 3.0 mmBtu/hr.
5. HVHA oven 2 manufactured by TEC with a rated heat input of 6.0 mmBtu/hr.
6. Final IR oven manufactured by TEC with a rated heat input of 4.263 mmBtu/hr.

Under the best available technology (BAT) provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emission from each spray booth shall be controlled by an upflow cyclonic separator followed by a BHA/Standard Havens Model R-12-156-144 pulse-jet fabric collector. The air contaminant emissions from each HVHA oven shall be controlled by Winnox Model WX300 low NOx burners.

This project will emit up to 14 tons of VOCs, 7.6 tons of HAPs, 2.8 tons of PM, including PM<sub>10</sub>, 1.9 tons of NOx, 3.8 tons of CO and 0.04 ton of SOx in any 12 consecutive month period.

Under the New Source Review requirements of 25 Pa. Code §§ 127.201—127.217, because of the amount of de minimis increases in the potential to emit VOCs which have been accrued by this facility to date, the 14.0-ton in any 12 consecutive month period allowable VOC emissions rate for this project which is being requested by CraftMaster Manufacturing, Inc. will require the use of 46.92 tons per year (12 consecutive month period) of VOC emission reduction credits (ERCs). To satisfy this requirement, CraftMaster Manufacturing, Inc. has committed to purchase and apply the previous ERCs prior to the start of operation of the proposed trim SCO. The accrued de minimis VOC emission increases are as follows:

<i>Project</i>	<i>Permit No.</i>	<i>Operating Date</i>	<i>Project VOC Increase or Decrease (tpy)</i>	<i>Total (tpy)</i>
Five new ovens added to Coating Line I		January 1992	0.6	0.6
Shutdown of Line II Tempering		March 1993	-6.8	-6.2
Shutdown of Incinerator	08-301-010	October 1993	-0.1	-6.3
Reduction from Line I Press Scrubber	08-316-012	June 1994	-12.7	-19
Added Prestained Op. to Coating Line II	08-318-024	September 1994	39.4	20.4
Added new oven to Coating Line II	08-318-024	September 1994	0.1	20.5
Die form surface coating reductions	08-318-019B	January 1995	-7.1	13.4
Reduction from Line II Press Scrubber	08-316-013	June 1995	-36.6	-23.2
Reduction from Line I Tempering RTO	08-316-012A	March 1996	-25.8	-49
Construction of No. 3 Boiler	08-302-039	June 1996	13.5	-35.5
Throughput increase of Dieform Line	08-316-014	November 1997	28.7	-6.8

<i>Project</i>	<i>Permit No.</i>	<i>Operating Date</i>	<i>Project VOC Increase or Decrease (tpy)</i>	<i>Total (tpy)</i>
Throughput increase of Coating Line II	08-318-024A	March 1998	20.7	13.9
Debottlenecked Ovens of Coating Line II	08-318-024A	March 1998	0.9	14.8
Line II Trimboard Project	08-316-013A	November 1998	12	26.8
MiraTEC trim SCO	08-00003A		14	40.8

The Department's review of the information contained in the application indicates that the trim SCO, as proposed, will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of 40 CFR Part 63, Subpart QQQQ—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products. Based on this finding, the Department intends to approve the application and issue plan approval for the proposed construction.

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

1. The only product to be coated in the proposed trim SCO shall be MiraTEC Trim Product.
2. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the trim SCO shall not exceed the following:

*Air Contaminant*

VOCs  
NOx  
CO  
PM/PM<sub>10</sub>  
HAPs

*Limitation in Tons in any 12 Consecutive Month Period*

14  
1.9  
3.8  
2.8  
7.6

3. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the NOx emissions from each HVHA oven shall not exceed 10 ppm<sub>dv</sub> at 3% oxygen.

4. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the CO emissions from each HVHA oven shall not exceed 27 ppm<sub>dv</sub> at 3% oxygen.

5. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of each fabric collector shall not exceed 0.01 grain per dry standard cubic foot.

6. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the opacity of the exhaust of each fabric collector shall be 0% by Method 9, at all times.

7. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the only coatings that shall be used in the trim SCO shall be water-based coatings with a VOC content of no greater than 0.36 pound VOC per gallon of coating solids. In addition, water shall be the only thinner used in the trim SCO.

8. Under 40 CFR 63.4690 and 63.4691, the HAP content of each coating used in the trim SCO shall not exceed 0.00 pound HAP per gallon of coating solids determined in accordance with 40 CFR 63.4741.

9. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the IR and HVHA ovens shall only burn natural gas.

10. Under 25 Pa. Code § 123.21, no person may permit the emission into the outdoor atmosphere of sulfur oxides from the IR and HVHA ovens in a manner that the concentration of sulfur oxides, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

11. Under 25 Pa. Code § 123.13(c)(1)(i), no person may permit the emission into the outdoor atmosphere of particulate matter from the IR and HVHA ovens and conveyor hoods in a manner that the concentration of particulate matter in the effluent gas exceeds 0.04 grain per dry standard cubic foot.

12. Under 40 CFR 63.4691 and the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use water and/or non-VOC and non-HAP containing detergents for cleaning materials on and in the trim SCO.

13. The permittee shall keep on hand spare fabric collector bags to immediately replace any bags that are torn or deteriorated.

14. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, each spray booth shall apply coating with airless sprays.

15. Under the new source review requirements in 25 Pa. Code §§ 127.203, 127.205, 127.210 and 127.211, CraftMaster shall purchase and apply 46.92 tons per year of VOC ERCs prior to the start of operation of the trim SCO to offset the total of the net increase in potential to emit. The purchase and application of the VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply 46.92 tons per year of VOC ERCs prior to the start of operation of the trim SCO shall make this plan approval null and void.

16. The permittee shall install instrumentation to continuously measure the pressure drop across each fabric collector to assure proper operation of each fabric collector and to determine the possible need for bag replacement. The permittee shall record the pressure drop across each fabric collector at least once each week. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

17. The permittee shall inspect, each day during operation, the exhaust of each fabric collector to detect any visible emissions, by Method 9. The permittee shall keep records of the daily inspections and corrective actions taken if visible emissions exist. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

18. The permittee shall keep records of the amount of VOCs, HAPs, NOx, CO and PM/PM<sub>10</sub> emitted each month from the trim SCO along with the supporting calculations to verify compliance with the emission limita-

tions in any 12 consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

19. The permittee shall keep the following coating and coating cleanup records for the trim SCO:

a) A CPDS containing the following information for each coating used:

- Manufacturer name and coating type.
- The density of the coating.
- The mass fraction of HAPs.
- The mass fraction of VOCs.
- The mass fraction of coating solids.
- The volume fraction of coating solids.
- Pounds HAP per gallon of coating solids.
- Pounds VOC per gallon of coating solids.

b) An MSDS for each cleaning detergent used.

c) The volume of each coating used each month.

These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

21. The permittee shall keep records of the amount of natural gas burned in the trim SCO each month. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

22. The permittee shall submit quarterly reports of the VOCs, HAPs, NO<sub>x</sub>, CO and PM/PM<sub>10</sub> emitted each month from the trim SCO along with the supporting calculations verifying compliance with the 12 consecutive month emission limitations. The quarterly reports shall be submitted to the Department no later than March 1 (for January through December of the previous year), June 1 (for April of the previous year through March of the current year), September 1 (for July of the previous year through June of the current year) and December 1 (for October of the previous year through September of the current year).

23. Under 40 CFR 63.4710, the permittee shall submit an Initial Notification of applicability to 40 CFR Part 63, Subpart QQQQ as specified in 40 CFR 63.9(b) no later than 120 days after initial startup of the trim SCO. The Initial Notification shall be submitted to both the Department and the EPA. The EPA copies should be sent to U. S. EPA Region III; 1650 Arch Street; Philadelphia, PA 19106-2029.

24. Under 40 CFR 63.4710, the permittee shall submit a Notification of Compliance Status as specified in 40 CFR 63.9(h) no later than 30 days after the 12-month period following initial startup of the trim SCO. The Notification of Compliance Status shall be submitted to both the Department and the EPA.

25. Under 40 CFR 63.4720, the permittee shall submit semiannual compliance reports in accordance with 40 CFR 63.4720(a)(3). The semiannual compliance reports shall be submitted to the Department and the EPA no later than September 1 (for January through June) and March 1 (for July through December of the previous year).

26. The trim SCO is subject to 40 CFR Part 63, Subpart QQQQ. The permittee shall comply with all applicable requirements specified in 40 CFR 63.4680—63.4781.

27. The trim SCO shall be in compliance with the General Requirements (Section B) and Site Level Requirements (Section C) of Title V Operating Permit 08-00003.

28. No person may permit the emission into the outdoor atmosphere of fugitive air contaminants from a source other than the following:

(1) Construction or demolition of buildings or structures.

(2) Grading, paving and maintenance of roads and streets.

(3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.

(4) Clearing of land.

(5) Stockpiling of materials.

(6) Open burning operations.

(7) Sources and classes of sources other than those previously identified, for which the permittee has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:

(a) The emissions are of minor significance with respect to causing air pollution.

(b) The emissions are not preventing or interfering with the attainment or maintenance of any ambient air quality standard.

29. The permittee shall report malfunctions which occur at this facility to the Department. A malfunction is any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner that may result in an increase in the emissions of air contaminants. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Failures that are caused in part by poor maintenance or careless operation shall be reported as excess emissions or deviations from this permit's requirements.

When the malfunction, excess emissions or deviation from this permit's requirements poses an imminent and substantial danger to the public health and safety or environment, the permittee shall notify the Department by telephone no later than 1 hour after the incident.

Any malfunction, excess emissions or deviation from this permit's requirements (or any malfunction resulting in a violation of this permit's requirements or any applicable Federal or State requirement) that is not subject to the notice requirements of subsection (c) of this permit condition shall be reported to the Department within 24 hours of discovery. In notifying the Department, the permittee shall describe the name and location of the facility, the nature and cause of the malfunction or breakdown, the time when the malfunction or breakdown was first observed, the expected duration of excess emissions, the estimated rate of emissions and corrective actions or preventative measures taken.

The permittee shall notify the Department immediately when corrective measures have been accomplished.

Upon the request of the Department, the permittee shall submit a full written report to the regional air

program manager within 15 days of the malfunction, excess emissions or deviations from this permit's requirements.

30. 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 shakedown 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.

30. Notification required as a result of a condition herein should be directed to Chad J. Miller, Facilities Permitting Section, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3639.

Copies of the application are available for public review between 8 a.m. and 4 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling Kathy Arndt, (570) 327-3693.

Interested persons may submit written comments, suggestions or objections concerning the proposed plan approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the commentator, identification of proposed Plan Approval 08-00003A and a concise statement regarding the relevancy of the information or objections to the issuance of the plan approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection,

Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact the Department or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**55-318-010: Schreck's Painting** (P. O. Box 6, Mt. Pleasant Mills, PA 17853) for the construction of a wood parts surface coating operation in Perry Township, Snyder County.

The respective operation will be used to surface coat various wood parts (doors, stair parts, mantels, trim, and the like) for modular and mobile home construction. It will emit up to 5.0 tons of VOCs in any 12 consecutive month period, of which up to 1.0 ton may also be HAPs, as well as up to .21 ton of acetone in any 12 consecutive month period.

The Department's review of the information submitted by Schreck's Painting indicates that the respective surface coating operation will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the surface coating operation.

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

1. The VOC content of any topcoat or enamel applied in the surface coating operation shall not exceed 2.29 pounds per pound of coating solids. The VOC content of any sealer applied shall not exceed .98 pound per pound of coating solids. The VOC content of any stain applied shall not exceed 6.55 pounds per pound of coating solids.

2. No more than 292 gallons of stain shall be used in any 12 consecutive month period.

3. All coatings are to be used as they are received from the coating vendor. No thinner, reducer or other additive is to be mixed with any coating on site.

4. Only acetone shall be used for cleanup activities associated with the surface coating operation and the usage of acetone shall not exceed 65 gallons in any 12 consecutive month period.

5. The total combined VOC emissions from the surface coating operation shall not exceed 5.0 tons in any 12 consecutive month period and the total combined HAP emissions shall not exceed 1.0 ton in any 12 consecutive month period.

6. All coatings shall be applied by brush or rag or by air assisted airless spray technology (or an application technique determined by the Department to have an equivalent transfer efficiency).

7. Both Air-Vac air cleaner units shall be in operation at any time surface coating is occurring. Additionally, both air cleaner units shall be fully equipped with filters at these times.

8. Records shall be maintained of the identity and amount of each coating material used each month as well as the identity and amount of each material used for cleanup purposes each month. Additionally, records shall



be maintained of the VOC and HAP contents of each coating material and cleanup material. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

**17-305-050: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) for reactivation of a bituminous coal preparation facility near Penfield in Huston Township, **Clearfield County**.

The preparation facility consists of a truck dump, a rotary breaker, a raw coal stockpiling operation incorporating a stacking tube, an impact crusher, five dry screens, a wet preparation operation and a railcar loading operation as well as various associated belt conveyors, feeders, bins, and the like. The facility is expected to process up to 1.3 million tons of coal per year. The emission of fugitive particulate matter from the facility will either be prevented or controlled by the use of various devices such as a fabric collector, a wet centrifugal collector, a water truck and enclosures as well as by the implementation of various operating practices such as the tarping of trucks, limiting the speed of trucks and the flood loading of coal into railcars. The resultant emission of particulate matter from the facility is not expected to exceed 40.1 tons in any 12 consecutive month period, of which no more than 11.3 tons will be PM<sub>10</sub>.

The Department's review of the information submitted by Penfield Collieries, LLC indicates that the respective coal preparation facility will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart Y of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250–60.254. Based on this finding, the Department proposes to issue plan approval for the reactivation of the coal preparation 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. No more than 1.3 million tons of raw coal shall be processed in any 12 consecutive month period.
2. Trucks entering or exiting the facility via a public roadway shall be completely tarped or otherwise covered unless empty. This requirement shall be posted in readily visible locations throughout the facility.
3. That portion of road beginning at the intersection of Route 153 and the public road from which the facility is accessed and ending 100 feet past the intersection with Moose Grade Road in the direction of the facility shall be paved. This paved area shall be routinely swept with a vacuum type sweeper or hosed off with water. The remainder of the plant roadways must either be paved or chipped with stone.
4. That portion of road beginning where the paved portion ends, as described in condition 3 and ending at the truck dump bin, shall be routinely treated with tar, road oil, appropriate dust suppressants, and the like.
5. The speed limit on all facility roadways shall be 15 miles per hour. This speed limit shall be posted in readily visible locations throughout the facility.
6. An operable water truck equipped with a pressurized spray bar and pressurized hose or nozzle connection

shall be maintained onsite at all times and shall be used as needed to control fugitive dust from plant roadways and stockpile areas.

7. The fugitive particulate matter emissions from the double deck screen and impact crusher in the screening building shall be controlled by a AAF Ameripulse size 10-48-660 fabric collector. The concentration of particulate matter in the exhaust of the collector shall not exceed .01 grain per dry standard cubic foot.

8. The fabric collector shall be equipped with instrumentation to monitor the differential pressure across the collector on a continuous basis.

9. The air compressor supplying compressed air to the fabric collector shall be equipped with an air dryer and an oil trap.

10. Spare fabric collector bags shall be kept on site.

11. The fugitive PM emissions from the four screens in the preparation plant building as well as various material transfer points within this building shall be controlled by a Roto-Clone model 36W wet centrifugal collector. The concentration of particulate matter in the exhaust of this collector shall not exceed .02 grain per dry standard cubic foot.

12. All ductwork associated with the fabric collector and Roto-Clone collector shall be inspected and repaired, as needed, prior to plant startup. For purposes of complying with this condition, the use of duct tape shall not be deemed an acceptable "repair."

13. The rotary breaker shall be enclosed except for a feed opening and a discharge opening.

14. The truck dump bin shall be equipped with a roof and three sides extending from the ground to the roof.

15. All raw coal shall be stockpiled via the stacking tube.

16. All coal loaded out from this facility shall be loaded out into railcars by mean of the preparation plant clean coal conveyor, railcar loadout hopper/bin and railcar loading chute using a flood loading technique. Front-end loaders shall not be used to load coal into railcars or other vehicles nor shall front-end loaders be used to load coal onto the clean coal conveyor or into the railcar loadout hopper/bin.

17. No VOC-containing or volatile HAP-containing material shall be added to the water used in the wet preparation operation or used in place of water in the operation.

18. This plan approval does not authorize the construction, installation, reactivation or operation of any gasoline, natural gas, propane or diesel-fired stationary engines, generators or engine-generator sets.

19. Records shall be maintained of the number of tons of raw coal delivered to the facility each month as well as the number of tons of clean coal loaded out from the facility each month. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

**10-00027D: Penreco** (138 Petrolia Street, Karns City, PA 16041) for replacement of existing coal fired boiler 6 with a new boiler rated at 91 mmBtu/hr in Karns City, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for modification of Plan Approval 10-00027C. The new boiler will be capable of firing natural gas, distillate oil, residual oil and off specification oil, which is currently fired in the no. 1 boiler. The new boiler will be equipped with low NOx burners and flue gas recirculation. This replacement is intended to be an environmental improvement that will reduce emissions and provide a dependable supply of steam for processing needs. The modifications include removal of 30-day rolling average requirements for NOx and language regarding exemption by the first substantive date of the recent Boiler and Process Heater MACT Rule (40 CFR Part 63 Subpart DDDDD), signed February 29, 2004. Both boilers will be replaced prior to the substantive date and will be minor status with regards to HAPs for HCL. The replacement is not subject to NSR or PSD. The new boiler will comply with the NSPS requirements (40 CFR 60 Subpart Dc). The facility was issued Title V Permit TV-10-00027 on May 4, 2000, which was revised on July 18, 2003. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Persons wishing to provide the Department with additional information they believe should be considered prior to the issuance of this permit may submit the information to the following address. The Department will consider written comments received within 30 days of the publication of this notice. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of Proposed Permit 10-027C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper, *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814)-332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matthew Williams or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for State-only operating permits or 25 Pa. Code §§ 127.521 to 127.524 for Title V operating permits.

#### OPERATING PERMITS

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00060: Norristown State Hospital—Department of Public Welfare** (1001 East Sterigere Street, Norristown, PA 19401) for renewal of their Title V Operating Permit 46-00060 in Norristown Borough and East Norristown and West Norristown Townships, **Montgomery County**. This facility operates and maintains two rental boilers, ten emergency generators and four residential-style furnaces to provide heat and backup power. The facility is subject to a plant-wide applicability limit for NOx of 98.5 tpy. There are no changes to the conditions of the Title V Operating Permit or to the potential emissions from the facility. The Title V Operating Permit will contain all necessary monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements (25 Pa. Code Chapter 127, Subchapter G). No changes have taken place at the facility since the permit was issued in 1999. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**67-05005: PPL Brunner Island, LLC** (2 North 9th Street, Allentown, PA 18101) for operation of three coal-fired electric generating units in East Manchester Township, **York County**. The facility is subject to Title V and IV (acid rain). This acid rain permit will limit the emissions of SO<sub>2</sub> to the allowances owned by the applicant for each unit during each calendar year under the Phase II acid rain regulation and 25 Pa. Code § 127.531.

##### **Intent to Issue Operating Permits 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 19428; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00127: Verizon, Inc.** (1050 Virginia Drive, Fort Washington, PA 19034) for operation of two emergency generators at their Fort Washington Central Office in Upper Dublin Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx and VOC emissions to less than 25 tons per year each; therefore, the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00128: Verizon, Inc.** (100 Greenwood Avenue, Jenkintown, PA 19046) for operation of one emergency generator and one small boiler at their Jenkintown Central Office in Abington Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NOx and VOC emissions to less than 25 tons per year each; therefore, the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05018: Hershey Foods Corp.** (P. O. Box 15087 Reading, PA 19612) for operation of their Reading Plant that manufactures candy in Reading City, **Berks**

**County.** The facility has the potential to emit annually 50 tons VOC, 25 tons of HAPs, 10 tons of a single HAP and 100 tons each of SO<sub>x</sub>, PM<sub>10</sub>, NO<sub>x</sub> and CO. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements in addition to the New Source Performance Standards requirements in 40 CFR Part 60, Subpart Dc.

**07-03038: Amerway, Inc.** (3701 Beale Ave., Altoona, PA 16601) for operation of their solder wire manufacturing facility in the City of Altoona, **Blair County.** This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**22-05049: Harsco Corp.—Taylor Wharton Gas Equipment Division** (1001 Herr Street, Harrisburg, PA 17105-2365) for a Synthetic Minor Operating Permit in the City of Harrisburg, **Dauphin County.** The facility's major sources of emissions include oil/gas fired heating and heat treatment furnaces and a boiler and three paint booths which primarily emit NO<sub>x</sub> and VOC. This permit is a renewal of the expired Title V Permit 31-05003 with reduced emissions as a result of modification to the operations. The Synthetic Minor operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05076: Lancaster General Hospital** (555 North Duke Street, Lancaster, PA 17604) for operation of their medical and surgical hospital facility in the City of Lancaster, **Lancaster County.** In keeping with their Synthetic Minor status, the facility emissions shall be less than 100 tons per year of SO<sub>x</sub> and less than 100 tons per year of NO<sub>x</sub>. The facility has a potential to emit 23 tons per year of PM and 11 tons per year of CO. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**49-00044: Bear Gap Stone** (R. R. 1 Box 138, Quarry Road, Elysburg, PA 17824) for their limestone and sandstone production facility in Ralpho Township, **Northumberland County.** The facility's main sources include one grizzly feeder, one double rotor impactor, one 4-foot by 14-foot triple deck horizontal screen, one 52-inch cone crusher, one 5-foot by 16-foot triple deck horizontal screen, one 48-inch cone crusher and various conveyors and transfer equipment. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, PM, CO, VOCs and HAPs below the major emission thresholds. The proposed State-only operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

**18-00012: Lock Haven University of Pennsylvania** (301 West Church Street, Lock Haven, PA 17745), for a State-only (Synthetic Minor) Operating Permit for their campus in Lock Haven, **Clinton County.** The facility's

main sources include 84 natural gas/no. 2 fuel oil fired boilers and heaters, 25 emergency generators, a Safety-Kleen parts cleaning station and a 3,000-gallon fuel oil storage tank. These sources have the potential to emit major quantities of SO<sub>x</sub> and NO<sub>x</sub>. The facility has taken restrictions to keep its annual SO<sub>x</sub> emissions and NO<sub>x</sub> emissions below the major emission thresholds. The facility has the potential to emit CO, PM (PM<sub>10</sub>), VOCs and HAPs below the major emission thresholds. The proposed State-only (Synthetic Minor) operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**S04-005: Tasty Baking Co.** (2801 Hunting Park Avenue, Philadelphia, PA 19129) for operation of a bakery in the City of Philadelphia, **Philadelphia County.** The facility's air emissions sources include a 15 mmBtu/hr boiler, a boiler limited to 49 mmBtu/hr by a fuel governing device, a 3.3 mmBtu/hr boiler, a 3,950 kW cogeneration turbine, two emergency generators and two nonyeast donut fryers.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## 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
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**30841307. NPDES Permit No. PA0213483, RAG Emerald Resources, LP** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County**, for clean coal batch weigh system as extension of existing loading facility. Surface Acres Proposed 11.00. No additional discharges. Application received March 30, 2004.

**56001301. NPDES Permit No. PA0235393, Genesis, Inc. d/b/a Meadow Run Genesis, Inc.** (P. O. Box 552, Somerset, PA 15501-0552). To revise the permit for the Genesis No. 17 Mine in Lincoln Township, **Somerset County**, to add acreage to the subsidence control plan area. SCP Acres Proposed 924.0. No additional discharges. Application received April 2, 2004.

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

**32990108 and NPDES Permit No. PA0235130. KMP Associates, Inc.** (1094 Lantz Road, Avonmore, PA 15618). SMP revision for stream variance in Young Township, **Indiana County**, affecting 54 acres. Receiving streams: unnamed tributaries to Whiskey Run (CWF).

There are no potable water supply intakes within 10 miles downstream. Application received March 25, 2004.

**56040101 and NPDES Permit No. PA0249556. Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552-0157). Commencement, operation and restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 50 acres. Receiving streams: Rhoades Creek (WWF). There are no potable water supply intakes within 10 miles downstream. Application received April 7, 2004.

**32663056 and NPDES Permit No. PA0606111. Beilchick Brothers** (P. O. Box 7, Heilwood, PA 15746-007). Surface mining permit renewal in Pine Township, **Indiana County**, affecting 748 acres. Receiving streams: unnamed tributaries to and Little Yellow Creek (HQ-CWF). The first downstream potable water supply intake from the point of discharge is the Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received April 30, 2004.

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

**26040102 and NPDES Permit No. PA0250571. Amerikohl Mining, Inc.** (P. O. Box 427, Acme, PA 15601). Application for commencement, operation and restoration of a bituminous surface mine in Springfield Township, **Fayette County**, affecting 103 acres. Receiving streams: Stoney Run and an unnamed tributary to Indian Creek (CWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Indian Creek Valley Water Authority. Application received May 7, 2004.

**26980101 and NPDES Permit No. PA0202240. Marquis Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905). Renewal application for reclamation only of an existing bituminous surface mine in Franklin Township, **Fayette County**, affecting 170 acres. Receiving streams: unnamed tributary to Bolden Run to Redstone Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received May 11, 2004.

**03930108 and NPDES Permit No. PA0200816. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Revision application for land use change from forestland to pastureland to an existing bituminous surface mine in Wayne and Cowanshannock Townships, **Armstrong County**, affecting 281.7 acres. Receiving streams: unnamed tributaries to South Fork Pine Creek (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Revision application received May 11, 2004.

**03990109 and NPDES Permit No. PA0202673. Mears Enterprises, Inc.** (P. O. Box 157, Clymer, PA 15728). Revision application for land use change from forestland to pastureland to an existing bituminous sur-

face mine in Wayne and Cowanshannock Townships, **Armstrong County**, affecting 58 acres. Receiving streams: unnamed tributaries to South Fork Pine Creek and South Fork Pine Creek (CWF). There is no potable water supply intake within 10 miles from the point of discharge. Revision application received May 11, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17040103 and NPDES Permit No. PA0243744. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Commencement, operation and restoration of a bituminous surface mine permit in Knox Township, **Clearfield County**, affecting 53.3 acres. Receiving streams: Little Clearfield Creek (HQ-CWF). There is no downstream potable water supply intake within 10 miles from the point of discharge. Application received May 7, 2004.

*Noncoal Applications Received*

*Effluent Limits*—The following noncoal 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>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**64910303T and NPDES Permit No. PA0595462. Reading Materials, Inc.** (P. O. Box 79, Skippack, PA 19474). Transfer of an existing quarry operation in Palmyra Township, **Wayne County**, affecting 54.2 acres. Receiving streams: unnamed tributary to Lake Wallenpaupack. Application received May 5, 2004.

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

**43040301. Atlantic States Materials of PA, Inc.** (P. O. Box 269, Mercer, PA 16137). Commencement, operation and restoration of a sand and gravel operation in East Lackawannock Township, **Mercer County**, affecting 10.6 acres. Receiving streams: Neshannock Creek (TSF). There are no potable surface water supply intakes within 10 miles downstream. Application to include a premining landuse change from pastureland or land occasionally cut for hay to a post mining land use change of residential or general commercial development. Application received May 7, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14992801. John S. Craig** (450 Myers Lane, Julian, PA 16844). Transfer of an existing small industrial minerals (shale and topsoil) permit from B & K Excavating &

Landscaping, Inc. The permit is in Huston Township, **Centre County**, affecting 1 acre. Receiving streams: tributary to Bald Eagle Creek. Application received April 29, 2004.

**ABANDONED MINE RECLAMATION**

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

Project No. BF 468, Venango Township, **Butler County**, 5 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476 by 4 p.m. on June 28, 2004, to be considered. Telephone inquiries shall be directed to Ron Henry, Division of Mine Hazards, (717) 783-0473.

**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**

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

**E40-633. Kingston Township**, 180 East Center Street, Shavertown, PA 18708 in Kingston Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Toby Creek (CWF) consisting of a 14.0-foot by 12.0-foot precast concrete arch bridge. The project includes two stormwater outfalls along Toby Creek. The total length of impact, including a temporary in-stream diversion pipe to be used during construction, is approximately 95 feet. The project is along East Center Street (P-846) (Kingston, PA Quadrangle N: 12.6 inches; W: 9.0 inches).

**E54-314. Tremont Borough**, 19 North Pine, P. O. Box 55, Tremont, PA 17981-1706 in Tremont Borough, **Schuylkill County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain a stream restoration project in a 1,000-foot reach of Good Spring Creek (CWF) using natural stream channel design with work consisting of narrowing the channel; widening the floodplain; installing rock vanes, cross vanes and habitat structures; and planting a riparian buffer. The project begins at East Line Street and continues downstream to the railroad crossing (Tremont, PA Quadrangle N: 0.25 inch; W: 1.75 inches).

**E64-247. 0-6 Rod and Gun Club**, 20 Hospital Street, Carbondale, PA 18407 in Mount Pleasant Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To maintain a private bridge consisting of a flat bed trailer with a wooden deck across the west branch Lackawaxen River (HQ-CWF). The project is on the south side of T611 approximately 1.6 miles south of SR 0371 (Forest City, PA Quadrangle N: 17.2 inches; W: 8.2 inches).

**E39-432. North Whitehall Township**, 3256 Levans Road, Coplay, PA 18037 in Whitehall Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To fill a 0.3-acre manmade pond within the Coplay Creek (CWF) watershed for the purpose of constructing a stormwater detention basin. The project is approximately 0.25 mile southeast of Mexersville and Sand Spring Roads (Cementon, PA Quadrangle N: 7.5 inches; W: 10.25 inches).

**E35-373. City of Carbondale**, 1 North Main Street, Carbondale, PA 18407 in City of Carbondale, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove a four-story building and the existing bridge and to construct and maintain a prestressed adjacent box beam bridge having a 50-foot 3-inch span and an 8-foot 4-inch underclearance across the Lackawanna River (HQ-CWF). The project also includes channel cleaning of approximately 320 LF of stream channel along the eastern bank through the project area. The project is at the Sixth Street Bridge over the Lackawanna River (Carbondale, PA Quadrangle N: 13.05 inches; W: 0.55 inch).

**E48-349. R. B. Associates**, 2 Courtney Place, Suite 140, Bethlehem, PA 18017 in Forks Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 147-foot long stormwater conveyance channel in the floodway of Bushkill Creek (HQ-CWF), which is associated with a five-lot subdivision known as Sullivan Trail Commercial Development. The project is between SR 2025 (Sullivan Trail) and Bushkill Creek northwest of the intersection of SR 1002 and SR 2025 (Easton, PA-NJ Quadrangle N: 22.2 inches; W: 17.1 inches).

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

**E49-276. Department of Transportation**, 215 Jordan Avenue, Montoursville, PA 17754. SR 0225 Section 002 bridge replacement in Lower Mahonoy Township, **Northumberland County**, ACOE Baltimore District (Pillow, PA Quadrangle N: 5.6 inches; W: 9.5 inches).

To replace an existing deteriorated bridge and to construct and maintain a new precast box culvert bridge, with the associated concrete wingwalls and R-8 riprap, having a normal span of 16 feet and minimum effective underclearance of 4 feet depressed 1 foot into an unnamed tributary to Mahantango Creek (WWF). The project proposes to directly impact 90 linear feet of an unnamed tributary to Mahantango Creek that will not directly impact any wetlands.

**E59-457. Department of Transportation**, P. O. Box 218, Montoursville, PA 17754. SR 6015, Section G20 and G22 in Lawrence and Tioga Townships, **Tioga County**, ACOE Baltimore District (Jackson Summit (center of project), PA Quadrangle N: 14.75 inches; W: 16.5 inches).

The applicant proposes to construct a limited access multilane highway through Lawrence and Tioga Town-

ships, Tioga County. This project proposes to have 15 stream impacts and 84 wetland impacts. The stream impacts are associated with the Tioga River, unnamed tributaries to the Tioga River, the Cowanesque River, Rick Creek, Hemlock Creek and Bentley Creek. All the bodies of water are designated as WWF. The wetland impacts are spread throughout the entire reach of the project to total 8.5477 acres of permanent impacts and .3142 of temporary impacts. The wetland mitigation site is numbered as TRJ-001 and is intended to create 2 acres of new wetlands and enhance one acre of existing wetland. This project extends from the current interchange between SR 287 and SR 15 to the New York border.

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

**E02-1464. Pointe West L. P.**, P. O. Box 419, Sturgeon, PA 15082. Pointe West Plan of Development Phases 8—15 in North Fayette Township, **Allegheny County**, Pittsburgh ACOE District (Oakdale, PA Quadrangle N: 3.6 inches; W: 11.1 inches) (Latitude: 40° 23' 41" and Longitude: 80° 12' 17") The applicant proposes to remove an existing roadway culvert and to construct and maintain an 8-foot by 3-foot 4-inch by 72-foot long structural plate arch culvert in Fink Run (WWF), to construct and maintain various outfalls to Fink Run and to and to a tributary to Robinson Run (WWF). This permit application also includes the environmental assessment for two nonjurisdictional dams on tributaries to Robinson Run. This project will also impact four tributaries to Robinson Run a total length of approximately 2,280 feet and impact one tributary to Fink Run for approximately 460 feet. These streams qualify for authorization under the Department's waiver 105.12(a)(2). The proposed project impact are for a proposed residential development west known as Pointe West Plan of Lots. The project is in the northwest corner of the North Road (SR 3059) and Noblestown Road intersection.

**E02-1465. Borough of Lincoln**, 45 Abe's Way, Elizabeth, PA 15037-3024. Coursin Hollow Road Stream Bank Protection in the Borough of Lincoln, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle N: 1.7 inches; W: 17.1 inches) (Latitude: 40° 18' 52" and Longitude: 80° 15' 36"). The applicant proposes to construct and maintain approximately 1,218.0 linear feet of stream bank protection in the channel of and along the left bank of an unnamed tributary to the Monongahela River (WWF) (locally known as Coursin Hollow Run) for the purpose of preventing erosion to Coursin Hollow Road. The project is on the north side of Coursin Hollow Road, beginning just upstream from the mouth of said stream and will impact 1,218.0 linear feet of stream channel.

**E02-1466. Richland Township**, 4011 Dickey Road, Gibsonia, PA 15044-9713. Community Center Drive bridge in Richland Township, **Allegheny County**, Pittsburgh ACOE District (Valencia, PA Quadrangle N: 1.5 inches; W: 8.9 inches) (Latitude: 40° 37' 59" and Longitude: 79° 56' 20"). The applicant proposes to remove the existing structure and to construct and maintain a concrete conspan bridge having a span of 20 feet and underclearance of 4.8 feet and approximately 32 feet long across the West Branch of Deer Creek (CWF). The bridge is on Community Center Drive approximately 30 feet south of its intersection with Route 910. The proposed stream impact is 32 feet to the West Branch Deer Creek.

**E03-424. Armstrong County Commissioners**, Administration Building, Courthouse Annex, 450 Market

Street, Kittanning, PA 16201. SR 2051 Bridge over Roaring Run in Kiskiminetas Township, **Armstrong County**, Pittsburgh ACOE District. The applicant proposes to remove the existing structures and: (1) to construct and maintain adjacent twin cell 14.0-foot wide by 7-foot high concrete box culverts (the inverts depressed 1.0 foot below existing streambed) in Roaring Run (CWF) (Vandergrift, PA Quadrangle N: 12.3 inches; W: 2.2 inches) (Latitude: 40° 34' 04" and Longitude 79° 30' 57"); (2) to construct and maintain a 6.0-foot high by 84.0-foot long gabion wall along the right downstream bank of Roaring Run (CWF) (Vandergrift, PA Quadrangle N: 12.3 inches; W: 2.2 inches) (Latitude: 40° 34' 04" and Longitude: 79° 30' 57"); and (3) to construct and maintain an 18-inch diameter RCP outfall in Roaring Run (CWF) (Vandergrift, PA Quadrangle N: 12.3 inches; W: 2.2 inches) (Latitude: 40° 34' 04" and Longitude: 79° 30' 57"). The project will impact 175 linear feet of perennial stream; no vegetated wetlands will be impacted. The project is on SR 2051 near its intersection with Township Road T-460 (McCartney Road).

**E26-318. Angela M. Zimmerlink, Chair, Fayette County Commissioners**, 60 East Main Street, Uniontown, PA 15401. Fayette County Bridge No. 54 in German Township, **Fayette County**, Pittsburgh ACOE District (Masontown, PA Quadrangle N: 21.4 inches; W: 2.2 inches) (Latitude: 39° 52' 26" and Longitude: 79° 53' 26"). The applicant proposes to operate and maintain Fayette County Bridge No. 54 having a clear span of 41 feet and an underclearance of 10.5 feet across Browns Run (WWF). The bridge is on T-439 (Yuras Farm Road). The bridge was constructed under Emergency Permit EP2604201 issued on January 23, 2004.

**E32-462. Russell H. Blystone, Chairperson, Armstrong Township**, 977 Parkwood Road, Indiana, PA 15701. Reeds Run culvert in Armstrong Township, **Indiana County**, Pittsburgh ACOE District (McIntyre, PA Quadrangle N: 11.3 inches; W: 5.4 inches) (Latitude: 40° 33' 44" and Longitude: 79° 17' 20"). The applicant proposes to remove the existing structure and to construct a 50-foot long arch culvert having a waterway opening of 77 inches wide by 55 inches high in Reeds Run (TSF) on T-444 (Willow Road).

**E65-721-A2. Westmoreland County Industrial Development Corporation**, 2 North Main Street, Suite 601, Greensburg, PA 15601. I-70 Industrial Park Dick's Sporting Goods Distribution Center in South Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District (Smithton, PA Quadrangle N: 9.03 inches; W: 16.72 inches) (Latitude: 40° 10' 29" and Longitude: 79° 44' 41"). The applicant proposes to amend Permit No. E65-721 to include the placement of fill in 0.23 acre of wetland (PEM) for the construction of a throughway and parking lot in association with the expansion of the Dick's Sporting Goods Distribution Center. The project site is near the intersection of Glacier Drive and Painter Road (T-378) within the Westmoreland County I-70 Industrial Park.

**E65-845. Fernando and Melissa Ferraro**, 294 Morgan Street, Lower Burrell, PA 15068. Ferraro residence access bridge in Washington Township, **Westmoreland County**, Pittsburgh ACOE District (Vandergrift, PA Quadrangle N: 5.5 inches; W: 11.7 inches) (Latitude: 40° 31' 48" and Longitude: 79° 35' 01"). The applicant proposes to construct and maintain a 15.0-foot wide single span bridge having a normal span of 21.0 feet and an underclearance of 4.0 feet across an unnamed tributary to Beaver Run (TSF) for the purpose of providing access to a



proposed single family residence. The applicant also proposes the installation and maintenance of utility lines across an unnamed tributary to Beaver Run Road, 0.6 mile east of its intersection with SR 66.

**E65-846. Norfolk Southern Railway Company**, 99 Spring Street, Building Box 142, Bridge Office, Atlanta, GA 30303. McGee Run culverts in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Blairsville, PA Quadrangle N: 1.03 inches; W: 0.28 inch) (Latitude: 40° 22' 51" and Longitude: 79° 15' 7"). The applicant proposes to construct and maintain two 2.7-foot by 4.1-foot elliptical CM pipes inside an existing stream enclosure under 150 linear feet of Norfolk Southern Railroad and to remove the existing structure and to construct and maintain two 2.7-foot by 4.1-foot elliptical CM pipe culvert under T-972 just upstream of the railroad in an unnamed tributary to McGee Run (CWF).

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

**E10-395, Department of Transportation, Engineering District 10-0**, P. O. Box 429, Indiana, PA 15701-0429, SR 3034 culvert replacement in Semiconon Run in Franklin Township, **Butler County**, ACOE Pittsburgh District (Prospect, PA Quadrangle N: 3.0 inches; W: 3.1 inches).

To remove the existing twin 36-inch diameter 40-foot long corrugated metal pipes and to install and maintain twin 42-inch diameter reinforced concrete pipes at a point along SR 3034 (Purvis Road) within Semiconon Run (CWF) approximately 1.2 miles east of the intersection of SR 3034 and SR 0528.

**E62-400, Eldred Township**, R. D. 2, Box 123A, Pittsfield, PA 16340. Eldred Township wastewater treatment plant and conveyance system in Eldred Township, **Warren County**, ACOE Pittsburgh District (Grand Valley, PA Quadrangle N: 17.2 inches; W: 5.9 inches).

The applicant proposes to construct and maintain a wastewater treatment system and conveyance systems within Eldred Township having a total of approximately 49,000 lineal feet of 8-inch PVC plastic gravity line, 3-inch HDPE plastic pressure line, 2-inch HDPE plastic pressure line and 1.5-inch HDPE plastic pressure line involving: (1) to construct and maintain an 8-inch diameter PVC plastic sewage treatment plant effluent outfall pipe discharging to the Caldwell Creek; (2) to cross approximately 4,137 lineal feet of PSS and PFO wetland with 16 crossings by sewer lines using directional bore; and (3) to cross Caldwell Creek (HQ-CWF, perennial), unnamed tributaries to Caldwell Creek (HQ-CWF, perennial) and Dunderdale Creek (HQ-CWF, perennial) with 10 crossings by sewer lines using directional bore.

## ACTIONS

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted 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.

### I. NPDES Renewal Permit Actions

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

<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>
PA0051535	Kenneth and Christine Lord P. O. Box 244 Eagleville, PA 19408	Montgomery County Lower Providence Township	Perkiomen Creek 3E	Y
PA0057541	Marc and Jody Detweiler 2144 Old Skippack Road Harleysville, PA 19438	Montgomery County Upper Salford Township	UNT to Vaughns Run	Y

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

<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>
PA0062006 Minor Sewage	YMCA of Wilkes-Barre, Inc. 40 West Northampton Street Wilkes-Barre, PA 18711	Luzerne Dennison Township	Creasy Creek 2A	Y
PA0063878	Northeastern Schuylkill Joint Municipal Authority P. O. Box 170 Barnesville, PA 18214	Rush Township Schuylkill County	Pine Creek 3A	Y
PA0070009	Leisure Equities Corporation R. R. 1, Box 3024 Zion Grove, PA 17985	North Union Township Schuylkill County	Catawissa Creek 5E	Y

*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>
PA0008427 IW	NRG Energy Center Harrisburg, Inc. P. O. Box 3357 Harrisburg, PA 17105-3357	Dauphin County Harrisburg City	Paxton Creek 7-C	Y
PA0080560 SEW	TA Operating Corporation Harrisburg Travel Center 24601 Center Ridge Road Westlake, OH 44145-5634	Dauphin County West Hanover Township	UNT Manada Creek 7-D	Y

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

<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>
PA0113301 Industrial Wastewater	Mansfield Borough Municipal Authority 19 E. Wellsboro Street Mansfield, PA 16933	Richmond Township Tioga County	Lambs Creek 4A	Y
PA0035777 IW and Sewerage	Hoeganaes Corporation P. O. Box 37 Paradise Road Watsontown, PA 17777	Delaware Township Northumberland County	Unnamed tributary to Muddy Run 10-D	Y
PA0113263 Sewage	Liberty Joint School Authority Southern Tioga School District 241 Main Street Blossburg, PA 16912	Liberty Borough Tioga County	Dry Swale to Blockhouse Creek	Y
PA0032441 Sewage	Department of Conservation and Natural Resources Black Moshannon State Park 4216 Beaver Road Philipsburg, PA 16866-9519	Rush County Centre Township	Black Moshannon Creek 8D	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0044245 Sewerage	Department of Conservation and Natural Resources Parker Dam State Park 28 Fairview Rd. Penfield, PA 15849	Huston Township Clearfield County	Laurel Run 8A	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>
PA0041289	Uniontown Area School District 23 East Church Street Uniontown, PA 15401	Fayette County Franklin Township	Unnamed tributary of Virgin Run Lake	Y
PA0091260	Clifford B. Wareham 87 Kinter Station Road Northern Cambria, PA 15714	Indiana County Pine Township	UNT of Carney Run	Y
PA0205311	St. Paul's Highfield Lutheran Church R. D. 1, Box 134A Vandergrift, PA 15690	Armstrong County Parks Township	Receiving waters named Carnahan Run	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0221112	Howard T. Wagner 6565 Meadville Road Girard, PA 16417	Elk Creek Township Erie County	Unnamed tributary to Cussewago Creek	Y
PA0210790	West Penn Plastics, Inc. 4117 Pulaski Road New Castle, PA 16101	Union Township Lawrence County	Shenango River 20-A	Y
PA0238686	Brandywine Village Brandy One, LLC P. O. Box 449 Mas, PA 16046	Connoquenessing Township Butler County	Unnamed tributary to Connoquenessing Creek	Y

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

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

**NPDES Permit No. PA0052906**, Industrial Waste, Montenay Montgomery Limited Partnership, 1155 Conshohocken, PA 19428-1028. This proposed facility is in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from this facility into an unnamed tributary to Plymouth Creek.

**NPDES Permit No. PA0053538**, Industrial Waste, **Merck and Company, Inc.**, P. O. Box 4, 770 Sumneytown Pike. West Point, PA 19486-0004. This proposed facility is in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: The following notice reflects changes the notices published at 32 Pa.B. 2773 and 34 Pa.B. 589 (June 8, 2002, and January 31, 2004):

The monitoring requirements for iron, total; zinc, total; and manganese, total are removed for Outfalls 001 and 002. The company is required to implement best management practices to control pollution in the stormwater discharge.

**NPDES Permit No. PA0040321**, Industrial Waste, **Thomas & Betts Corporation**, 8155 T and B Boulevard, Memphis, TN 38125. This proposed facility is in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to East Branch of Perkiomen Creek Watershed 3E-Perkiomen.

**NPDES Permit No. PA0011720**, Industrial Waste, **Rhodia, Inc.**, CN7500 Prospect Plains Road, Cranbury, NJ 08512-7500. This proposed facility is in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Rhodia Morrisville facility, into Biles Creek in Watershed 2E.6

**NPDES Permit No. PA0058564**, Sewage, **Girl Scouts of Freedom Valley**, 100 Juliette Low Way, Valley Forge, PA 19482. This proposed facility is Haycock and East Rockhill Townships, **Bucks County**.

Description of Proposed Action/Activity: The following notice reflects changes to the notice published at 33 Pa.B. 205 (January 11, 2003):

Effluent limit for Total Residual Chlorine has been revised to 0.5 mg/l from nondetect.

**NPDES Permit No. PA0058793**, Sewage, **Greg Leeber and Tracy Sabol**, 1285 Parkersville Road, Ken-

nett Square, PA 19348. This proposed facility is in Pennsbury Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the issuance to discharge 400 gpd of treated sewage into an unnamed tributary to Bennett's Run in watershed 3H-Brandywine.

**NPDES Permit No. PA0026450 Amendment No. 1**, Sewage, **Bristol Township Authority**, 2501 Bath Road, Bristol, PA 19007. This proposed facility is in Bristol Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to amend existing permit to change maximum monthly flow from 2.25 mgd to 5.5 mgd. To discharge into the Delaware River (Zone 2)-2E-Common.

**NPDES Permit No. PA0051934**, Sewage, **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. This proposed facility is in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Schuylkill River in Watershed 3D.

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

**NPDES Permit No. PA0026280**, Sewage, **David Frey, Borough of Lewistown**, Two East Third Street, Lewistown, PA 17044-1799. This proposed facility is in Lewistown Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Juniata River in Watershed 12-A.

**NPDES Permit No. PA0026727**, Sewage, **Borough of Tyrone**, 1100 Logan Avenue, Tyrone, PA 16686. This proposed facility is in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to the Little Juniata in Watershed 11-A.

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

**PA0027375**, Sewerage SIC 4952, **City of DuBois**, P. O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. This facility is in Sandy Township, **Clearfield County**.

Description of Proposed Activity: Amendment of an NPDES permit to include discharge of site stormwater through Outfall S101 and a re-evaluation of the Total Chlorine Residual limit for Outfall 001.

The receiving stream, Sandy Lick Creek, is in the Redbank Watershed (17-C) and classified for TSF and aquatic life, water supply and recreation. The nearest downstream public water supply intake is the Hawthorne Area Water Authority at Hawthorne.

The proposed effluent limits for Outfall S101 include: annual stormwater inspection and best management practices.

Other Conditions: Stormwater management requirements.

### **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. 1504403**, Sewerage, **The Municipal Authority of the Borough of Elverson**, P. O. Box

266, 101 South Chestnut Street, Elverson, PA 19520-0266. This proposed facility is in Elverson Borough, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pump station for a new elementary center.

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

**WQM Permit No. 5404401**, Sewerage, **Greater Pottsville Area Sewer Authority**, P. O. Box 1163, Pottsville, PA 17901. This proposed facility is in Pottsville City and Palo Alto Borough, **Schuylkill County**.

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

**WQM Permit No. 5404402**, Sewerage, **Greater Pottsville Area Sewer Authority**, P. O. Box 1163, Pottsville, PA 17901. This proposed facility is in City of Pottsville, **Schuylkill County**.

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

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

Description of Proposed Action: Issuance of Water Quality Management Permit for the installation of a 2,000 gpd sewage treatment facility with spray irrigation for the Pennsylvania National Guard Readiness Center.

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

**WQM Permit No. 2100403, Amendment 04-1**, Sewerage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013. This proposed facility is in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of downsized pump station, force main and gravity sewer to serve the industrial park and Meadowbrook Road area.

**WQM Permit No. 0602407**, Sewerage, **Upper Perkiomen School District**, 201 West Fifth Street, East Greenville, PA 18041-1509. This proposed facility is in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: A partially mixed aerated lagoon treatment system designed to treat 4,200 gpd from the school.

**WQM Permit No. 2104404**, Sewerage, **Silver Spring Township Authority**, 6415 Rear Carlisle Pike, Mechanicsburg, PA 17050. This proposed facility is in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: A pump station and force main serving the Tyson Commons development. The station is sized for future service areas to eliminate other pump stations.

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

**WQM Permit No. 4704201**, Sewerage 4911, **PPL Montour LLC**, Two North Ninth St., 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. 0804402**, Sewerage 4952, **Jason Hodlofski**, 315 Canton Street, Troy, PA 16947. This proposed facility is in Troy Township, **Bradford County**.

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

**WQM Permit No. 4104401**, Sewerage 4952, **Williamsport Area School District**, 1400 West Third Street, Williamsport, PA 17701. This existing facility is in Hepburn Township, **Lycoming County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Part II Permit for replacement of the existing treatment plant at the Hepburn-Lycoming Elementary School. The new plant will have a design flow of 0.006 MGD.

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

**WQM Permit No. 5602403**, **Conemaugh Township Supervisors**, Municipal Building, Route 403, 1120 Tire Hill Road, Johnstown, PA 15905. This proposed facility is in Conemaugh Township, **Somerset County**.

Description of Proposed Action/Activity: Sewage treatment plant, pump stations, interceptor and sewers to serve the Tire Hill area.

**WQM Permit No. 6503408**, Sewerage, **Carl E. Nicolaus, III**, 180 Pollock Run Road, Belle Vernon, PA 15012. This proposed facility is in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: To construct a sewage treatment plant.

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

**WQM Permit No. 1004401**, Sewerage, **John T. Wolfe**, 102 Grace Drive, Cranberry Township, PA 16066. This proposed facility is in Cranberry Township, **Butler County**.

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

**WQM Permit No. 2404404**, Sewerage, **Thomas B. Sherwood**, 7900 Dagget Road, Girard, PA 16417. This proposed facility is in Fairview Township, **Erie County**.

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

**WQM Permit No. 2504407**, Sewerage, **Kim D. Armstrong**, 8585 Neuberger Road, Fairview, PA 16415. This proposed facility is in McKean Township, **Erie County**.

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

**WQM Permit No. 4304405**, Sewerage, **David S. Reimold**, 7894 Mallard Road, Cochranon, PA 16314. This proposed facility is in Delaware Township, **Mercer County**.

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

**WQM Permit No. 4304406**, Sewerage, **Donald Loomis**, 326 Westbrook Drive, Butler, PA 16001. This proposed facility is in Delaware Township, **Mercer County**.

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

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

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

**WQM Permit No. 1004402**, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This proposed facility is in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station/sewer extension to serve the Mars-Evans City Road area.

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

*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>
PAG130151	Bristol Township 2501 Bath Road Bristol, PA 19007-2150	Bucks	Bristol Township	Delaware River—South Neshaminy Creek

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

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

*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>
PAI012304001	Mar-J-Properties Development 114 Yearsley Mill Road Media, PA 19063	Delaware	Middletown Township	Rocky Run HQ-CWF-MF

*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>
PAI024503014	Arrowhead Sewer Co., Inc. HC 88, Box 305 Pocono Lake, PA 18347	Monroe	Coolbaugh and Tobyhanna Townships	Lehigh River HQ-CWF Trout Creek HQ-CWF
PAI024503020	Meadow Run Builders R. R. 5, Box 5138A Stroudsburg, PA 18360	Monroe	Smithfield Township	Marshalls Creek HQ-CWF
PAI024503023	Nextel Partners, Inc. 4000 Crums Mill Road Harrisburg, PA 17112	Monroe	Tunkhannock Township	Tunkhannock Creek HQ-CWF
PAS10U106R	Lambert Estates, LLC The Max Center 101 S. 3rd St., 2nd Floor Easton, PA 18042	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAS10U111R	Triple Net Investments VII, L. P. c/o J.G. Petrucci Co., Inc. 171 Route 173, Suite 201 Asbury, NJ 08802	Northampton	Bethlehem Township	Monocacy Creek HQ-CWF
PAI024803038	Lafayette College 118 Markle Hall Easton, PA 18042	Northampton	City of Easton	Bushkill Creek HQ-CWF
PAI025403002	Buckfeather Rod & Gun Club, Inc. c/o Antz Distribution Co. 325 E. Washington St. Shenandoah, PA 17976	Schuylkill	North Union Township	Crooked Run HQ-CWF
PAI024804005	Kerry Wrobel, President Lehigh Valley Industrial Park, Inc. 100 Brodhead Road, Suite 160 Bethlehem, PA 18017	Northampton	City of Bethlehem	Lehigh River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103008	Bruce E. Cox 1618 Ridge Road Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	UNT to Warriors Mark Run HQ-CWF
PAI033603008	East Earl Township 4610 Division Highway East Earl, PA 17519	Lancaster	East Earl Township	UNT to Black Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404004	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801	Centre	Benner and College Townships	Spring Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment 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>
West Whiteland Township Chester County	PAG2001503039	Exton Plaza Association P. O. Box 519 Valley Steam, NY 11582 and Nancy Van Kleunen Curran 3025 Chemical Road Plymouth Meeting, PA 19462	Valley Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Avondale Borough New Garden Township Chester County	PAG2001504002	Avondale Fire Company No. 1 House P. O. Box 491 Avondale, PA 19311	East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Delaware County	PAG2002303069	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Unnamed tributary Delaware Estuary WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002304001	Thomas and John Smith 274 Beckley Road Aston, PA 19014	West Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015103019	Toll Brothers, Inc. Naval Square Development 3103 Philmont Avenue Huntingdon Valley, PA 19006	Schuylkill River CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104002	AWMA, Inc. Warehouse 11601 Caroline Road Philadelphia, PA 19154	Pennypack Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104007	City of Philadelphia School District 734 Schuylkill Avenue John F. Kennedy Building Philadelphia, PA 19146-2397	Frankford/Tacomy Creek Watershed WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Scranton Lackawanna County	PAG2003504013	Senior Health Solutions 401 Moltke Ave. Scranton, PA 18505	Lackawanna River (tributary) CWF	Lackawanna County Conservation District (570) 281-9495
Lower Nazareth and Palmer Townships	PAR10U115R	Gemstone Resources, L. P. Wallingford One Holdings, L. P. 3 Manhattanville Rd. Purchase, NY 10577	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Ruscombmanor Township Berks County	PAG2000604041	Ross Racoosin 106 Hardt Hill Road Bechtelsville, PA 19505	Laurel Run WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657
Camp Hill Borough Cumberland County	PAG2002104009	Catholic Diocese of Harrisburg Good Shepard Church—Parish Center Addition 4420 Union Deposit Road Harrisburg, PA 17009	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002104018	Fry's Plastic R. D. 2 Muncy, PA 17756	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Highspire Borough Dauphin County	PAG2002204023	Spectrum Recyclers, Inc. 2145 N. 7th Street Harrisburg, PA 17110	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002204002	Larry Hatter Willow Brook 3425 Market Street Camp Hill, PA 17011	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Hanover Township Dauphin County	PAG2002204013	The McNaughton Co. 4400 Deer Path Rd. Suite 201 Harrisburg, PA 17110	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Decatur Township Mifflin County	PAG2004404001	Earth Tech Consulting 200 Vine Street Wilder, KY 41076	Jack's Creek TSF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Centre County Penns Township	PAG2001404003	Tom Horton Penns Valley Area Schools 4528 Penns Valley Rd. Spring Mills, PA 16875	Penns Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Lawrence Township	PAG2001704002	Sam Lansberry, Sr. Cresswood Commercial Park, LLC P. O. Box 153 Woodland, PA 16881	UNT to Wolf Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County City of DuBois	PAG2001704006	Torrell and Bernardo Land Remodeling and Custom Homes 130 McCracken Run Road DuBois, PA 15801	McCracken Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

<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>
Lycoming County Moreland Township	PAG2004104005	Department of Transportation Box 218 Montoursville, PA 17754	Little Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Northumberland County Delaware Township	PAG2004904004	Truatman Subdivision Fredrick Drive Watsonstown, PA 17777	UNT Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Snyder County Penn Township	PAG200550404	Sidco P. O. Box 10 Routes 11 and 15 Shamokin Dam, PA 17876	Unnamed tributary to Middlecreek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 112
Union County West Buffalo and Buffalo Townships Mifflinburg Borough	PAG2006004004	Barry Tomasetti Mifflinburg Schools	UNT to Buffalo Creek CWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Cambria County Adams Township	PAG2001104006	Forest Hills School District 547 Locust Street Sidman, PA 15955	South Fork Little Conemaugh River CWF	Cambria County Conservation District (814) 472-2120
Indiana County White Township	PAG2003204005	Jerry Richardson Indiana County Dev. Corp. 801 Water Street Indiana, PA 15701	Two Lick Creek TSF	Indiana County Conservation District (724) 463-8547
Indiana County Burrell, Center and Brush Valley Townships	PAG2003204006	Ed Patterson Indiana County Parks 1128 Blue Spruce Rd. Indiana, PA 15701	Blacklick Creek CWF	Indiana County Conservation District (724) 463-8547
Somerset County Somerset Township	PAG2005604003	Friedens Lutheran Church 137 South Main St. Friedens, PA 15541	Unnamed tributary to Wells Creek CWF	Somerset County Conservation District (814) 445-4652
Westmoreland County Sewickley Township	PAG2006503046	Tom Keller SWCA P. O. Box 322 Youngwood, PA 15697	Sewickley Creek Watershed WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Latrobe Borough	PAG2006504011	Westmoreland County Airport Authority 200 Pleasant Unity Rd. Suite 103 Latrobe, PA 15650	Unnamed tributary to Monastery Run and Unnamed tributary to Nine Mile Run WWF	Westmoreland County Conservation District (724) 837-5271

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lawrence Township Clearfield County	PAR214828 Stormwater	New Enterprise Stone & Lime Company. Inc. P. O. Box 77 New Enterprise, PA 16664	UNT to W. Branch Susquehanna River 8C	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666



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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lawrence Township Clearfield County	PAR214826	New Enterprise Stone and Lime Company, Inc. P. O. Box 77 New Enterprise, PA 16664	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Mifflin Township Columbia County	PAR804871	Brennan's Truck Plaza P. O. Box 262 Mifflinville, PA 18631	Tenmile Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Oakland Township Venango County	PAR608342	NNEL, Inc. 4034 SR 417 Cooperstown, PA 16317	Twomile Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Township Erie County	PAR808379	Travel Centers of America 24601 Center Ridge Road Westlake, OH 44145	Twenty Mile Creek 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>
Berks County Alsace Township	PAG043718	Larry Hain P. O. Box 191 Mohrsville, PA 19541-0191	Bernhart Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County East Providence Township	PAG043606	William C. Dietzel 147 Clark Road Everett, PA 15537	French Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Colley Township Sullivan County	PAG045049	Paul G. Smith R. R. 2, Box 2155 Dushore, PA 18614	UNT to N. Fork Mehoopany Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Charleston Township Tioga County	PAG045006 Sewerage	Keith B. Cooper 5159 Arnot Road Wellsboro, PA 16901-9477	UNT Babb Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Hepburn Township Lycoming County	PAG044963 Sewerage	F. Charles Anstadt, Jr. 4591 Bloomingrove Road Williamsport, PA 17701	UNT Mill Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

## NOTICES

<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>
Troy Township Bradford County	PAG045176	Jason Hodlofski 315 Canton Street Troy, PA 16947	Sugar Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Jenner Township Somerset County	PAG046190	Edward P. Connor 315 Keysertown Road Boswell, PA 15531	Coal Run, tributary of Beaverdam Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Clay Township Butler County	PAG048619	Charyn R. and Scott D. Caruso 320 Hall Road Butler, PA 16001	Unnamed tributary of Big Run NWRO	Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Butler County	PAG048967	John T. Wolfe 102 Grace Drive Cranberry Township, PA 16066	Unnamed tributary to Wolfe Run NWRO	Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG048951	Thomas B. Sherwood 7900 Dagget Road Girard, PA 16417	Unnamed tributary to Brandy Run NWRO	Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
McKean Township Erie County	PAG048954	Kim D. Armstrong 8585 Neuberger Road Fairview, PA 16415	Unnamed tributary to Elk Creek NWRO	Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG048956	David S. Reimold 7894 Mallard Road Cochranon, PA 16314	Tributary to Lawango Run NWRO	Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG048959	Donald Loomis 326 Westbrook Drive Butler, PA 16001	Unnamed tributary to Lawango Run NWRO	Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General 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>
Uwchlan Township Chester County	PAG0050052	Sunoco, Inc. Automotive Laboratory P. O. Box 1135 Post Road and Blue Bale Avenue Marcus Hook, PA 19061	UNT to Valley Creek Brandywine Creek Watershed CWF, MF	Southeast Region 2 East Main Street Norristown, PA 19401

<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>
Hanover Township Luzerne County	PAG052217	Suburban Oil Services, Inc. 2151 Sans Souci Parkway	Warrior Creek CWF	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Hampton Township Allegheny County	PAG056195	Sheetz Inc. 5700 Sixth Avenue Altoona, PA 16602	Tributary of Pine Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambridge Township Crawford County	PAG058359	Golden Car Wash, Inc. 206 South Martin Street Titusville, PA 16354	Oil Creek Watershed 16-E	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-10*

<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>
York County Conewago and Manchester Townships	PAG103520	Rich Yencha Columbia Gas Transmission Corporation 525 Highlands Blvd. Suite 100 Coatesville, PA 19320	UNT Fox Run/Little Conewago Creek Basin TSF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Mount Pleasant Township	PAG103521	Rich Yencha Columbia Gas Transmission Corporation 525 Highlands Blvd. Suite 100 Coatesville, PA 19320	Little Conewago Creek TSF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Conewago and Manchester Townships	PAG103522	Rich Yencha Columbia Gas Transmission Corporation 525 Highlands Blvd. Suite 100 Coatesville, PA 19320	South Branch Conewago Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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**CAFO Notices of Intent Received**

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

**PAG123584, CAFO, Carl F. Myer and John G. Myer, Walnut Run Farms, 292 Elm Road, Lititz, PA 17543.** This proposed facility is in Penn Township, **Lancaster County.**

Description of Size and Scope of Proposed Operation/Activity: The Walnut Acres Farms is an existing dairy operation with a total AEU's of 1,252.5. This operation consists of 600 mature Holsteins, 500 heifers and 60 calves with a total annual manure production of 34,626 tons. The dairy herd is confined 100% of the time. The liquid manure of the milking cows is handled as a liquid

stored in a round, concrete manure storage facility and a steel slurry store. The concrete structure is 120 feet by 12 feet with a useable storage of approximately 930,000 gallons. The steel structure is 62 feet by 14 feet with a useable storage of approximately 290,000 gallons. The two storages provide a total of 1.17 million gallons. All the manure produced on this farm is land applied on the 970 tillable acres owned by the partnership.

The receiving stream, UNT to Chickies Creek, is in watershed 7-G and classified for WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and

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

### **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.**

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

**Operations Permit** issued to **Chester Water Authority**, 415 Welsh Street, Chester, PA 19106, PWS ID 1230004, Little Britain Township, **Lancaster County** on May 4, 2004, for the operation of facilities approved under Construction Permit No. 2302501.

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

**Permit No. 0604502 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Reading Area Water Authority</b>
Municipality	Ontelaunee Township
County	<b>Berks</b>
Type of Facility	This permit approves the installation of automated chlorinators and controllers for expanded disinfection capability at the Maiden Creek Filtration Plant.

Consulting Engineer	Thomas L. Weld, Jr., P. E. BCM Engineers 920 Germantown Pike Reading City Hall Plymouth, PA 19462
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Permit to Construct Issued:	May 11, 2004
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**Permit No. 0603505**, Public Water Supply.

Applicant	<b>Century Land Development Co.</b>
Municipality	Marion Township
County	<b>Berks</b>
Type of Facility	New Community Water System—well source, distribution system, nitrate treatment and disinfection facilities.

Consulting Engineer	Michael S. Moulds Hanover Engineering Associates Inc. 20C Snyder Lane Ephrata, PA 17522
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Permit to Construct Issued	April 29, 2004
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**Operations Permit** issued to **Water To Go + Nutrition**, 7226526, Lower Paxton Township, **Dauphin County** on May 4, 2004, for the operation of facilities approved under Construction Permit No. 2204501.

**Wellhead Protection Program Approval** issued to **Shrewsbury Borough Water System**, 35 West Railroad Avenue, Shrewsbury, PA 17361, PWS ID 7670088, Shrewsbury Borough, **York County** on May 17, 2004.

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

**Permit No. 1400504**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Borough or Township	Philipsburg Borough
County	<b>Centre</b>
Type of Facility	PWS—operation of Trout Run Wells 1 and 2, Penn Five treatment building with disinfection, fluoridation, corrosion control and pH adjustment and miscellaneous trans mains.

Consulting Engineer	Gannett Fleming Inc. 800 Leonard Street, Suite 1 Clearfield, PA 16830
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Permit to Operate Issued	May 5, 2004
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**Permit No. 1402504**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Borough or Township	Philipsburg Borough
County	<b>Centre</b>

Type of Facility PWS—operation of Route 504 Waterline Extension.

Consulting Engineer Richard H. Bulger, Jr. & Assoc.  
P. O. Box 331  
Martinsburg, PA 16662

Permit to Operate Issued May 5, 2004

**Permit No. Minor Amendment.** Public Water Supply.

Applicant **Boggs Township Board of Supervisors**

Borough or Township Boggs Township

County **Centre**

Type of Facility PWS—construction/modification of well no. 2

Consulting Engineer Modern Pump and Equipment, Inc.  
P. O. Box H  
709 East Sunbury Street  
Millerstown, PA 17063

Permit to Construct Issued May 11, 2004

**Permit No. 268W004-T1, 262W14-T1, Minor Amendment.** Public Water Supply.

Applicant **Osceola Township Municipal Authority**

Borough or Township Osceola Township

County **Tioga**

Type of Facility PWS—well no. 3 (Schoolhouse Well).

Permit to Operate Issued May 5, 2004

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

**Permit No. 3004501,** Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
P. O. Box 187  
1442 Jefferson Road  
Jefferson, PA 15334

Borough or Township Washington Township

County **Greene**

Type of Facility Water Booster Station

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

Permit to Construct Issued May 10, 2004

**Operations Permit** issued to **Gray Area Water Authority**, P. O. Box 118, Gray, PA 15544, PWS ID 4560036, Jenner Township, **Somerset County** on May 5, 2004, for the operation of facilities approved under Construction Permit No. 5694502-A2.

**Operations Permit** issued to **Manor Township Joint Municipal Authority**, 2310 Pleasant View Drive, Ford City, PA 16226, PWS ID 5030006, Manor Township,

**Armstrong County** on May 5, 2004, for the operation of facilities approved under Construction Permit No. 0303501.

**Operations Permit** issued to **Fox Chapel Authority**, 255 Alpha Drive, PA 15238-2944, PWS ID 5020040, O'Hara Township, **Allegheny County** on May 5, 2004, for the operation of facilities approved under Construction Permit No. 0296504-A1.

**Operations Permit** issued to **Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222-2219, PWS ID 5020038, City of Pittsburgh, **Allegheny County** on May 10, 2004, for the operation of facilities approved under Construction Permit No. 0299505.

**Operations Permit** issued to **Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222-2219, PWS ID 5020038, City of Pittsburgh, **Allegheny County** on May 10, 2004, for the operation of facilities approved under Construction Permit No. 0299501.

**Operations Permit** issued to **Kittanning Suburban Joint Water Authority**, R. R. 1, Box 23, Adrian, PA 16210-9712, PWS ID 5030043, City of Pittsburgh, **Allegheny County** on May 6, 2004, for the operation of facilities approved under Construction Permit No. 0304502.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals 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>
Paradise Township	82 Beaver Creek Road Abbottstown, PA 17301	York

Plan Description: A3-67949-171-2/3, Dukehart Subdivision. The Official Plan Revision proposed an 11-lot single-family residential subdivision on 79 acres with lots 1-6 using on-lot sewage disposal and lots 8-12 using public sewerage facilities. The proposed subdivision is between Moulstown Road and Pine Road, approximately 1,500 feet south of Route 30 in Paradise Township, York County. The plan was disapproved because lots 1-6 were not sized large enough to dilute nitrate-nitrogen concentrations from the proposed on-lot sewage disposal systems. Additionally, the proposed groundwater easements were not down gradient from the proposed systems and the sewage plumes would not be mitigated by the easements as shown on the plot plan

#### 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.*

**Melchiorre Construction Co. Park Site**, Phoenixville Borough, **Chester County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Peter Melchiorre, Melchiorre Construction Co., Box 14, R. D. 5, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with heavy metals. The report is intended to document remediation of the site to meet Site-Specific Standards.

**21 Thornbird Way Property**, Edgemont Township, **Delaware County**. Wesley P. Fitchett, P. G., Hocage Consulting, Inc., 987 Haddon Ave., Collingswood, NJ 08108, on behalf of Paul O'Brien, 21 Thornbird Way, Edgemont, PA, has submitted a Final Report concerning 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.*

**Former Penn Fuel Gas Manufactured Gas Plant—Pen Argyl Site**, Plainfield Township and Pen Argyl Borough, **Northampton County**. The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238-1359,

has submitted a Remedial Investigation Report (on behalf of PPL Gas Utilities, Inc., Two North Ninth St., Allentown, PA 18101) concerning the characterization of soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards.

**William Kendall Property**, Barrett Township, **Monroe County**. Philip Cicoello, Principal, PVI Services, Inc., 16 South Avenue West, No. 138, Cranford, NJ 07016 has submitted a Final Report (on behalf of William Kendall, 401 Summit Drive, Buck Hill Falls, PA 18323) concerning the remediation of groundwater found or suspected to have been contaminated with no. 2 fuel oil. The report was submitted to demonstrate attainment of the residential Statewide Health Standard.

**Bethlehem Commerce Center—US Cold Storage Facility**, City of Bethlehem, **Northampton County**. William Ahlert, Ph.D., Lawler, Matusky & Skelly Engineers LLP, 609 Hamilton Mall, Allentown, PA 18101 has submitted a combined Remedial Investigation Report and Cleanup Plan (on behalf of Lehigh Valley Industrial Park, Inc.) concerning the remediation of soils and groundwater found or suspected to have been contaminated with volatile and semivolatile organics, PCBs and inorganics. The reports were submitted in partial fulfillment of the Site-Specific Standard.

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

**Homewood Retirement Center of the United Church of Christ, Inc.**, Martinsburg Borough and North Woodbury Township, **Blair County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Homewood Retirement Center of The UCC, Inc., 430 South Market Street, Martinsburg, PA 16662, submitted a Final Report concerning remediation of site groundwater contaminated with lead and BTEX. The report is intended to document remediation of the site to the Statewide Health Standard.

**Ozark Motor Lines, Inc.**, Conewago Township, **Adams County**. Taylor GeoServices, Inc., 938 Lincoln Avenue, Suite 203, Springfield, PA 19064, on behalf of Ozark Motor Lines, Inc., 3934 Homewood Road, Memphis, TN 38118 and Sealed Air Products Corporation, P. O. Box 337, Hanover, PA 17331, submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to the Statewide Health Standard.

**New Franklin Elementary School**, Guilford Township, **Franklin County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on behalf of Chambersburg Area School District, 482 South Main Street, Chambersburg, PA 17201, submitted a revised Final Report concerning remediation of site soils and groundwater contaminated with fuel oil no. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Former Sunoco, Inc., Retail Gasoline Facility (a/k/a Tissue's Auto Parts, now Eckerd Store)**, Cheswick Borough, **Allegheny County**. Douglas S. Byers, P. G., GeoEnvironmental Consortium, Inc., 701 Freeport Road,

Pittsburgh, PA 15238 (on behalf of Rhonda Giovannitti, Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with MTBE, PAH and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Homewood School Plating Shop**, City of Pittsburgh, **Allegheny County**. Wayne D. Rideout, Sci-Tek Environmental Services Company, 655 Rodi Road, Suite 303, Penn Hills, PA 15235 (on behalf of Robert Kennedy, Pittsburgh School Board, 1305 Muriel Street, Pittsburgh, PA 15203) has submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning remediation of site soil contaminated with Inorganics. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

**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 Final Report concerning remediation of site soil and groundwater contaminated with inorganics, other organics, PCBs and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**National Fuel Gas Co., Van Compressor Station**, Rockland and Cranberry Townships, **Venango County**. George W. Hermance, P. G., Parsons, 180 Lawrence Bell Dr., Suite 104, Williamsville, NY 14221 (on behalf of Patricia Flowers, National Fuel Gas, 6363 Main St., Williamsville, NY 14221), has submitted a Final Report concerning remediation of site groundwater contaminated with benzene, pentane and butane. The report is intended to document remediation of the site to meet the 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:

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

**Minquas Fire Station**, East Caln Township, **Chester County**. James F. Mullan, P. E., Hocage Consulting, Inc., 987 Haddon Ave., Collingswood, NJ 08108, on behalf of East Caln Township, Robert Glisson, Township Manager, P. O. Box 232, Downingtown, PA 19335, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with inorganics. The report was approved by the Department on May 12, 2004.

**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 demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 7, 2004.

**North Keim Street Property**, Lower Pottsgrove Township, **Montgomery County**. Justin Lauterbach, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Sukonik Building Co., Susan Viscuso, 1250 Germantown Pike, Suite 100, Plymouth Meeting, PA 19462, has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 12, 2004.

**Former Oscar Mayer and Dupont Facilities**, City of Philadelphia, **Philadelphia County**. James A. Stynchula, P. G., Pennoni Associates, Inc., 3001 Market

St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Jonathan Edelstein, PAID, 2600 Centre Sq., West, 1500 Market St., Philadelphia, PA 19102, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with chlorinated solvents, inorganics and other organics; and groundwater contaminated with inorganics, other organics and PAH. The report was approved by the Department on May 6, 2004.

**President Apartments**, City of Philadelphia, **Philadelphia County**. J. Jeffrey Grant, GAC Associates, Inc., P. O. Box 625, Ardmore, PA 19003-0625, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 10, 2004.

**Simpson Midtown**, City of Philadelphia, **Philadelphia County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Kim Williams, Simpson Midtown, 150 Monument Rd., Bala Cynwyd, PA 19004, has submitted a Final Report concerning the remediation of site soil contaminated with inorganics and lead. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 7, 2004.

*Northeast Region: 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 submitted a Final Report (on behalf of Mark Development Company, P. O. Box 1389, Kingston, PA 18704) concerning the remediation of site soils contaminated with benzene and benzidine as the result of historic operations. The report demonstrated attainment of the residential Statewide Health Standard and was approved on May 6, 2004.

**Husack Auto Sales**, South Whitehall Township, **Lehigh County**. David A. Everitt, III, President, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of George Husack, 4234 Locust Drive, Schnecksville, PA 18078) concerning the remediation of soils contaminated with leaded and unleaded gasoline constituents. The report demonstrated attainment of the Residential Statewide Health Soil Standard and was approved on May 7, 2004.

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

**Snyder Fruit Farm**, Warwick Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Carl B. Snyder, 520B Kissel Hill Road, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2004.

**Ozark Motor Lines, Inc.**, Conewago Township, **Adams County**. Taylor GeoServices, Inc., 938 Lincoln Avenue, Suite 203, Springfield, PA 19064, on behalf of Ozark Motor Lines, Inc., 3934 Homewood Road, Memphis, TN 38118 and Sealed Air Products Corporation, P. O. Box 337, Hanover, PA 17331, submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with diesel fuel. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2004.

**Defense Distribution Depot Susquehanna PA, SWMU No. 6**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002 submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard. The report was approved by the Department on May 12, 2004.

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

**Turner Residence**, Marshall Township, **Allegheny County**. Robert J. Meisner, P. E., Hydro Environmental Technologies, Inc., 1201 Rt. 37 East, Toms River, NJ 08753 (on behalf of David Turner, 115 Vogel Lane, Marshall Township, PA 15005) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with fuel oil no. 2. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 29, 2004.

**Walnut Street Development Project**, City of McKeesport, **Allegheny County**. Joseph Scalamogna P. G., 808 Wellington Drive, Mars, PA 16046 (on behalf of McHolme Builders, Inc., 315 Payday's Drive, Elizabeth, PA 15037) has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil contaminated with lead and chromium. The Remedial Investigation, Risk Assessment Report and Cleanup Plan were approved by the Department on April 28, 2004.

**Lexington Avenue**, City of Pittsburgh, **Allegheny County**. Gary Ballesteros, Esq., Rockwell Automation, Inc., 777 East Wisconsin Avenue, Suite 1400, Milwaukee, WI 53202 (on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, University of Pittsburgh, B-50 Benedum Hall, Pittsburgh, PA 15261 and Blasland, Bouck, & Lee, Inc., 600 Waterfront Drive, Pittsburgh, PA 15222-4741) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with PCBs, heavy metals, BTEX, PAHs, pesticides and VOCs. The Cleanup Plan was approved by the Department on April 16, 2004.

**Westinghouse Specialty Coating Division Facility (Former)**, Manor Borough, **Westmoreland County**. Dean Reed, Viacom Inc., 11 Stanwix Street, Pittsburgh, PA 15222 (on behalf of RANBAR Technologies, Harrison City Road, Manor, PA 15665) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The Cleanup Plan was approved by the Department on April 23, 2004.

**Economy Borough Site**, Economy Borough, **Beaver County**. Mary A. King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Robertson Ceco Corporation, 5000 Executive Parkway, Suite 425, San Ramon, CA 94583 and Guy Caferalli, 925 8th Street, Ambridge, PA 15003) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and heavy metals. The Final report demonstrated attainment of the Statewide Health and Site-Specific Standards and was approved by the Department on April 27, 2004.



**HAZARDOUS WASTE TRANSPORTER LICENSE**

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

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

*Hazardous Waste Transporter License Issued*

**The Cardinal Group, Inc.**, 828 North Hanover Street, Pottstown, PA 19464. License No. PA-AH 0710. Effective April 27, 2004.

**Hydro Technology, Inc.**, P. O. Box 66071, Newport MI, 48166. License No. PA-AH 0708. Effective April 20, 2004.

**Universal Environmental Nevada, Inc.**, P. O. Box 10120, Reno, NV 89510. License No. PA-AH 0709. Effective April 21, 2004.

*Hazardous Waste Transporter License Renewed*

**Altom Transport, Inc.**, 4242 South Knox Avenue, Chicago, IL 60632. License No. PA-AH 0693. Effective May 11, 2004.

**David J. Winning Company**, 5610 Aiken Road, McKees Rocks, PA 15136. License No. PA-AH S100. Effective May 4, 2004.

**Earth Technology II, LLC**, 250 Sackett Point Road, North Haven, CT 06473. License No. PA-AH 0691. Effective May 4, 2004.

**Environmental Equipment and Services, Inc.**, 601 West State Street, Media, PA 19063. License No. PA-AH 0472. Effective April 15, 2004.

**Gensimore Trucking, Inc.**, P. O. Box 5210, Pleasant Gap, PA 16823. License No. PA-AH 0048. Effective April 8, 2004.

**Marisol, Incorporated**, 213 West Union Avenue, Bound Brook, NJ 08805-1334. License No. PA-AH 0164. Effective April 21, 2004.

**Midwest Environmental Services, Inc.**, P. O. Box 218, 420 1/2 South Francis Street, Brownstown, IN 47220. License No. PA-AH 0661. Effective April 27, 2004.

**National Waste Clean, Inc.**, 304 Pulaski Street, South Plainfield, NJ 07080. License No. PA-AH 0528. Effective April 27, 2004.

**Nuway Industrial Services, Inc.**, 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0666. Effective May 4, 2004.

**Perma-Fix of Dayton, Inc.**, 300 South West End Avenue, Dayton, OH 45427. License No. PA-AH 0692. Effective May 10, 2004.

**Univar USA, Inc.**, 6100 Carillon Point, Kirkland, WA 98033. License No. PA-AH 0334. Effective April 22, 2004.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Maxwell Transport, Inc.**, 455 Struble Road, State College, PA 16801. License No. PA-AH 0521. Effective April 14, 2004.

**Novick Chemical Co., Inc.**, P. O. Box 3447, Scranton, PA 18505. License No. PA-AH 0138. Effective April 20, 2004.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

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

*Infectious And Chemotherapeutic Waste Transporter License Issued*

**Healthcare Waste Solutions of Pennsylvania, LLC d/b/a Genesis Environmental**, 380 Locust Street, Industrial Manor II, McKeesport, PA 15132. Effective May 10, 2004.

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

**Permits Issued under the Solid Waste Management Act and regulations to operate a hazardous waste treatment, processing, storage, or disposal facility.**

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

**Permit No. PAD000797548. Ashland, Inc.**, 150 West 4th Avenue, Freedom, PA 15042. Operation of a hazardous waste container storage facility in Freedom Borough, Beaver County. Permit renewal issued in the Regional Office on May 14, 2004.

**MUNICIPAL WASTE GENERAL PERMITS**

**General Permit Reissued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and/or the beneficial use of municipal waste.**

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

**General Permit No. WMGM002B. Magellan EnviroGas Valley, LLC**, 5160 Parkstone Drive, Chantilly, VA 20151. This general permit was issued on January 26, 1998, to Allegheny Energy Resources, Inc. for the processing and beneficial use of landfill gas (LFG) to produce medium to high Btu landfill gas, generated by the landfill disposal of municipal or residual waste, for use as a substitute for natural gas or other fuel.

Based on the information provided in the application, the processing and beneficial use of LFG produced at this Valley landfill gas facility is now under the ownership and management of Magellan EnviroGas Valley, LLC.

Notice is given of the reissuance of the General Permit No. WMGM002B granting Magellan EnviroGas Valley, LLC the processing and beneficial use of LFG to produce medium to high Btu landfill gas, generated by the landfill disposal of municipal or residual waste at Valley landfill gas facility as specified in the general permit. The Central Office approved the reissuance of this general permit on May 12, 2004.

Persons interested in reviewing 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, 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.

#### RESIDUAL WASTE GENERAL PERMITS

##### **Department Initiated General Permit Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.**

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

**General Permit No. WMGR098.** The Department of Environmental Protection, Bureau of Land Recycling and Waste Management (Bureau), authorizes, under General Permit No. WMGR098, the beneficial use of waste foundry system sand and sand system dust generated by ferrous metal foundries and steel foundries. The beneficial uses approved include use as a construction material or a soil additive or soil amendment. This is a Statewide residual waste general permit. Central Office issued this general permit on May 17, 2004.

Under the terms and conditions of the general permit, persons who are permitted to beneficially use waste foundry system sands and sand system dust are required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act and the Department's residual waste management regulations.

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 to initiate and issue general permits for any category of beneficial use or processing that results in beneficial use of residual waste on a statewide basis when the Department determines that the use will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard permit conditions. The Department has determined that the beneficial use of these waste foundry system sands and sand system dusts can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the Department initiated general permit will be required to obtain a determination of applicability from the Bureau's Division of Municipal and Residual Waste. The following minimum information will be required to obtain the determination of applicability:

- a. Name and street address of applicant and generator.
- b. Number and title of general permit.
- c. A chemical and physical analysis and description of the waste that fully characterizes its composition and properties.
- d. A description of the manufacturing and production processes that generate the waste, including a detailed information on the chemical constituents in all binders, coatings or other chemicals used in the production process.

e. A waste evaluation plan for sampling, testing and monitoring new quantities of waste foundry sand, which includes procedures on handling rejected waste foundry sand.

f. A Preparedness, Prevention and Contingency plan for the generating facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans."

g. Proof that copies of the notification have been submitted to the municipality, county, county planning agency and county health department where the wastes are generated.

h. Proof that the beneficial use activities will be consistent with the general permit.

i. Signed and notarized statement by the applicant who seeks to operate under the terms and conditions of the permit that states that the person accepts all conditions of the general permit.

j. A \$500 determination of applicability fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania."

k. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association, and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company.

l. A list of all previous permits or licenses issued to the permittee by the Department or the Federal government under the environmental protection acts, the date of issuance and current status of those permits and the permittee's compliance history concerning the environmental protection acts.

m. Proof that any independent contractors retained by the permittee to perform any activities proposed under this permit are in compliance with Department regulations.

n. Proof that the applicant has legal right to enter the land and operate the facilities proposed for coverage under this permit.

o. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities.

Persons interested in obtaining further information or a copy of this Department-initiated general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, 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.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

##### **Registration Approved under the Solid Waste Management Act, 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. WMGR090R031. Joseph McCormick Construction Company, Inc.**, 3340 Pearl Avenue, Erie, PA 16512-0176. General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on May 11, 2004.

**Registration under General Permit No. WMGR090R014. Glenn O. Hawbaker, Inc.**, 711 East College Avenue, Bellefonte, PA 16823. General Permit No. WMGR090 authorizes the processing and beneficial use of RAP materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on May 13, 2004.

Persons interested in obtaining more information, or obtaining copies of a 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

**Permits Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 101277. Sanitary Landfill, Westmoreland Waste, LLC**, 1428 Delberts Drive, Unit 2, Monongahela, PA 15063. Major permit modification approving the Contingency, Revegetation, Waste Analysis and Classification, Radiation Protection Action and Meteorological Monitoring Plans issued in the Regional Office on May 17, 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.**

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

**GP3-56-00011A: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on May 14, 2004, for a portable nonmetallic mineral processing plant under a GP3 in Shade Township, **Somerset 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.*

**15-0104B: Tasty Baking Oxford** (700 Lincoln Avenue, Oxford, PA 19363) on May 4, 2004, to operate a line no. 2 in Oxford Borough, **Chester County**.

**46-0242: BAE System—Aerospace Electronics, Inc.** (305 Richardson Road, Lansdale, PA 19446-1485) on May 10, 2004, to operate a stoichiometric combustion system in Montgomery Township, **Montgomery County**.

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

**06-03063A: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on May 14, 2004, to construct three cable bonding lines and associated drying ovens controlled by a limit on the VOC content and a small parts caster with two associated lead pots controlled by a fabric collector and HEPA filter in their Kutztown Plant in the Borough of Kutztown, **Berks County**.

**44-05002C: CNH America LLC** (P. O. Box 868, Belleville, PA 17004-0868) on May 14, 2004, to install a replacement paint spray booth at their farm equipment manufacturing facility in Union Township, **Mifflin County**.

**67-05014A: The York Group, Inc.** (2880 Blackbridge Road, York, PA 17402) on May 10, 2004, to install a regenerative thermal oxidizer to replace the catalytic oxidizer that is part of the system that controls VOC emissions from five spray paint booths at their wood casket manufacturing facility in Manchester Township, **York County**.

**67-05101B: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17403) on May 12, 2004, to change the allowable sulfur content of the waste oil used in their drum mix asphalt plant in West Manchester Township, **York County**.

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

**20-293A: Meadville Sandblasting, Inc.** (15921 South Mosiertown Road, Meadville, PA 16335) on May 10, 2004, for post-construction of an existing sandblasting facility and post construction of four surface coating facilities in Hayfield Township, **Crawford 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.*

**09-0050C: Better Materials Corp** (P. O. Box 231, Easton, PA 18044) on May 11, 2004, to operate their asphalt batch plant in Wrightstown Township, **Bucks County**.

**15-0009B: ASAHI Glass Fluoropolymers USA** (255 South Bailey Road, Dover, PA 19901) on May 11, 2004, to operate a fluid bed dryer in Caln Township, **Chester County**.

**46-0146A: Republic Environmental System of PA, Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on May 12, 2004, to operate a waste storage tank in Hatfield Township, **Montgomery County**.

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

**39-318-109: Victaulic Co. of America, Inc.** (4901 Kesslerville Road, Easton, PA 18045) on May 11, 2004, for construction of a paint spray booth and associated air cleaning device at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

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

**41-303-008A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 10, 2004, to operate a reprocessed oil-fired drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, until September 7, 2004, in Loyalsock Township, **Lycoming County**. The plan approval has been extended.

**8-303-003C: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on May 7, 2004, to operate a reprocessed oil-fired batch mix asphalt concrete plant and associated air cleaning device (a fabric collector) on a temporary basis, until September 4, 2004, in Wysox Township, **Bradford County**. The plan approval has been extended.

**8-322-001B: Northern Tier Solid Waste Authority** (US Route 6, Burlington, PA 18814) on May 7, 2004, to operate a municipal solid waste landfill disposal area (field 6A) on a temporary basis, until September 4, 2004, in West Burlington Township, **Bradford County**. The plan approval has been extended.

**59-00003A: OSRAM SYLVANIA Products, Inc.** (1 Jackson Street, Wellsboro, PA 16901) on May 11, 2004, to operate two light bulb frosting lines and a frosting solution reclaim system and associated air cleaning device (a packed bed scrubber) and a wastewater treatment plant filter press and lime mixers on a temporary basis, until September 8, 2004, in Wellsboro Borough, **Tioga County**. The plan approval has been extended.

**49-331-001: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) on January 16, 2004, to operate the hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quench, venturi scrubber, tray tower scrubber and wet electrostatic precipitator) identified in the respective plan approval on a temporary basis until May 15, 2004, at the Cherokee Plant in Riverside Borough, **Northumberland County**. The authorization has been extended.

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

**63-307-027: American Iron Oxide Production Co.** (Foster Plaza, No. 7, 661 Andersen Drive, Pittsburgh, PA 15220) on May 12, 2004, to install a baghouse and scrubbers in Allenport Borough, **Washington County**. This plan approval was extended.

**65-00659B: Better Materials Corp.** (2200 Springfield Pike, Connellsville, PA 15425) on May 11, 2004, at their Adamsburg facility in Hempfield Township, **Westmoreland County**. PA-65-00659B will be revised as follows:

- Condition No. 3—add no. 2 fuel oil and remove no. 6 fuel oil.

- Condition No. 8—reduce allowable production from 800,000 tpy to 736,000 tpy to stay below the major source threshold for CO.

- Condition No. 9—changed limit for rate of RAP usage from 10% to 20% based on September 2003 stack test rate.

- Condition No. 10—remove no. 6 fuel oil.

- Condition No. 11—reduced the annual fuel usage restriction from 1.5 million gallons to 1.38 million gallons to coincide with new production limit, add no. 2 fuel oil and remove no. 6 fuel oil.

- Condition No. 13—reduced fuel lead limit from 100 ppm to 65 ppm, reduced fuel PCB limit from 10 ppm to 2 ppm, changed minimum Btu level from 8,000 Btu/lb to 135,000 Btu/gal (closed cup method), added (Tx) to Total Halides and replaced specific analytical techniques with “appropriate methods from EPA SW 846 or other methods approved in writing by the Department.”

- Condition No. 17—revised emission limits to coincide with AP-42 emission factors or September 2003 stack test data.

- Condition No. 21—removed “and enforce.”

- Condition No. 32—remove no. 6 fuel oil.

- Condition No. 36—changed limits for rate of asphalt production from 352 tpy to 460 tpy and RAP usage from 10% to 20% based on September 2003 stack test rates.

- Eliminated condition requiring testing because stack test has been completed.

- The term waste derived liquid fuel was changed to WDLF throughout.

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

**16-132B: Temple Inland Forest Products** (1 Fiberboard Avenue, Shippensburg, PA 16254) on April 30, 2004, to modify their fiberboard plant in Paint Township, **Clarion County**.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00036: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on May 13, 2004, amended facility Title V Operating Permit in Worcester Township, **Montgomery County**.

**09-00030: MSC Engineered Materials and Solutions Group** (120 Enterprise Avenue Morrisville, PA 19067) May 11, 2004, amended facility Title V Operating Permit in Falls Township, **Bucks County**.

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

**06-05002: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522) on May 10, 2004, to operate their Portland cement manufacturing facility in Maiden Creek Township, **Berks County**.

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

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

**28-05029: Fayetteville Contractors, Inc.** (3185 Lincoln Way East, Fayetteville, PA 17222) on May 12, 2004, to operate a batch mix asphalt plant controlled by a fabric filter in Antrim Township, **Franklin County**.

**67-03038: Masfab, Inc.** (P. O. Box 285, Red Lion, PA 17356) on May 13, 2004, to operate their steel fabrication facility in Windsor Township, **York County**.

**67-03054: York Mold, Inc.** (3865 North George Street, Manchester, PA 17345) on May 12, 2004, for a Natural Minor Operating Permit for an automatic extruded billet process in East Manchester Township, **York County**.

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

**41-00058: Charles Construction Co.** (838 East Central Avenue, Jersey Shore, PA 17740) on January 27, 2004, issued a State-only (Synthetic Minor) Operating Permit for their facility in Limestone Township, **Lycoming County**. The facility's sources include a hot mix asphalt plant and four storage tanks. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

**41-00019: Specialized Vehicle Corp.** (13442 Emerson Road, Kidron, OH 44636) on January 29, 2004, issued a revised operating permit, Revision No. 1 for the change of ownership of the Montgomery Plant from Grumman Olson Industries, Inc. to Specialized Vehicle Corporation. This facility is in Clinton Township, **Lycoming County**. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00033: Williamsport Hospital** (777 Rural Avenue, Williamsport, PA 17701) on April 27, 2004, issued State-only (Synthetic Minor) Operating Permit for their general medical hospital facility in City of Williamsport, **Lycoming County**. The facility's main sources include five natural gas/no. 2 fuel oil fired boilers, four natural gas fired emergency generators and four no. 2 fuel oil fired emergency generators. The facility has taken restrictions to limit potential NOx and SOx emissions below Title V thresholds. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**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.*

**67-05045: Glen Gery Corp.** (1090 East Boundary Street, York, PA 17405) on May 13, 2004, to operate a brick manufacturing facility in Spring Garden Township, **York County**. The Title V Operating Permit was administratively amended to incorporate the requirements of Plan Approval 67-05045A into the facility's Title V operating permit. This is Revision No. 1 of the operating permit.

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

**47-303-003: HRI, Inc.** (1750 West College Avenue, State College, PA 16801) on May 10, 2004, to administratively amend the operating permit to incorporate conditions established in Plan Approval 47-303-003A regarding the use of reprocessed oil as fuel in the drum burner of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) in Liberty Township, **Montour County**.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**56-00167: North American Hoganas** (111 Hoganas Way, Hollsopple, PA 15935) to install a new 5.7 metric ton electric induction furnace controlled by an existing 16,500 acfm fabric collector at their facility in Quemahoning Township, **Somerset County**; 25 Pa. Code § 127.449 and the current Title V Operating Permit restrict the PM10 emission increase to 0.6 ton annually from this source and the PM10 emission increase to 3.0 tons annually from the facility.

In accordance with 25 Pa. Code § 127.449(c) the Department approves this request provided that the following conditions are met:

- Coldstream Department production shall not exceed 8,500 tons in any 12-month period.
- The 5.7 metric ton electric induction furnace shall not operate unless controlled by the existing 16,500 acfm fabric collector.
- Only one electric induction furnace shall melt scrap at any time.
- North American Hoganas shall comply with all emission limitations, monitoring, recordkeeping and reporting requirements contained in the existing Title V Operating Permit.

Operation in accordance with these conditions will keep North American Hoganas in compliance with the de minimis emissions increase provisions in 25 Pa. Code § 127.449 and the current Title V 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.*

**19930101R2. Burnrite Coal Company** (352 Mulberry Street, Atlas, PA 17851). Renewal of an existing anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties**, affecting 556.1 acres. Receiving streams: None. Application received December 17, 2003. Renewal issued May 14, 2004.

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

**03031301. NPDES Permit No. PA0235563. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-9642). To operate the Keystone East Mine in Plumcreek Township, **Armstrong County** and Washington Township, **Indiana County**, a new mine. Surface Acres Proposed 32.6, Underground Acres Proposed 768, SCP Acres Proposed 768. Receiving streams: South Branch Plum Creek CWF. Permit issued May 12, 2004.

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

**33990102 and NPDES Permit No. PA0227978. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County**, affecting 81.7 acres. Receiving streams: two unnamed tributaries to Foundry Run and Foundry Run. Application received September 22, 2003. Permit issued May 10, 2004.

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

**32990102 and NPDES Permit No. PA0235024. M. B. Energy, Inc.** (175 McKnight Road, Blairsville, PA 15717-7960). Surface mine for reclamation only in Brushvalley Township, **Indiana County**, affecting 407.0 acres. Receiving streams: Yellow Creek, unnamed tributary to Yellow Creek (TSF and CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 13, 2004. Permit issued May 6, 2004.

**11940102 and NPDES Permit No. PA0212725. E. P. Bender Coal Company** (Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722). Surface mine renewal for reclamation in Reade Township, **Cambria County**, affecting 133 acres. Receiving streams: unnamed tributaries to Powell Run; Powell Run and an unnamed tributary to Clearfield Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 18, 2004. Permit issued May 6, 2004.

**56930113 and NPDES Permit No. PA212644. Croner, Inc.** (P. O. Box 260, Friedens, PA 15541). Surface mine renewal for reclamation only in Brothersvalley Township, **Somerset County**, affecting 52.7 acres. Receiving streams: unnamed tributaries to Laurel Run and Tubs Run (WWF). There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2004. Permit issued May 6, 2004.

**32000102. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Surface mining permit renewal in White Township, **Indiana County**, affecting 1053 acres. Receiving streams: Yellow Creek, UNT to Yellow Creek (TSF, CWF). There are no potable water

supply intakes within 10 miles downstream. Application received March 10, 2004. Permit issued May 10, 2004.

**56030105 and NPDES Permit No. PA0249467. Croner, Inc.** (P. O. Box 260, Friedens, PA 15541). Commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 294.0 acres. Receiving streams: Blue Lick Creek and unnamed tributaries and Buffalo Creek and unnamed tributaries (CWF). There are no potable water supply intakes within 10 miles downstream. Application received May 21, 2003. Permit issued May 12, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08010820. Gary R. Bartholomew** (R. R. 1, Box 256-C, Monroeton, PA 18832). Transfer of an existing small industrial minerals (flagstone) permit from Benjamin Stone. The permit is in Sheshequin Township, **Bradford County** and affects 3 acres. Receiving streams: unnamed tributary to Susquehanna River, tributary to Susquehanna River. Application received January 27, 2004. Permit issued May 11, 2004.

*Noncoal Permit Actions*

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

**58040805. Patricial Peltz** (R. R. 2, Box 3382, Uniondale, PA 18470). Commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County**, affecting 2.0 acres. Receiving streams: None. Application received January 22, 2004. Permit issued May 10, 2004.

**58040811. Mark A. Hendley** (R. R. 1, Box 1625, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County**, affecting 3.0 acres. Receiving stream: None. Application received March 1, 2004. Permit issued May 10, 2004.

**58040816. Thomas Brozonis** (R. R. 1, Box 52-E, Uniondale, PA 18470). Commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: East Branch of Tunkhannock Creek. Application received March 19, 2004. Permit issued May 10, 2004.

**52032805. David G. Smith** (4101 Conashaugh Lakes, Milford, PA 18337). Commencement, operation and restoration of a quarry operation in Blooming Glen Township, **Pike County**, affecting 5.0 acres. Receiving streams: None. Application received October 31, 2003. Permit issued May 11, 2004.

**58030830. Craig R. Reeves** (P. O. Box 190, South Montrose, PA 18843). Commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: None. Application received December 1, 2003. Permit issued May 11, 2004.

**66040802. Robin Long** (R. R. 2, Box 2466, Laceyville, PA 18623). Commencement, operation and restoration of a quarry operation in Windham Township, **Wyoming County**, affecting 5.0 acres. Receiving streams: None. Application received March 8, 2004. Permit issued May 12, 2004.

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

**03020402 and NPDES Permit No. PA0250406. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a large noncoal surface mining site in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: unnamed tributary and Buffalo Creek. Application received April 15, 2003. Permit issued May 12, 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.*

**36044038. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603). Construction blasting at Eckman Road in West Lampeter Township, **Lancaster County**, with an expiration date of June 4, 2005. Permit issued May 10, 2004.

**09044011. AMROC, Inc.** (7531 Chestnut St., Zionsville, PA 18092). Construction blasting at Wawa Construction Project in Hilltown Township, **Bucks County**, with an expiration date of September 11, 2004. Permit issued May 10, 2004.

**39044005. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414). Construction blasting at Cedar Hill Cemetery in Hanover Township, **Lehigh County**, with an expiration date of April 27, 2005. Permit issued May 10, 2004.

**21044029. Cumberland Valley Drilling & Blasting** (6820 Hertzville Road, Enola, PA 17025). Construction blasting at High Meadow Phase V in Lower Allen Township, **Cumberland County**, with an expiration date of June 30, 2004. Permit issued May 11, 2004.

**06044018. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510). Construction blasting at Shillington Giant & Goodwill in Cumru Township, **Berks County**, with an expiration date of June 10, 2005. Permit issued May 11, 2004.

**48044016. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Knollcroft Estates in Bethlehem Township, **Northampton County**, with an expiration date of June 13, 2005. Permit issued May 11, 2004.

**06044019. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510). Construction blasting at King's View Estates II in Muhlenberg Township, **Berks County**, with an expiration date of June 10, 2005. Permit issued May 11, 2004.

**22044013. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013). Construction blasting at Apple Creek Farms Development in Susquehanna Township, **Dauphin County**, with an expiration date of September 1, 2004. Permit issued May 11, 2004.

**36044041. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507-0189). Construction blasting at Prospect Road Reconstruction in West Hempfield Township, **Lancaster County**, with an expiration date of May 31, 2005. Permit issued May 11, 2004.

**21044030. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting at Misty Meadows in South Middleton Township, **Cumberland County**, with an expiration date of May 31, 2005. Permit issued May 12, 2004.

**21044031. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013). Construction blasting at North and South Newton Townships, **Cumberland County**, with an expiration date of May 31, 2005. Permit issued May 12, 2004.

**67044025. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013). Construction blasting at Manchester Court in West Manchester Township, **York County**, with an expiration date of May 31, 2005. Permit issued May 12, 2004.

**48044015. Labrador Construction and Austin Powder Company** (P. O. Box 1379, Marshalls Creek, PA 18335; and 559 Nor-Bath Boulevard, Northampton, PA 18067). Construction blasting at Hanover Ridge in Hanover Township, **Northampton County**, with an expiration date of December 31, 2004. Permit issued May 13, 2004.

**48044017. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510). Construction blasting for Hunters Hollow in Bethlehem Township, **Northampton County**, with an expiration date of June 12, 2005. Permit issued May 13, 2004.

**48044018. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting for Mill Race, Phase III in Tatamy Borough, **Northampton County**, with an expiration date of June 12, 2005. Permit issued May 13, 2004.

**64044003. ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431). Construction blasting in Texas Township, **Wayne County**, with an expiration date of June 13, 2005. Permit issued May 14, 2004.

**39044006. Bernard J. Hasara, for A. J. Sorrentino Construction, Inc.** (1125 East Mahanoy Avenue, Mahanoy City, PA 17948; and 428 North 15th Street, Allentown, PA 18102). Construction blasting at Rolling Meadows in Lower Macungie Township, **Lehigh County**, with an expiration date of December 14, 2004. Permit issued May 14, 2004.

**45044024. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431). Construction blasting at Scotrun Acres in Pocono Township, **Monroe County**, with an expiration date of May 3, 2005. Permit issued May 14, 2004.

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

**42044001. Otter Exploration** (104 College Street, Hudson, OH 44236). Blasting activity permit to blast for road material and well pad material in Lafayette Township, **McKean County**, for one year. Application received May 13, 2004. Application issued May 13, 2004.

**42044002. Simpson Excavating** (Box 204, Corsica, PA 15829). Blasting activity permit to blast for road material and well pad material in Hamilton Township, **McKean County**, for one year. Application received May 13, 2004. Application issued May 13, 2004.

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

**56044003. Great Lakes Geophysical, Inc.** (5842 Moore Road, P. O. Box 127, Williamsburg, MI 49690). Permit issued for seismic exploration project in Black,



Milford and Upper Turkeyfoot Townships, **Somerset County**. Duration of blasting is approximately 60 days. Permit issued May 7, 2004.

**32044002. Great Lake Geophysical, Inc.** (5842 Moore Road, P. O. Box 127, Williamsburg, MI 49690). Seismic testing—Indy II in Center Township, **Indiana County**. Permit expires: November 26, 2004. Permit issued May 7, 2004.

**07044002. Wampum Hardware Company** (R. D. 1, Box 112-C, Shelocta, PA 15774). Road construction I-99 **Blair County** SR 6220—Federal Project No. 0001-041-3620. Duration of project 365 days. Permit issued May 13, 2004.

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

**26044005. Demtech, Inc.** (65 Bald Mountain Road, DuBois, WY 82513). Permit issued for bridge demolition project in Markleysburg Borough, **Fayette County**, with an expected duration of one day. Permit issued May 11, 2004.

**26044004. Great Lakes Geophysical, Inc.** (5842 Moore Road, P. O. Box 127, Williamsburg, MI 49690). Permit issued for seismic testing at a project in Springfield Township, **Fayette County**, with an expected duration of 60 days. Permit issued May 11, 2004.

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

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

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

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the

applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-442. The Boeing Company**, P. O. Box 16858, P25-75, Philadelphia, PA 19142-0858, Ridley Township and Eddystone Borough, **Delaware County**, ACOE Philadelphia District.

To perform the following flood control improvements on the Boeing North Campus to protect the operation and function of the existing facility situated within the floodway and floodplain of Little Crum Creek (WWF-MF) and Crum Creek (WWF-MF). This site is bounded by Route 291 (Industrial Highway) to the south and Interstate 95 to the north (Bridgeport, PA Quadrangle N: 20.9 inches; W: 11.0 inches) in Ridley Township and Eddystone Borough, Delaware County.

Work will consist of:

1. Construction and maintenance of approximately 1,670 linear feet of floodwall and an appurtenant flood-gate structure along Crum Creek, from Route 291 to just north of Building 2-35.
2. To maintain and repair a 40-foot by 10-foot concrete stream enclosure conveying Crum Creek.



3. To maintain and improve an existing twin 12-foot by 10-foot concrete stream enclosure conveying Little Crum Creek to the confluence with Crum Creek.

4. To install two stormwater outfall structures, one along the Crum Creek and the other within the existing Crum Creek stream enclosure.

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

**E46-948. Upper Dublin Township**, 801 Loch Alsh Avenue, Fort Washington, PA 19034, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following activities in and along unnamed tributaries to Wissahickon Creek (TSF) for flood attenuation purposes:

1. To remove approximately 550 linear feet of an existing 54-inch by 36-inch CMP stream enclosure.

2. To construct and maintain 550 linear feet of twin 48-inch RCP stream enclosure which will run parallel in the approximate location of the existing 54-inch by 36-inch CMP stream enclosure that extends from Highland Avenue to Inverness Avenue.

3. To install and maintain associated inlets, headwalls, endwalls and a 2-foot by 6-foot catch basin.

The site extends from the intersection of Highland Avenue and Farm Lane and terminates at Inverness Avenue (Ambler, PA Quadrangle N: 4.5 inches; W: 11.78 inches).

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

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

**E40-624. Greater Wilkes-Barre Development Corporation**, 2 Public Square, P. O. Box 5340, Wilkes-Barre, PA 18710-5340. Hanover Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To: (1) place fill or regrade in 1.38 acres of other PSS wetlands; (2) construct and maintain a stream enclosure of Warrior Creek (CWF) consisting of 203 linear feet of 10.0-foot-diameter asphalt-coated CSP culvert with its invert depressed 1.0 foot below streambed elevation with 65 linear feet of riprap channel protection extending upstream and 32 linear feet extending downstream of the culvert; (3) construct and maintain a 30-inch SLCPP stormwater outfall structure along the right bank of Warrior Creek, immediately upstream of the entrance to the proposed stream enclosure; and (4) construct and maintain a stream enclosure of a tributary to Warrior Creek (locally known as Garringers Creek (CWF)), consisting of 216 linear feet of 10.0-foot-diameter asphalt-coated CSP culvert with its invert depressed 1.0 foot below streambed elevation, with 12 linear feet of riprap channel protection extending upstream and 30 linear feet extending downstream of the culvert. The project includes multiple utility line crossings of Warrior Creek and the tributary to Warrior Creek, to be above the stream enclosures within the roadway embankment. The purpose of the project is to extend the main access road and utilities into the Hanover Crossings industrial development. The permittee is required to provide 1.38 acres of replacement wetlands.

The entrance to the development is on the north side of SR 2008 (Middle Road), approximately 2,000 feet east of the interchange of SR 2008 and SR 29 (Wilkes-Barre

West, PA Quadrangle N: 15.0 inches; W: 10.5 inches) in Hanover Township, Luzerne County (Subbasin: 5B).

**E40-627. Sand Springs Development Corporation**, 4511 Falmer Drive, Bethlehem, PA 18020. Butler Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain: (1) an 8-inch sanitary sewer line and aerial electric crossing (utility crossing 1) of Long Run (CWF) and adjacent EV-PFO wetlands; (2) an 8-inch sanitary sewer line crossing (utility crossing 2) of a tributary to Long Run (CWF); (3) an 8-inch sanitary sewer line crossing (utility crossing C) of a tributary to Long Run; (4) a road crossing (crossing B) of Long Run and adjacent wetlands, consisting of a 20.0-foot by 6.8-foot open-bottomed arch culvert and associated gas, water and electric utility line crossings; (5) a road crossing (crossing F) of a tributary to Long Run, consisting of a 48-inch CMP culvert and associated gas and water utility line crossings; and (6) a road crossing (crossing Q) of a tributary to Long Run, consisting of a 48-inch CMP culvert and associated gas, electric, water and sanitary sewer utility line crossings.

The proposed activities will impact 0.03 acre of wetlands, at road crossing B. The permittee is required to provide 0.03 acre of replacement wetlands, to supplement the wetland replacement for activities previously authorized under General Permits. The project (known as the Sand Springs Golf Community) is on the west side of SR 0309, approximately 0.5 mile north of SR 0080 (Freeland, PA Quadrangle N: 11.0 inches; W: 14.0 inches) in Butler Township, Luzerne County (Subbasin: 5D).

**E39-423. K & M Associates**, 496 Lone Lane, Allentown, PA 18104. Upper Macungie and Lower Macungie Townships, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimis area of PFO wetlands (wetland no. 4) equal to 0.01 acre on lot 15 of the Hopewell Woods Subdivision. The project is on the north side of Reppert Lane (T-503) approximately 1,500 feet west of its intersection with Krocks Road (Allentown West, PA Quadrangle N: 12.1 inches; W: 10.0 inches) (Subbasin: 2C).

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

**E28-313. Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Antrim Township, **Franklin County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain: (1) a new 24-foot by 4-foot box culvert at the channel of Muddy Run (HQ-CWF) on SR 2001, Section 003, Segment 0110, Offset 0086; and (2) a 24-inch diameter pipe at the channel of an unnamed tributary to Muddy Run, at the Village of Browns Mills (Greencastle, PA Quadrangle N: 14.4 inches; W: 10.75 inches) in Antrim Township, Franklin County.

**E50-222. Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Northeast Madison Township, **Perry County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a 16.2-foot by 5-foot concrete box culvert on a 60 degree skew at the channel of Little Valley Creek (CWF) on SR 0850, Section 004, Segment 0030, Offset 2250, about 2.4 miles east of Honey Grove Village (McCoysville, PA Quadrangle N: 5.1 inches; W: 2.2 inches) in Northeast Madison Township, Perry County.

**E21-357: North Newton Township**, 255 Ott Road, Shippensburg, PA 17257 in North Newton and West Pennsboro Townships, **Cumberland County**, ACOE Baltimore District.

To remove two isolated 7-foot by 7-foot concrete box culverts and to install and maintain one 20-foot span by 7-foot rise precast concrete bridge arch system (ConSpan) to cross the Big Spring Creek (CWF) and to fill 0.02 acre of adjacent wetlands, all for the purpose of realigning and widening of the roadway on Nealy Road (T-353) approximately 200 feet west of Big Spring Road (SR 3007) (Newville, PA Quadrangle N: 4.35 inches; W: 4.40 inches) in North Newton and West Pennsboro Townships, Cumberland County. The amount of wetland impact is considered a de minimis impact of 0.02 acre and wetland mitigation is not required.

**E38-141: Jackson Township**, 60 North Romona Road, Myerstown, PA 17067 in Jackson Township, **Lebanon County**, ACOE Baltimore District.

To remove two one-lane bridges and to: (1) install and maintain a two-lane 32-foot wide open bottom precast bridge to cross the Tulpehocken Creek (TSF); and (2) install and maintain a two-lane 32-foot wide open bottom precast bridge to cross the Union Canal, all for the purpose of replacing the dilapidated bridges and improving safety, both parallel to each other along Creamery Street approximately 2,000 feet south of Route 422 just west of Myerstown (Richland, PA Quadrangle N: 21.2 inches; W: 10.9 inches) in Jackson Township, Lebanon County.

**E67-746: Pennsylvania American Water Company**, 852 Welsey Drive, Mechanicsburg, PA 17055 in Fairview Township, **York County** and New Cumberland Borough, **Cumberland County**, ACOE Baltimore District.

To demolish several existing water treatment plant structures within the floodway and floodplain of the Yellow Breeches Creek (CWF), then to construct and maintain a raw water intake structure in the Yellow Breeches Creek, a pump station in the floodway of the Yellow Breeches Creek and install approximately 20,000 feet of 24-inch water main, which will cross three wetlands (wetlands 7, 11 and 12), two unnamed tributaries (tributaries 1 and 4) to the Yellow Breeches Creek (CWF) and bore under the Yellow Breeches Creek (Lemoyne, PA Quadrangle N: 18.0 inches; W: 15.5 inches) in Fairview Township, York County and New Cumberland Borough, Cumberland County. The proposed facilities and pipelines will temporarily impact 0.31 acre of exceptional value (EV) wetlands (0.29 acre PFO/0.02 acre PEM).

**E22-466: Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033 in Derry Township, **Dauphin County**, ACOE Baltimore District.

To extend and maintain an existing 42-inch diameter outfall pipe, which ultimately reduces to 24 inches in diameter, into the Swatara Creek (WWF) for the purpose of updating to meet Act 537 requirements, to the north of the Clearwater Road Wastewater Treatment Plant (Hershey, PA Quadrangle N: 6.7 inches; W: 8.4 inches) in Derry Township, Dauphin County.

**E22-470: Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Harrisburg, PA 17103 in Harrisburg City, **Dauphin County**, ACOE Baltimore District.

To remove the existing underpass bridge and then to construct and maintain: (1) a new 46-foot wide at the bottom base, 73.5-foot wide at the upper base by 14.6-foot

high trapezoidal underpass culvert and resurface the underpass roadway; (2) relocate the south ramp; and (3) resurface the north ramp of City Island, which are within the 100-year floodway and floodplain of the Susquehanna River (WWF) (Harrisburg West, PA Quadrangle N: 0.8 inch; W: 1.7 inches) in Harrisburg City, Dauphin County.

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

**E57-104. Department of Conservation and Natural Resources, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105-8451. Culvert replacement in Shrewsbury Township, **Sullivan County**, ACOE Baltimore District (Hills Grove, PA Quadrangle N: 1.8 inches; W: 6.0 inches).

To: (1) remove the existing 7-foot 5-inch by 4-foot 6-inch by 30-foot long corrugated metal arch pipe and to construct and maintain; (2) a 20-foot by 5-foot by 40-foot long reinforced concrete box culvert with concrete inlet and outlet wingwalls depressed 12 inches in the streambed; (3) inlet and outlet concrete aprons extending about 8 feet upstream and downstream from the culvert; and (4) R-6 riprap extending approximately 5 feet upstream and downstream from the apron extremities. The project is in Ogdonia Run (HQ-CWF) on Brummerdale Road, approximately 4 miles west of the intersection of Brunnerdale Road with Route 42. The project will not impact wetlands while impacting approximately 90 feet of waterway. The project will disturb approximately 0.07 acre of earth. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-452. Osceola Township**, P. O. Box 146, Osceola, PA 16942. Holden Creek Bridge Replacement in Osceola Township, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 20.8 inches; W: 16.8 inches).

To remove the existing pony truss single span bridge structure in its entirety and to construct, operate and maintain a composite prestressed spread box beam bridge over Holden Creek along with reinforced concrete abutments and wingwalls. The structure is intended to be placed 150 feet upstream of the existing structure's inlet. The permit also authorizes a temporary stream crossing during construction. The temporary stream crossing will be constructed of three 6-foot diameter corrugated metal culvert pipes with clean rock fill for the working surface. The project is 15 feet from SR 4017 at the intersection with T-743.

**E59-456. Game Commission**, 168 Mann Creek Road, Mansfield, PA 16933. Wetland observation area in Delmar Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle N: 8.5 inches; W: 6.5 inches).

To place de minimis fill (less than 0.05 acre) in a graminoid emergent marsh for the purpose of constructing an elevated observation blind and an elevated boardwalk measuring 100 linear feet in length for wildlife observation and recreation. The fill is for construction of support posts for the boardwalk and observation blind. The project site is on State Game Lands 313 east of SR 287 on T-540 in Delmar Township, Tioga County.

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

**E04-283. Beaver County Corporation for Economic Development**, 250 Insurance Street, Suite 300, Beaver, PA 15009. Hopewell Business and Industrial Park wetland fill in Hopewell Township, **Beaver County**,

Pittsburgh ACOE District (Aliquippa, PA Quadrangle N: 11.0 inches; W: 3.25 inches) (Latitude: 40° 33' 38" and Longitude: 80° 16' 24"). To place and maintain fill in a de minimis area of wetlands and to place and maintain fill in an unnamed tributary to Boggs Run (42.0 linear feet of perennial stream and 440.0 linear feet of ephemeral stream) for a distance of 482.0 linear feet for the purpose of constructing the Hopewell Business and Industrial Park expansion. The project is on the east side of Clinton-Gringo Road, approximately 1,500 feet southwest from the intersection of SR 151 and Clinton-Gringo Road. The project will impact a total of 482.0 linear feet of stream channel and 0.04 acre of wetlands.

**E11-300. West Carroll Township Supervisors**, P. O. Box 374, Elmora, PA 15737-0374. Sportsman Road Bridge in West Carroll Township, **Cambria County**, Pittsburgh ACOE District. (Hastings, PA Quadrangle N: 1.5 inches; W: 16.9 inches) (Latitude: 40° 38' 00" and Longitude: 78° 44' 48"). To remove the existing structure and to construct and maintain a con-span bridge with natural streambed having a single opening of 20 feet wide and 6.8 feet high in Fox Run (CWF). The project includes placement of R-5 riprap at the structure for scour protection. The project is on Sportsman Road (T-626), approximately 0.1 mile south of SR 219.

**E32-349. Reliant Energy Northeast Management Company**, 1442 Power Plant Road, SR 2008, New Florence, PA 15944. Conemaugh Generating Station pump house in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District (New Florence, PA Quadrangle N: 2.1 inches; W: 7.9 inches) (Latitude: 40° 23' 11" and Longitude: 79° 03' 21"). To operate and maintain the make-up pump house water intake channel along the Conemaugh River (WWF) at the Conemaugh Generating Station off SR 2008.

**E56-326. Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707. Tire Hill Sewage Treatment Plant in Conemaugh Township, **Somerset County**, Pittsburgh ACOE District (Johnstown, PA Quadrangle N: 4.9 inches; W: 6.0 inches) (Latitude: 40° 16' 36" and Longitude: 78° 55' 04"). To construct and maintain the Tire Hill Sewage Treatment Plant in the 100-year flood plain along the left side of Stony Creek (WWF) occupying approximately 1.83 acres. The permit also authorizes the installation and maintenance of sewer line crossings, outfalls, temporary roadway crossings and bank stabilization in, along and across Stony Creek (WWF), various tributaries to Stony Creek (WWF) and wetlands. The proposed sewage plant is at the end of Greenhouse Park Road, 1500 feet east of Tire Hill Road.

**E56-327. Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. Sewer line and pedestrian bridge crossings in Richland Township and Scalp Level Borough, Cambria County and Paint Township and Borough, **Somerset County**, Pittsburgh ACOE District. The project starts at the Windber Area Authority Sewage Treatment Plant (Johnstown, PA Quadrangle N: 1.44 inches; W: 2.09 inches) (Latitude: 40° 15' 29" and Longitude: 78° 53' 24") and ends near where SR 4051 crosses over Paint Creek (Windber, PA Quadrangle N: 21.56 inches; W: 13.65 inches) (Latitude: 40° 14' 37" and Longitude: 78° 50' 52"). To install and maintain approximately 17,000 linear feet of 42-inch and 36-inch diameter gravity sewer line in, across or along Stony Creek (WWF), Paint Creek (CWF-TSF) and an unnamed tributary to Paint Creek (CWF). The in-stream and overhead sewer line stream crossings will have a combined length of

1,190 feet. An additional combined length of 240 feet of stream will be temporarily impacted by eight proposed temporary ford crossings. Approximately 0.05 acre of wetland will be affected by two 42-inch utility line crossings and an additional 0.35 acre of wetland will be temporarily affected during construction of these crossings. This permit also authorizes the rehabilitation, operation and maintenance of four existing pedestrian bridges across Paint Creek (CWF-TSF) 1,700 feet, 5,950 feet, 7,350 feet and 8,000 feet, respectively, above its confluence with Stony Creek.

**E63-557. Washington County Planning Commission**, 100 West Beau Street, Suite 701, Washington, PA 15301. Sawhill Covered Bridge No. 23 in Blaine Township, **Washington County**, Pittsburgh ACOE District (West Middletown, PA Quadrangle N: 10.0 inches; W: 5.8 inches) (Latitude: 40° 10' 49" and Longitude: 80° 24' 59"). To rehabilitate, operate and maintain the existing Sawhill Covered Bridge No. 23 having a clear span of 49.0 feet with a minimum underclearance of 8.4 feet across the channel of Buffalo Creek (HQ-WWF) for the purpose of improving highway safety. The bridge is on TR 426, just west from the intersection of TR 426 and SR 221. The project will impact 45.0 linear feet of stream channel.

**E65-828. Derry Township Supervisors**, 650 Derry Road, Derry, PA 15627. McGee Run culvert in Derry Township, **Westmoreland County**, Pittsburgh ACOE District (Derry, PA Quadrangle N: 17.2 inches; W: 5.00 inches) (Latitude: 40° 21' 41" and Longitude: 79° 17' 9"). To remove the existing structure and to construct and maintain a 54.5-foot long box culvert having a single waterway opening of 10 feet wide by 6 feet high (1-foot depressed invert with baffles) in an unnamed tributary to McGee Run (CWF). The project includes placement of R-6 riprap for scour protection approximately 5 linear feet upstream and 5 linear feet downstream of the culvert. In addition, approximately 40 linear feet of turf reinforcement matting will be installed within the watercourse at the downstream of the structure. The proposed culvert is on T-847 (Mill Street) approximately 250 feet east of T-851 (Lester Road).

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## SPECIAL NOTICES

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### Public Hearing for NPDES Permit No. PAI023904011

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on Individual NPDES Permit Application PAI023904011 for the discharge of stormwater from construction activities at the proposed Yeker Farm, Salisbury Township, Lehigh County.

The public hearing will be held on July 13, 2004, at 7 p.m. in the Lehigh County Agricultural Center, 4184 Dorney Park Road, South Whitehall Township, Lehigh County by the Department of Environmental Protection, Water Management Program, Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2554. The hearing is in response to an application submitted by Selvaggio Enterprises, Inc., 623 Selvaggio Drive, Suite 200, Nazareth, PA 18064. The NPDES permit application proposes the discharge of stormwater from construction activities to Little Lehigh Creek.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Yeker Farms Public Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Depart-

ment requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application PAI023904011. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire. However, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Lehigh County Conservation District Office, (610) 391-9583. For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

[Pa.B. Doc. No. 04-952. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Interim Final Technical Guidance*

DEP ID: 383-2129-002. Title: Guidance for Evaluating Alternate Recycle Return Locations Proposed under the Filter Backwash Recycling Rule (FBRR). Description: The Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule require all systems utilizing surface water or groundwater under the direct influence of surface water (GUDI) to achieve at least 2-log removal of Cryptosporidium. To insure that the practice of recycling does not adversely

affect the ability of a plant to meet this requirement, the FBRR requires that certain recycle flows in conventional and direct filtration facilities be returned to a location in the plant so the recycle flow passes through all of the treatment processes by June 8, 2004. The FBRR also allows the return of recycle flows to a location other than the head of the plant if the Department determines that use of the alternate location will not adversely affect the ability of the plant to achieve 2-log Cryptosporidium removal. This guidance was developed to aid permitting staff in evaluating requests to recycle to alternate locations. Written Comments: Interested persons may submit written comments on interim final technical guidance document #383-2129-002 until June 28, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Rodney Nesmith, Bureau of Water Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, [rnesmith@state.pa.us](mailto:rnesmith@state.pa.us). Questions regarding the interim final technical guidance document should be directed to Rodney Nesmith, (717) 783-9719. Interim Final Effective Date: May 29, 2004.

#### *Draft Technical Guidance*

DEP ID: 362-5512-004. Title: Recognition of Cost Items Associated with Concurrent Act 537 and Combined Sewer Overflow Long Term Control Plan (LTCP) Planning. Description: This guidance provides for the consistent administration of planning grants to counties, municipalities and municipal authorities under the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20a). It provides a listing of LTCP Act 537 planning activities and guidance as to whether the costs associated with these listed activities are eligible for support by Act 537 grant moneys. Written Comments: Interested persons may submit written comments on draft technical guidance document #362-5512-004 until June 28, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to John McHale, Bureau of Water Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, [jomchale@state.pa.us](mailto:jomchale@state.pa.us). Questions regarding the draft technical guidance document should be directed to John McHale, (717) 787-8184.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-953. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Extension of Proposed Revisions to Pennsylvania General NPDES Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10)

The Department of Environmental Protection (Department) issues a 3-month extension of current General NPDES Permit (PAG-10) for Discharges from Hydrostatic Testing of Tanks and Pipelines and related permit documents. This notice is issued under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20).

The current General Permit will expire on June 25, 2004. The proposed extension will extend the current permit, as is and in its entirety, until September 25, 2004.

The extension permit documents package will continue to be available from the Department's regional and central offices until it is replaced or updated.

Copies of the permit documents package are available from the Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, [trutrouma@state.pa.us](mailto:trutrouma@state.pa.us). Copies of the permit documents package are also available on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate; scroll down to "Proposals Open for Comment").

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comments and response document and prepare the final documents for the permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-954. Filed for public inspection May 28, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Governor's Council on Physical Fitness and Sports Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting on Wednesday, June 23, 2004, from 10 a.m. to 12 p.m. Members of the public who wish to attend this meeting should report to the Department of Health (Department), Room 1000, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact James Domen, Acting Manager, Physical Activity Program, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-2957 or 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. 04-955. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, June 16, 2004, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17108.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact

Cynthia Trafton, Bureau of Health Planning, (717) 772-5298, [ctrafton@state.pa.us](mailto:ctrafton@state.pa.us) or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-956. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Phoebe Berks Health Care Center  
1 Heidleberg Drive  
Wernersville, PA 19565

St. Francis Country House  
1412 Lansdowne Avenue  
Darby, PA 19023-1218  
FAC ID 190502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Somerset Hospital Center for Health  
225 South Center Avenue  
Somerset, PA 15501

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

The Lutheran Home of Johnstown  
807 Goucher Street  
Johnstown, PA 15905

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(b) (relating to kitchen):

Grandview Health Homes  
49 Woodbine Lane  
Danville, PA 17821

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address listed previously or, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or

the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-957. Filed for public inspection May 28, 2004, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them or their firm, or any firms, corporations or partnerships in which these contractors, or either one of them or their firm, have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Carl L. Gordon Construction, Inc.,	10773 Burkett Road Greencastle, PA 17225	04/27/04
Carl L. Gordon, individually and d/b/a Carl L. Gordon Construction	-and- 661 Pennsylvania Avenue Hagerstown, MD 21740-3769 -and- 713 West Washington St. Hagerstown, MD 21741	

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 04-958. Filed for public inspection May 28, 2004, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Availability of the Low-Income Home Energy Assistance Program Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 2004-05 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this document and testimony received at public hearings will be used to formulate the Department's final State Plan for using Federal funds in FY 2004-05 LIHEAP.

The Department has sent advance copies of the proposed State Plan to the LIHEAP Advisory Committee. In addition, copies have been sent to fuel associations, legal service agencies and area agencies on aging for distribution to their members or constituents. Other persons who want copies can obtain them after June 28, 2004, by contacting a local county assistance office or by calling Karen Kirk, (717) 772-7906.

The Department will hold three public hearings throughout this Commonwealth to allow testimony on the proposed State Plan and fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) (Pub. L. No. 97-35, 42 U.S.C.A. §§ 8621—8629) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. No. 103-252) and the Coats Human Services Reauthorization Act of 1998 (Pub. L. No. 105-285).

#### *Public Hearing Schedule*

July 13, 2004, 10 a.m.—1 p.m.  
Philadelphia County Assistance Office  
LIHEAP Conference Room, 2nd Floor  
4601 Market Street  
Philadelphia, PA

July 15, 2004, 10 a.m.—12 p.m.  
Allegheny County Courthouse  
Gold Room, 4th Floor  
436 Grant Street  
Pittsburgh, PA

July 16, 2004, 10 a.m.—12 p.m.  
Health and Welfare Building  
Room 812, 8th Floor  
Forster Street  
Harrisburg, PA

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by calling (717) 772-7906 before July 9, 2004. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request, including telephone number, to Nancy Poindexter, Federal Programs and Program Management, Room 224, Willow Oak Building No. 42, DPW Complex 2, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 04-959. Filed for public inspection May 28, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

[Correction]

### Pennsylvania Sparkling Diamonds Instant Lottery Game

An error occurred in the document which appeared at 34 Pa.B. 2646, 2648 (May 15, 2004). The Secretary of the Department of Revenue's name was incorrect. The correct information is as follows:

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-04-863. Filed for public inspection May 14, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2004 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the addition to the list of Class A Wild Trout Streams as set forth in 34 Pa.B. 1642 (March 20, 2004). Specifically, the Commission approved the addition of Waltz Creek, Section 02, Northampton County, from the confluence with Greenwalk Creek downstream to the mouth, a distance of 2.36 miles.

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 04-960. Filed for public inspection May 28, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 13, 2004, and announced the following:

#### *Action Taken—Regulation Approved*

Department of Transportation #18-374: Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers (amends 67 Pa. Code Chapter 83)

Public Meeting held  
May 13, 2004

*Commissioners Voting:* John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq., by proxy

*Department of Transportation—Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers; Regulation No. 18-374*

On August 11, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 83. The proposed regulation was published in the August 23, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2004. On April 16, 2004, the Department simultaneously tolled and resubmitted the final-form regulation to correct a drafting error.

The regulation amends the criteria used by providers when conducting physical examinations of applicants for learners' permits and drivers' licenses. The amended criteria will also be used by providers to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely. The amended criteria reflect advances in the practice of medicine and medical research related to the ability of individuals with seizure disorders to drive safely and advances in ophthalmological research.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S. §§ 1512, 1517, 1518 and 6103) 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. 04-961. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of a regulation, contact the promulgating agency.

<i>Final Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-116	Department of Agriculture Application of Soil and Groundwater Contaminated with Agricultural Chemicals to Agricultural Lands	5-17-04
<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-484	Department of Public Welfare MA Program Payment Policies	5-14-04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-962. Filed for public inspection May 28, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Antonette K. Fennick; Hearing

#### License Denial; Doc. No. AG04-05-001

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 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for July 8, 2004, at 11 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 27, 2004. A hearing shall occur on July 27, 2004, at 1:30 p.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 25, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 2, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-963. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Application for Approval of the Recapitalization of a Domestic Health Maintenance Organization

UPMC Health Plans, Inc., a Pennsylvania domiciled for-profit health maintenance organization, has submitted a Plan of Recapitalization, whereby it proposes to reduce the stated capital of the company. The initial filing was made under the requirements of the GAA Amendments Act of 1990 (15 P. S. §§ 21205—21207) to the Business Corporation Law of 1988. Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this recapitalization are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-964. Filed for public inspection May 28, 2004, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's auto-

mobile policy. The hearing 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 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 Dawn Moody; file no. 04-265-01339; Safeco Insurance Company; doc. no. PH04-05-003; June 18, 2004, 2 p.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-965. Filed for public inspection May 28, 2004, 9:00 a.m.]

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

The following insureds have requested hearings 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 Frederick J. and Carolyn I. Foxhill, Sr.; file no. 04-182-04175; Erie Insurance Exchange; doc. no. P04-05-007; June 23, 2004, 10 a.m.

Appeal of Linda Dobrowalski; file no. 04-181-03319; Shelby Insurance Company; doc. no. P04-05-005; June 24, 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. 04-966. Filed for public inspection May 28, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 21, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-00120751. Network Transportation Systems, Inc.** (35 Brown Street, Washington, NJ 07882), a corporation of the State of New Jersey—household goods in use, between points in the Counties of Lehigh and Northampton, and from points in said counties, to points in this Commonwealth, and vice versa.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-967. Filed for public inspection May 28, 2004, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

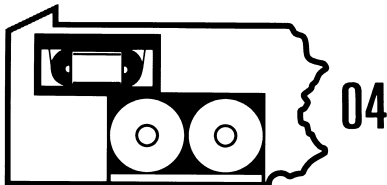
## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

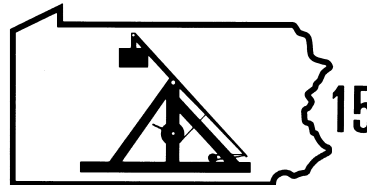
BARBARA HAFER,  
*State Treasurer*

## SERVICES



Audio/Video

04



Environmental Maintenance Service

15

**Bid #2004-IT02** The Pennsylvania State System of Higher Education, Office of the Chancellor, is soliciting bids from qualified vendors to provide maintenance, upgrades and repairs to a Polycom Network Systems MGC -100. Interested vendors may obtain a bid package (IFB #2004-IT02) by contacting: Scott Bailey, Procurement Manager, Pennsylvania State System of Higher Education, Office of the Chancellor, 2986 North Second Street, Harrisburg PA 17110, (717) 720-4155, Fax 717-720-4111, sbailey@sshchan.edu. Bids are due no later than May 26, 2004 11 a.m. Bid Opening will be held at: Dixon University Center, Finance and Administration Conference Room, Administration Building, Second Floor, 2986 North Second Street, Harrisburg, PA 17110.

**Department:** State System of Higher Education  
**Location:** Harrisburg, PA  
**Contact:** Scott Bailey, (717) 720-4155

**OSM 16(6220)101.1** Abandoned Mine Land Reclamation Project, Step Creek. The principal items of work and approximate quantities include clearing and grubbing, 30,844 cubic yards of grading and 3.5 acres of seeding. This project issues on May 28, 2004 and bids will be opened June 22, 2004 at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Funding for this project is available from the \$24.7 million for Pennsylvania's AML Grant.

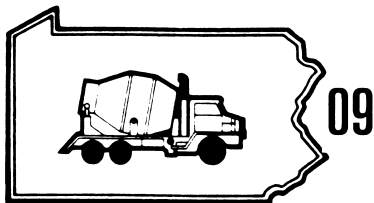
**Department:** Environmental Protection  
**Location:** Paint Township, Clarion County, PA  
**Duration:** 150 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 03-13A** Cleaning Out and Plugging Eight (8) Abandoned Oil and Gas Wells, (Robert A. Damico, Frank W. Cominsky, Sr., Robert L. Putnak, Kimberly A. Booth, and Tait Klein Properties). The principal items of work include cleaning out and plugging eight (8) abandoned oil and gas wells, estimated to be 2,500 to 3,700 feet in depth, to Department Specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on May 28, 2004 and bids will be opened on June 22, 2004 at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned for this project but a date has not been set. Please use the information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Carroll and Fallowfield Townships, Washington County, PA  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**BOGM 03-17** Cleaning Out and Plugging Twelve (12) Abandoned Oil Wells, (Mr. James M. Nelms, Mr. Paul R. Shoffstall and Mr. and Mrs. William Young Properties). The principal items of work and approximate quantities include cleaning out and plugging twelve (12) abandoned oil wells, estimated to be 800 to 1,000 feet in depth, to Department specifications, preparing and restoring well sites, and mobilizing and demobilizing plugging equipment. This project issues on May 28, 2004 and bids will be opened June 22, 2004 at 2 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. A pre-bid conference is planned, but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

**Department:** Environmental Protection  
**Location:** Sugarcreek Borough, Venango County, PA  
**Duration:** 120 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

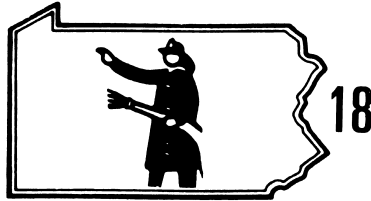


Construction & Construction Maintenance

09

**SU-2002/27.2** Invitation to bid - Shippensburg University: SU-2002/27.2: Dauphin Hall Chilled Water Loop. Shippensburg University of the State System of Higher Education invites HVAC contractors to request bid documents for this project. Work includes all work necessary to install the HVAC plumbing, piping and electrical work to loop the cooling systems of Franklin Science Center and Dauphin Hall together. Prospective Bidders may obtain project plans for a non-refundable deposit of \$25.00, by contacting Joel Shumaker, P.E., at H. F. Lenz Company, 1407 Scalp Avenue, Johnstown, PA 15904. Phone: (814) 269-9300 or Fax: 814-269-9301. Pre-Bid Meeting with site visit immediately to follow will be held at 10 a.m. on June 15, 2004 in Reed Operations Center. Bids Due: June 29, 2004 at 4 p.m. Old Main Room 300. Public Bid Opening: June 30, 2004 at 2 p.m., Old Main Room 207. Contracts, MBE/WBE and Prevailing Wages apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

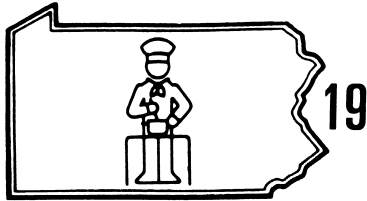
**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** 45 days after Notice to Proceed  
**Contact:** Deborah K. Martin, (717) 477-1121



### Firefighting Services

**CN# 00009013** Contractor to supply all labor and parts necessary to hydrotest, recharge, service and repair portable extinguishers as required by both the Ebensburg and Altoona Centers. Service to include conduction six-year maintenance and hydrotesting. Complete bid specifications can be obtained from the Purchasing Office of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Rt. 22 West, Ebensburg, PA 15931 (Cambria County); Altoona Center, 1515 Fourth Street, Altoona, PA 16601 (Blair County).  
**Duration:** Contract is anticipated to begin July 1, 2004 through June 30, 2007.  
**Contact:** Nannette McCreary, Purchasing Agent 1, (814) 472-0288



### Food

**AC - 8417** Perishable Food Items for Altoona Center as follows: Quarterlies - miscellaneous foods, fruits and vegetables frozen, dairy products, cheese, frozen juices, ice cream and sherbert; monthly for meat, poultry, produce and fish for July, August and September. Altoona Center, 1515 Fourth Street, Altoona PA 16601. Awards made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** July, August and September 2004  
**Contact:** Nannette McCreary, Purchasing Office, (814) 472-0288

**040007** Poultry - chicken patties - turkey burgers - turkey ends and pieces - ground turkey - pulled chicken - fresh turkey breast - turkey ham - turkey kielbasa - chicken fillet, not marinated, skinless, boneless, unbreaded, IQF, 4 oz, no pork or pork by-products.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A., (610) 490-5412, ext. 2030

**040004** Beef - meatballs, 2 oz, 80/20 - beef frankfurters - wafer steaks, beef - roast beef ends and pieces. No pork or pork by-products.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

**8418** Perishable food items for Ebensburg Center as follows: quarterlies - miscellaneous foods, fruits and vegetables frozen, dairy products, cheese, frozen juices, ice cream and sherbert; monthly for meat, poultry, produce and fish for October, November and December. Altoona Center, 1515 Fourth Street, Altoona PA 16601. When requesting bids, please specify which categories you wish to receive. Awards made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 W., P. O. Box 600, Ebensburg, PA 15931  
**Duration:** October, November and December 2004  
**Contact:** Nannette McCreary, Purchasing Office, (814) 472-0288

**CN00008975** Fresh fruits and vegetables to cover the quarter July, August, September, 2004.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** July 1, 2004 through September 30, 2004  
**Contact:** Kathleen A Zeigler, (724) 656-7308

**040009** Eggs - shell, white, Grade A, medium, 30 dz/cs.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

**040011** Milk - low fat 2% and skimmed, 1/2 pints

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

**040010** Soy/veggie products - burgers, mixes, etc.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P.A., (610) 490-5412 Ext 2030

**040001** Dairy products - yogurt - cottage cheese - margarine - cheeses

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P.A., (610) 490-5412, Ext. 2030

**040006** Frozen foods - vegetables, bakery products, entrees, pizza, etc.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P.A., (610) 490-5412, Ext. 2030

**CN 00009048** This bid is for poultry and poultry products (frozen). A copy of the bid packet is available by contacting the Purchasing Department by phone at 610-740-3428 or by fax at 610-740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** July 1, 2004 to September 30, 2004  
**Contact:** Lois Kerbacher, (610) 740-3428

**8416** Perishable food items as follows: quarterlies - miscellaneous foods, prepared salads, fruits and vegetables, frozen, dairy products, cheese, frozen juices, ice cream and sherbert and monthly for July, August and September - meat, poultry, produce and fish for the Ebensburg Center. Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. When requesting bids, please specify which categories of items you wish to receive. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** July, August and September 2004 deliveries  
**Contact:** Nannette McCreary, Purchasing Office, (814) 472-0288

**040005** Produce - fresh fruits and vegetables, ready-to-use vegetables and fruit. Items to be bid monthly or as needed. USDA Inspection required.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

**040003** Seafood - Surimi (imitation crabmeat) chunk style.

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A. Phone: (610) 490-5412, Ext. 2030

**CN00008963** Dispensing of soft drink beverages and juices with dispensing equipment in the Institution's Food Service Department. Syrup to be furnished in five (5) gallon disposable boxes. More detailed information can be obtained from the Institution.

**Department:** Corrections  
**Location:** SCI-Chester, 500 E. 4th Street, Chester, PA 19013  
**Duration:** July 1, 2003 ending June 30, 2006  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 490-4370

**cn00009047** This bid is for fish portions breaded, frozen and precooked. A copy of the bid packet is available by calling the Purchasing Department at 610-740-3428 or by fax at 610-740-3424.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2398  
**Duration:** July 1, 2004 to September 30, 2004  
**Contact:** Lois Kerbacher, (610) 740-3428

**040002** Ice cream - sandwiches, 3 gal tubs

**Department:** Corrections  
**Location:** SCI Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2004 - June 30, 2005  
**Contact:** Ben Jarrett, P. A., (610) 490-5412, Ext. 2030

**cn00009046** This bid is for bread, rolls and English muffins. A copy of the bid packet is available by contacting the Purchasing Department by phone at 610-740-3428 or fax at 610-740-3424.

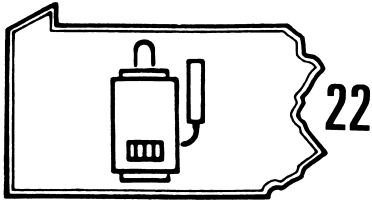
**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** July 1, 2004 to June 30, 2005.  
**Contact:** Lois Kerbacher, (610) 740-3428

**AC - 8419** Perishable food items for Altoona Center as follows: Quarterlies - miscellaneous foods, fruits and vegetables frozen, dairy products, cheese, frozen juices, ice cream and sherbert; monthly for meat, poultry, produce and fish for October, November and December. Altoona Center, 1515 Fourth Street, Altoona, PA 16601. When requesting bids, please specify which categories you wish to receive. Awards made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** October, November and December 2004  
**Contact:** Nannette McCreary, Purchasing Office, (814) 472-0288

**CN00008968** Miscellaneous frozen foods and entrees to cover the quarter, July, August, September, 2004.

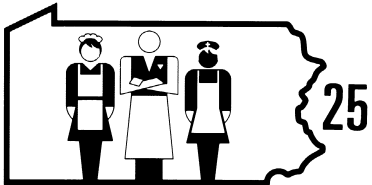
**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** July 1, 2004 through September 30, 2004  
**Contact:** Kathleen A Zeigler, (724) 656-7308



### HVAC Services

**CN00009054** Baffle for #2 boiler. Remove necessary casing, tile and insulation to get to baffle. Remove old baffle. Install new baffle. Replace and install new tile and insulation. Reinstall casing, clean area.

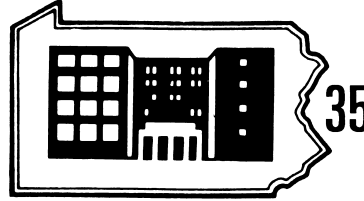
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** July 1, 2004 - September 30, 2004  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



### Laundry/Dry Cleaning & Linen/Uniform Rental

**CN00009030** Contract will come in and check and/or replace belts, seals, pressure, steam valves; closure latches door linings; check and/or grease bearings, chain on all washers, dryers and pressing machines. Also, preventative maintenance shall be performed quarterly for the washers and dryers at SCI-Chester. More detailed information can be obtained from the Institution.

**Department:** Corrections  
**Duration:** July 1, 2004 - June 30, 2007.  
**Contact:** Jacqueline Newson, Purchasing Agent, (610) 490-4370



### Real Estate Services

**N/A** Contemplated Sale of Land No Longer Needed for Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain land owned by it. The following is one of the properties available for sale by the Department in Bellwood Borough, Blair County. The parcel contains 3,620 square feet of unimproved land situated at 716 East Third Street, Bellwood, PA. Estimated fair market value is \$3,600.00. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Barry Clancy, Property Manager, PA Department of Transportation, 1620 North Juniata Street, Hollidaysburg, PA 16648.

**Department:** Transportation  
**Location:** Barry E. Clancy, Real Estate Specialist, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648  
**Duration:** N/A  
**Contact:** Barry E. Clancy, (814) 696-7211

**932246** Department of Transportation - contemplated sale of land no longer needed for transportation purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain lands owned by it. Following is a description of the property available: Upper Augusta Twp., Northumberland County. The parcel contains 18,244 square feet of unimproved land situated at intersection of Front St and Shikellamy Drive. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to PENNDOT, P. O. Box 218, 715 Jordan Ave., Montoursville, PA 17754.

**Department:** Transportation  
**Location:** Upper Augusta Township  
**Contact:** Lenny P. Confer, (570) 368-4337

**93692** Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 9,742 useable square feet of office space within the corporate Borough limits of Jim Thorpe, Lehigh, Nesquehoning, and the Townships of Franklin and Mahoning, Carbon County, PA. Downtown locations will be considered. For more information on SFP #93692 which is due on June 21, 2004 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-0952.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Cynthia T. Lentz, (717) 787-0952

[Pa.B. Doc. No. 04-968. Filed for public inspection May 28, 2004, 9:00 a.m.]





