

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice that it intends to award up to \$250,000 in grants under its Year 2005 Dog Control Facility Bill Reimbursement Program (program). The program will award bill reimbursement grants of up to \$10,000 per recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of the program. The program will be funded from the Dog Law Restricted Account, from funds which are declared to be "surplus" funds for the limited purposes set forth in section 1002(b) of the Dog Law (3 P. S. § 459-1002(b)).

The proposed guidelines and conditions for the program are as follows.

In fulfillment of 7 Pa. Code § 23.4 (relating to guidelines and conditions), the Department invites public and legislative review of the proposed guidelines and conditions. Commentators should submit their comments, in writing, so they are received by the Department within 30 days from the date of this notice. Comments should be sent to Mary Bender, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

The Department will review and consider written comments in preparing the final guidelines and conditions for the program. The final guidelines and conditions for the program will be published in the *Pennsylvania Bulletin* after the close of the comment period. The Department will invite the submission of grant applications at that time.

#### Proposed Guidelines and Conditions for the Year 2005 Dog Control Facility Bill Reimbursement Grant Program

##### 1. Definitions.

The following words and terms, when used in these guidelines and conditions, have the following meanings:

*Department*—The Department of Agriculture.

*Dog control*—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in section 102 of the Dog Law (3 P. S. § 459-102).

*Eligible bill*—A document seeking payment for materials, services or utilities from a grant recipient, setting forth the following:

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery. Invoices and/or receipts for materials must set forth or be accompanied by a written description of the intended use of the material and the date the material is used. Materials may not include computers, computer equipment or software. Examples of eligible materials include the following:
  - Cleaning supplies.
  - Office supplies—typical supplies used to carry on daily office duties.
  - Materials for building and repair projects.
  - Purchases of medication, needles, and the like.

iv. If for services, a description of the nature of the services and the dates upon which the services were rendered. Examples of services include the following:

- Labor charges with respect to which the invoice details the exact service performed and the date of performance.
- Veterinarian services with respect to which the invoice identifies the dog treated and the reason for the treatment.
- Cremation services with respect to which the invoice either verifies that only dogs were cremated or—in the event that animals other than dogs were cremated—separates the dogs from those other animals and identifies a charge attributable to only the cremation of the dogs.

v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.

vi. The name, address and telephone number of the entity issuing the invoice or receipt.

*Humane society or association for the prevention of cruelty to animals*—A nonprofit society or association duly incorporated under 15 Pa.C.S. Chapter 53, Subchapter A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in section 102 of the Dog Law.

*Program*—The Year 2005 Dog Control Facility Bill Reimbursement Program.

##### 2. Eligibility.

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

- a. Has been in operation for at least 1 year immediately preceding the application date.
- b. Has performed dog control functions for at least 1 year immediately preceding the application date.
- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.
- d. Is not a party to a contract with the Department under which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2005.
- e. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities through the year 2005.
- f. Has a total operating budget of \$350,000 or less for the 2005 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of \$350,000 or less for each fiscal year comprising any portion of calendar year 2005.

g. Has a valid Pennsylvania 2005 "Non Profit" kennel license, and operates only a nonprofit kennel at the facility for which grant reimbursement is requested. Facilities which house kennel operations other than a nonprofit facility (that is, boarding kennel and/or commercial kennel) at the same location are not eligible to participate in this program.

### 3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed \$10,000 with respect to any application. The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from January 1, 2005, through December 31, 2005. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before January 1, 2005, or after December 31, 2005, that bill is not an eligible bill and will not be reimbursed by the Department under the Program. The sole exception to the prohibition set forth in the preceding sentence is as follows: If a bill covers materials, services or utilities provided in part in 2004 and in part in 2005, and the grant recipient was also a grant recipient under the Year 2004 Dog Control Facility Bill Reimbursement Program, the Department may, at its discretion, consider the bill an eligible bill.

### 4. Application Process.

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than 30 days from the date this notice is published in the *Pennsylvania Bulletin*. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request. Requests for application forms should be directed to Mary Bender, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833, fax (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.
- iii. The maximum grant amount sought by the applicant—not to exceed \$10,000.
- iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2004 for the same type of materials, services or utilities for which reimbursement will be sought under the grant agreement.
- v. Other information as the Department might reasonably require.

### 5. Review and Approval of Grant Application.

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than 60 days from the date the Bureau of Dog Law Enforcement receives the grant application to the address provided by the applicant on the grant application form. If an application is incomplete or the Department requires additional information or documentation to evaluate the grant request, it will so advise the applicant within 60 days from the date it receives the grant application.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.
- iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.
- iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.
- v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.

### 6. Grant Agreement.

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions under which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By May 15, 2005, the grant recipient will: (1) deliver copies of the eligible bills it has paid between January 1 and April 30, 2005; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By September 15, 2005, the grant recipient will: (1) deliver copies of the eligible bills it has paid between May 1 and August 31, 2005; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By January 15, 2006, the grant recipient will: (1) deliver copies of the eligible bills it has paid between September 1 and December 31, 2005; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

c. *Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 90 days of receiving a complete and timely reimbursement request.

d. *Termination.* The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-1067. Filed for public inspection June 18, 2004, 9:00 a.m.]

## General Quarantine Order

### *Recitals*

A. Avian influenza is an infectious disease of poultry and is designated a "dangerous transmissible disease" of animals under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases).

B. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases.

C. In the past, avian influenza has caused significant loss to the poultry industry in this Commonwealth. It is of particular concern to the entire poultry industry in this Commonwealth and may severely limit the market for Pennsylvania products.

D. On February 17, 2004, avian influenza was detected in a poultry flock located in Lancaster County. The affected poultry flock was immediately made the subject of an Order of Special Quarantine issued by the Department.

E. On May 24, 2004, avian influenza was detected at a second poultry flock in Lancaster County. The affected poultry flock was made the subject of an Order of Special Quarantine issued by the Department.

F. The Domestic Animal Law allows, in 3 Pa.C.S. § 2329(d) (relating to quarantine), for the establishment of a General Quarantine, under the circumstances described, with respect to any area or locality within this Commonwealth.

G. The United States Department of Agriculture (USDA) protocols for handling outbreaks of avian influenza recommend a quarantine perimeter be established. Due to the highly infectious nature of avian influenza, a quarantine zone should be established to prevent the spread of the virus. A quarantine should place restrictions upon poultry movement prior to appropriate testing.

Now, therefore, the Department, under the authority granted it under the Domestic Animal Law and section 1702 of The Administrative Code of 1929 (71 P. S. § 442), orders the establishment of a general quarantine as described in the Order.

### *Order*

1. The previous recitals are incorporated into this Order by reference.

2. The area subject to this Order of General Quarantine (the quarantine area) is the roughly rectangular area of Lancaster County described as follows:

Bordered on the east by State Route (SR) 72, running in a southerly direction from the intersection of Elizabethtown Road and SR 72 (at/near Elstonville) to its

intersection with SR 741 and running in a southerly direction on SR 741 to SR 30 (at/near Lancaster).

Bordered on the south by SR 30, running in a westerly direction from the intersection of SR 741 and SR 30, to its intersection with SR 441 (at/near Columbia).

Bordered on the west by SR 441, running in a northerly direction from the intersection of SR 30 and SR 441, to its intersection with SR 743 (at/near Marietta) and then by SR 743, running in a northerly direction to its intersection with Elizabethtown Road (at/near Elizabethtown).

Bordered on the north by the Elizabethtown Road, running in an easterly direction from its intersection with SR 743 to its intersection with SR 72 (at/near Elstonville).

3. The movement of chickens, turkeys, water fowl, guinea fowl and game fowl and the eggs of these birds (collectively, "subject birds") to destinations within or outside of the quarantine area is prohibited, unless under authority of a written permit issued by the Department in accordance with the requirements of this Order.

4. A person who seeks to move subject birds to a destination within or outside of the quarantine area shall:

a. Within 10 days before the planned movement of subject birds, have at least 30 blood samples drawn from the subject birds in the poultry house or other biosecure unit from which the subject birds are to be moved. This sampling shall be done by: (a) a Department-licensed poultry technician; (b) an accredited veterinarian; or (c) Department personnel. Questions regarding the appropriate testing unit from which samples shall be drawn shall be resolved with the Department prior to the sampling.

b. Have the referenced samples tested at an accredited laboratory—whether within the Pennsylvania Animal Diagnostic Laboratory System (PADLS) or another USDA-accredited laboratory—employing the agar gel immunodiffusion (AGID) test with respect to each sample. If an accredited laboratory other than a PADLS laboratory performs the testing, have that laboratory communicate the test results to the Department.

5. The Department shall issue a written permit allowing the movement of subject birds to a destination within or outside of the quarantine area if it receives confirmation from an accredited laboratory that the samples described in paragraph (4) were all avian influenza test-negative using the AGID test. The permit shall expire when 10 days have lapsed from the date the samples described in paragraph (4) were drawn.

6. Questions regarding this general quarantine order should be directed to ATTN: Bruce Schmucker, VMD, Department of Agriculture, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 783-9550.

7. This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on poultry.

8. This order is effective June 3, 2004, and shall remain in effect until rescinded by the Department.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-1068. Filed for public inspection June 18, 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 June 8, 2004.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-04	The New Tripoli National Bank New Tripoli Lehigh County	New Tripoli	Filed
	<i>To:</i> New Tripoli Bank New Tripoli Lehigh County		
	Application represents conversion from a National bank to a State-chartered banking institution.		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-27-04	Northwest Savings Bank Warren Warren County	1055 Baltimore Street Hanover Penn Township York County	Opened
6-1-04	Fulton Bank Lancaster Lancaster County	1100 Baltimore Pike Glen Mills Concord Township Delaware County	Opened
6-7-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Warwick Square Shopping Center Old York and Mill Roads Jamison Bucks County	Approved
6-7-04	NOVA Savings Bank Philadelphia Philadelphia County	1235 Westlake Drive Berwyn Chester County	Approved
6-7-04	NOVA Savings Bank Philadelphia Philadelphia County	31-33 Lincoln Highway Malvern Chester County	Approved
6-7-04	Bank of Hanover and Trust Company Hanover York County	2300 South Queen Street York York County	Approved
6-7-04	Citizens & Northern Bank Wellsboro Tioga County	2 East Mountain Avenue South Williamsport Lycoming County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-04	S & T Bank Indiana Indiana County	<i>To:</i> 220 New Castle Road Butler Butler County	Filed
		<i>From:</i> 181 New Castle Road Butler Butler County	
6-7-04	Commercial Bank of Pennsylvania Latrobe Westmoreland County	<i>To:</i> 11361 Route 30 North Huntingdon Westmoreland County	Authorization Rescinded
		<i>From:</i> 8775 Norwin Avenue North Huntingdon Westmoreland County	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-7-04	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 2028 North Center Avenue Somerset Somerset County  <i>From:</i> 1514 North Center Avenue Somerset Somerset County	Approved
6-7-04	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 14303 Clearfield-Shawville Highway Clearfield Clearfield County  <i>From:</i> 1800 Daisy Street Ext. Clearfield Clearfield County	Approved
6-7-04	Farmers First Bank Lititz Lancaster County	<i>To:</i> One East Market Street York York County  <i>From:</i> 49 East Market Street York York County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
6-7-04	UTI Employees Credit Union Collegeville Montgomery County	50 West Third Avenue Collegeville Montgomery County	Approved

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1069. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2004**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of July 2004 is 7 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.75 to which was added 2.50 percentage points for a

total of 7.25 that by law is rounded off to the nearest quarter at 7 1/4%.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1070. Filed for public inspection June 18, 2004, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Lower West Branch Susquehanna River Conservation Plan**

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Lower West Branch Susquehanna River Conservation Plan (Plan) and is placing a segment of the Susquehanna River and all tributaries covered in the Plan in Clinton, Lycoming, Northumberland and Union Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Northcentral Pennsylvania Conservancy (Conservancy) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- The segment of the West Branch of the Susquehanna River (Clinton, Lycoming, Northumberland and Union Counties), beginning at the confluence of the West Branch of the Susquehanna River with Lick Run in Clinton County and ending at the confluence of the West Branch of the Susquehanna River with the main branch of the Susquehanna River in Northumberland County—77 linear miles.

- A corridor extending from 1 mile east from the river's east bank to 1 mile west of its west bank.

- The portion of all tributary streams within the river corridor.

This action becomes effective June 19, 2004. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Northcentral Pennsylvania Conservancy, 330 Government Place, Williamsport, PA 17701, (570) 323-6222; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Conservancy.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-1071. Filed for public inspection June 18, 2004, 9:00 a.m.]

### North Branch of the Susquehanna River Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the North Branch of the Susquehanna River Conservation Plan (Plan) and is placing segments of the Susquehanna River and all tributaries covered in the Plan in Bradford, Lackawanna, Luzerne, Susquehanna and Wyoming Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Northcentral Pennsylvania Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- A segment of the North Branch of the Susquehanna River, beginning at the New York and Pennsylvania border between Athens and Litchfield Townships in Bradford County and extending to the border between Wyoming and Forty Fort Boroughs in Luzerne County on the west bank of the river and to the border between Jenkins and Plains Townships in Luzerne County on the east bank of the river.

- The Great Bend area of the Susquehanna River that begins at the New York and Pennsylvania border between

Harmony and Oakland Townships in Susquehanna County and flows west and eventually north to the New York and Pennsylvania border in Great Bend Township, Susquehanna County.

- Both corridors extend from 1 mile east from the river's east bank to 1 mile west from the river's west bank.

- The portion of all tributary streams within both river corridors.

This action becomes effective June 19, 2004. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at Pennsylvania Environmental Council, 175 Main Street, Luzerne, PA 18709, (570) 718-6507; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Pennsylvania Environmental Council.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-1072. Filed for public inspection June 18, 2004, 9:00 a.m.]

### River Conservation Plan for the Cowanshannock Creek Watershed

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the River Conservation Plan for the Cowanshannock Creek Watershed (Plan) and is placing the Cowanshannock Creek, the watershed and all tributaries covered in the Plan in Armstrong and Indiana Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Berks County Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Cowanshannock Creek Watershed (Armstrong and Indiana Counties) from the headwaters to its confluence with the Allegheny River—63.3 square miles.

2. All tributary streams within the Cowanshannock Creek Watershed.

This action becomes effective June 19, 2004. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Cowanshannock Creek Watershed Association, P. O. Box 307, Rural Valley, PA 16249, (724) 783-6992; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the Cowanshannock Creek Watershed Association.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-1073. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Three Rivers Conservation Plan**

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation, has approved the Three Rivers Conservation Plan (Plan) and is placing segments of the Allegheny, Monongahela and Ohio Rivers and all tributaries covered in the Plan in Allegheny County on the Pennsylvania Rivers Conservation Registry (Registry).

The Pennsylvania Environmental Council (Council) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- A segment of the Ohio River from the Emsworth Lock and Dam (MM 6.2) to the Point at Pittsburgh (MM 0.0), Allegheny County—6.2 linear miles.

- A segment of the Allegheny River from the Point to Lock and Dam No. 3 (MM 14.5), Allegheny County—14.5 linear miles.

- A segment of the Monongahela River from the Point to the Glenwood Bridge (MM 6.0), Allegheny County—6 linear miles.

- A corridor extending from 1 mile east from each river segment's east bank to 1 mile west of each segment's west bank.

- The portion of all tributary streams within the river corridor.

This action becomes effective June 19, 2004. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Plan is available for review at the Pennsylvania Environmental Council, 22 Terminal Way, Pittsburgh, PA 15219, (412) 481-9400; and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-7672.

Maps and supporting data are on file at the Council.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 04-1074. Filed for public inspection June 18, 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

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

NPDES Permit No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0031097	Radley Run Sewer Association Radley Run Country Club 1100 Country Club Road West Chester, PA 19382	Chester County Birmingham Township	Radley Run	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 ?
PA0086541 IW	Denver Cold Storage 555A Sandy Hill Road Denver, PA 17517	Lancaster County West Cocalico Township	UNT Indian River 7-J	Y
PA0084221 SEW	Hidden Springs Campground P. O. Box 190 Flintstone, MD 21530	Bedford County Southampton Township	Rocky Gap Run 13-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 ?
PA0036064	Washington Township Sewer Authority—Angling Road 11800 Edinboro Road Edinboro, PA 16412	Washington Township Erie County	Unnamed tributary to Edinboro Lake 16	Y
PA0101737	Wilderness Mobile Home Park P. O. Box 924 Warren, PA 16365	Pleasant Township Warren County	Unnamed tributary to Morrison Run	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.*

**PA0051071**, Industrial Waste, SIC 3533, **Schramm, Inc.**, 800 East Virginia Avenue, West Chester, PA. This proposed facility is in West Goshen Township, **Chester County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated wastewater from the drill-rig assembly operation and maintenance areas to Goose Creek.

The receiving stream, Goose Creek, is in the State Water Plan watershed 3H and classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua, PA is on the Chester Creek, 13 miles below the point of discharge.



The proposed effluent limits for Outfall 001 are based on a design flow of 5,000 gpd of rigs wash-water during dry weather conditions to a maximum of 1.7 mgd during wet weather conditions.

<i>Parameter</i>	<i>Average Quarterly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor	Monitor
Suspended Solids	Monitor	Monitor
Oil and Grease	15	30
Chemical Oxygen Demand	Monitor	Monitor
Total Kjeldahl Nitrogen	Monitor	Monitor
Phosphorus, Total	Monitor	Monitor
Iron, Dissolved	Monitor	Monitor
Iron, Total	Monitor	Monitor
pH	within limits of 6.0—9.0 standard units at all times	

In addition to the effluent limits, the permit contains the following major special conditions: remedial measure; change in ownership; IW sludge disposal; stormwater runoff; PPC plan; other discharges; definitions; TMDL/WLA analysis; lab certification; and inspection and reporting.

The EPA waiver is in effect.

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

**PA5212210**, Industrial, **Meshoppen Stone, Inc.**, P. O. Box 127, Meshoppen, PA 18630. This proposed facility is in Meshoppen Township, **Wyoming County**.

The receiving streams, unnamed tributary to Meshoppen Creek and unnamed tributary to Little Meshoppen Creek, are in the State Water Plan watershed no. 4G and are classified for CWF.

The proposed effluent limits for Outfalls 001—003:

<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>
CBOD				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
Total Phosphorus				Report
Total Kjeldahl Nitrogen				Report
Iron (Dissolved)				Report

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

**PA0003824**, Industrial Waste, SIC, 2899, **Nalco Company**, P. O. Box 391, Ellwood City, PA 16117. This application is for renewal of an NPDES permit to discharge untreated cooling water and stormwater from the Nalco Ellwood City Plant (North and South Plants) in Franklin Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Connoquesnessing Creek, 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 Beaver Falls Municipal Authority below the discharge point.

*Outfall 001: existing discharge, design flow of 0.1 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Temperature				110	
Total Residual Chlorine			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 002—006 and 013—015: existing discharge, design flow of N/A mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	Discharge consists solely of uncontaminated stormwater runoff.				

The EPA waiver is in effect.

**PA0020788**, Sewage, **Borough of Derry**, 114 East Second Avenue, Derry, PA 15627. This application is for renewal of an NPDES permit to discharge treated sewage from the Derry Borough STP in Derry Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as McGee Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.65 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.5	8.3		11.0
Copper	0.014		0.028	0.035
Zinc	0.115		0.23	0.29
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfall 003, which discharges to the receiving waters known as McGee Run, serves as a combined sewer overflow necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. This combined sewer overflow is permitted to discharge only for this reason. There are at this time no specific effluent limits on the outfall. The discharge shall be monitored for cause, frequency, duration and quantity of flow. Use of Outfall 003 is authorized for 36 months from the permit effective date.

The EPA waiver is in effect.

**PA0025798**, Sewage, **Centerville Borough Sanitary Authority**, P. O. Box 332, Richeyville, PA 15358. This application is for renewal of an NPDES permit to discharge treated sewage from the Richeyville Sewage Treatment Plant in Centerville Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pike Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Municipal Authority on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.17 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0031984**, Sewage, **Department of Conservation and Natural Resources, Bureau of State Parks, Raccoon Creek State Park**, 3000 SR 18, Hookstown, PA 15050. This application is for renewal of an NPDES permit to discharge treated sewage from the Raccoon Creek State Park STP and WTP in Hanover Township, **Beaver County**.

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

*Outfall 001: existing discharge, design flow of 0.1 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
Iron	2.0			4.0
Manganese	1.0			2.0
Aluminum	4.0			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			
Total Residual Chlorine	0.15			0.35
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.

**PA0032271**, Sewage, **Bureau of State Parks, Keystone State Park**, R. R. 2, Box 101, Derry, PA 15627-9617. This application is for renewal of an NPDES permit to discharge treated sewage from the Keystone State Park Sewage Treatment Plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as McCune 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 Saltsburg Municipal Waterworks on the Conemaugh River.

*Outfall 001: existing discharge, design flow of 0.075 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.0			4.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 as a geometric mean			
Total Residual Chlorine	0.1			0.2
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0038181**, Sewage, **Hempfield Township Municipal Authority**, R. D. 6, Box 501, Municipal Building, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the New Stanton Water Pollution Control Facility in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as 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 Westmoreland County Municipal Authority—McKeesport.

*Outfall 001: existing discharge, design flow of 7.2 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5	5.3		7.0
(11-1 to 4-30)	8.5	12.8		17.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0098817**, Sewage, **Hickory Acres**, 669 Nelson Road F, Farmington, PA 15437. This application is for renewal of an NPDES permit to discharge treated sewage from the Hickory Acres Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Meadow Run, which are classified as a HQ CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County MA on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.0049 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	6.0			12.0
(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)	2,500/100 ml as a geometric mean			
Total Residual Chlorine	0.3			0.7
Dissolved Oxygen	not less than 7 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0110302**, Sewage, **Johnstown Industrial Development Corporation**, 111 Market Street, Johnstown, PA 15901. This application is for renewal of an NPDES permit to discharge treated sewage from the Quemahoning Industrial Development Park STP in Quemahoning Township, **Somerset County**.

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

*Outfall 001*: existing discharge, design flow of 0.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	20.0			40.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	15,000/100 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.

**PA0216437**, Sewage, **William L. Kovach**, 1027 South 88 Road, Greensboro, PA 15338. This application is for renewal of an NPDES permit to discharge treated sewage from Warwick Mine No. 3, 3 North Shaft STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Meadow 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 Dunkard Valley Joint Municipal Authority.

*Outfall 016:* existing discharge, design flow of 0.0125 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,500 as a geometric mean			
Total Residual Chlorine	0.2			0.5
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.

**PA0216984**, Sewage, **Shannock Valley General Services Authority**, P. O. Box 157, Yatesboro, PA 16263-0157. This application is for renewal of an NPDES permit to discharge treated sewage from the NuMine STP in Cowanshannock Township, **Armstrong County**.

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

*Outfall 001:* existing discharge, design flow of 0.065 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)	10.0			20.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	7,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218111**, Sewage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905-7707. This application is for renewal of an NPDES permit to discharge treated sewage from the Tire Hill Wastewater Treatment Plant in Conemaugh Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Stony 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 Saltsburg Municipal Water Works on the Conemaugh River.

*Outfall 001:* existing discharge, design flow of 0.45 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	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	15	22.5		30
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			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0252689**, Sewage, **C. Harper Ford**, P. O. Box 748, Belle Vernon, PA 15012. This application is for issuance of an NPDES permit to discharge treated sewage from the C. Harper Autoplex Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

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

*Outfall 001: new discharge, design flow of 0.0069 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)	14			28
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 0904409**, Sewerage, **Department of Conservation and Natural Resources**, 2808 Three Mile Run Road, Perkasio, PA 18944. This proposed facility is in Bedminster and East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Repairs to the existing pump station.

**WQM Permit No. 1500421-F**, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of two sewage pump station and an effluent land application system.

**WQM Permit No. 0904410**, Sewerage, **Marie V. Tomlinson**, 1244 Asbury Avenue, Ocean City, NJ 08226. This proposed facility is in Haycock Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility with stream discharge to serve a new single family detached dwelling.

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

**WQM Permit No. 0478205-A1**, Industrial Waste, **Horsehead Corp.**, 300 Frankfort Road, Monaca, PA 15061. This proposed facility is in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Monaca Smeltzer Wastewater Treatment Plant.

**WQM Permit No. 0404402**, Sewerage, **Shippingport Borough**, P. O. Box 76, Shippingport, PA 15077-0076. This proposed facility is in Shippingport Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant, sewer and pumping system to serve Shippingport Borough.

**WQM Permit No. 0490403-A3**, 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. 2604403**, Sewerage, **Fairchance Georges Joint Municipal Sewage Authority**, 141 Big Six Road, Smithfield, PA 15478. This proposed facility is in Georges Township and Fairchance Borough, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewerage extension and pumping station to serve Route 857 and Mountain Road.

The Pennsylvania Infrastructure Investment Authority (PENNVEST), 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.

**WQM Permit No. 5604404**, Sewerage, **Elk Lick Township**, P. O. Box 55, 1507 St. Paul Road, West Salisbury, PA 15565. This proposed facility is in Elk Lick Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer system to serve Elk Lick Township.

PENNVEST 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.

**WQM Permit No. 6371408-A2**, Sewerage, **Mid Mon Valley Water Pollution Control Authority**, P. O. Box 197, Allenport, PA 15412. This proposed facility is in Allenport Borough, **Washington County**.

Description of Proposed Action/Activity: Application for the modification and operation of the Mid Mon Valley Sewerage Treatment Plant and Pumping Stations.

PENNVEST 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. 4304411**, Sewerage, **Bruce M. Shaffer**, 21 Linda Drive, Transfer, PA 16154. This proposed facility is in Pymatuning Township, **Mercer County**.

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

**WQM Permit No. 2004406**, Sewerage, **Edward H. and Janet A. Vogt**, 8687 Peffer Road, Fairview, PA 16415. This proposed facility is in Spring Township, **Erie County**.

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

**WQM Permit No. 6204406**, Sewerage, **David J. and Jeanette M. Bosko**, 829 Hatch Run Road, Warren, PA 16365. This proposed facility is in Glade Township, **Warren 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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#### **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>
PAI011504030	Department of General Services Lincoln University Campus Utility System Upgrade 18th and Herr Streets Harrisburg, PA 17125	Chester	Lower Oxford	McDonald Run HQ-TSF-MF
PAI011504031	Richard Wilson Subdivision 300 Lucky Hill Road West Chester, PA 19380	Chester	Honey Brook Township	Unnamed tributary East Branch Brandywine Creek HQ
PAI010904006	QVC Realty Partners Quakertown Veterinary Clinic 2250 North Bethlehem Pike Quakertown, PA 18951	Bucks	Milford Township	Unami Creek HQ

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 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>
PAS10Q157-R	JDN Land Development Co. 3300 Enterprise Parkway Beachwood, OH 44122	Lehigh	Lower 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>
PAI024504015	Pierce Hardy Ltd. Partnership 1019 Route 519 Eighty-Four, PA 15330-2813	Monroe	Tobyhanna Township	Swiftwater 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>
PAI024804019	Arthur Runquist Acquisition Management, Inc. 2141 Downyflake Lane Allentown, PA 18103	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604004	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	Pequea Creek HQ-CWF

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

*Clinton County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (570) 726-3798, Ext. 5.*

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041804001	Wag-Myr Woodlands Inc. 236 Wag-Myr Lane Loganton, PA 17747	Clinton	Greene Township	Fishing Creek HQ
PAI041804002	Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Clinton	Leidy, Chapman and E. Keathing Townships	Porter Branch HQ

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**CAFO Notices of Intent Received**

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

**PAG123558, CAFO, Jay H. Boll, Hidden Valley Farms, 1802R Cloverleaf Road, Mount Joy, PA 17552.** This proposed facility is in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Expansion from 447 AEUs to 714 AEUs.

The receiving stream, UNT Little Chickies Creek, is in watershed Chickies/7G and classified for TSF.

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

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

The permit application and any related documents are on file at the office listed before the application and are

available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

**SAFE DRINKING WATER**

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

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

**Permit No. 1504505, Public Water Supply.**

Applicant	<b>Pure Choice Water</b>
Borough	Honey Brook
Responsible Official	Joe B. Smith 684 Lancaster Avenue New Holland, PA 17557
Type of Facility	Vended Water System
Application Received Date	May 24, 2004



Description of Action Installation of a new vended water system at Stoltzfus Market.

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

**Permit No. 0104501**, Public Water Supply.

Applicant **R D Partnership**  
Municipality Cumberland Township  
County **Adams**  
Responsible Official Rajendra Engineer, Owner  
P. O. Box 1182  
Chambersburg, PA 17201

Type of Facility PWS  
Consulting Engineer Janet R. McNally, P. E.  
William F. Hill & Assoc., Inc.  
207 Baltimore St.  
Gettysburg, PA 17325

Application Received Date April 13, 2004

Description of Action Construction of well no. 5.

**Permit No. 3104501**, Public Water Supply.

Applicant **Trough Creek State Park Youth Forestry Camp No. 3**  
Municipality Todd Township  
County **Huntingdon**  
Responsible Official Dennis K. Hosler, Civil Engineer  
Consultant  
1401 N. 7th Street  
P. O. Box 2675  
Harrisburg, PA 17105

Type of Facility PWS  
Consulting Engineer Dennis K. Hosler, P. E.  
Department of Public Welfare  
1401 N. 7th Street  
P. O. Box 2675  
Harrisburg, PA 17105

Application Received Date May 17, 2004

Description of Action Construction of a 22,000-gallon finished water storage tank with an in-line booster pump.

**Permit No. 2204504**, Public Water Supply.

Applicant **Tulpehocken Spring Water Inc.**  
Municipality Gratz Borough  
County **Dauphin**  
Responsible Official Gary Troutman, Vice President  
R. R. 1 Box 114T  
Northumberland, PA 17857

Type of Facility PWS  
Consulting Engineer Thomas G. Pullar, P. E.  
P. O. Box 468  
Pipersville, PA 18947

Application Received Date March 26, 2004

Description of Action Installation of ozone disinfection equipment.

**Permit No. 3604509**, Public Water Supply.

Applicant **Borough of Akron**  
Municipality Borough of Akron  
County **Lancaster**  
Responsible Official Daniel Guers, Borough Manager  
117 South Seventh Street  
P. O. Box 130  
Akron, PA 17501-0130

Type of Facility PWS  
Consulting Engineer David T. Lewis, P. E.  
ARRO Consulting Inc.  
270 Granite Run Drive  
Lancaster, PA 17601

Application Received Date May 3, 2004

Description of Action Installation of nitrate treatment to address the nitrate contamination of well no. 8.

#### WATER ALLOCATIONS

**Applications received under the act of June 24, 1939 (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this commonwealth**

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

**WA 25-1004**, Water Allocations, **Millcreek Township Water Authority**, 3608 West 26th Street, Erie, PA 16506, Millcreek Township, **Erie County**. Application request for 4.26 MGD, peak day withdraw from Lake Erie to provide water for treatment and distribution to its entire service area.

## 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 demon-

strates 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.*

**Lot 52 Olmsted**, Pocopson Township, **Chester County**. Eric B. Schmidley, P. G., Apex Environmental, Inc., 269 Great Valley Parkway, Malvern, PA 19355, on behalf of Michael and Myra Evers, 8 Edmondson Dr., West Chester, PA 19382, has submitted a Notice of Intent to Remediate. Lot 52 of the Olmsted development was formerly a fruit orchard. Soil was impacted with residual arsenic from historical use of pesticides. The future use of the site will be a private residence.

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

**I. Auman Machine Co., Inc.**, City of Lebanon, **Lebanon County**. Buchart-Horn, Inc., 445 West Philadelphia Street, York, PA 17404, on behalf of I. Auman Machine Co., Inc., 401 East Spring Street, Lebanon, PA 17042, submitted a Notice of Intent to Remediate soil and/or groundwater that may have been contaminated by suspected drums and/or batteries containing oils and coolants. The intended future use of the property will remain as a machine shop operation

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

**Corning Asahi Video Products Company**, College Township, **Centre County**. Veolia Water Systems, on behalf of Corning, Inc., HP-ME-02-50 (A2H), Corning, NY 14831, has submitted a Notice of Intent to Remediate soil,

groundwater and surface water contaminated with lead and other inorganic constituents. This site is being remediated to meet the Statewide Health Standards at this time. A summary of this Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times*.

**Wise Foods, Inc.**, Berwick, Berwick Borough, **Columbia County**. Gannett Fleming, Inc., on behalf of Wise Foods, Inc., 228 Raseley Street, Berwick, PA 18603, has submitted a Notice of Intent to Remediate groundwater contaminated with 1,1,1-Trichloroethane, 1,1-Dichloroethane and 1,1-Dichloroethene. This site is being remediated to meet the Statewide Health Standards. A summary of this Notice of Intent to Remediate was reported to have been published in the *Press Enterprise* on April 22, 2004. See additional information in the Actions section of this *Pennsylvania Bulletin*.

**GTE Muncy**, Muncy Township, **Lycoming County**. Manko, Gold, Katcher & Fox, LLP, on behalf of GTE Operations Support, Inc., 600 Hidden Ridge Drive, Irving, TX 75038, has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning soil contaminated with chlorinated solvents, fuel oil no. 2, inorganics, leaded gasoline, other organics and unleaded gasoline. This report has been submitted in partial fulfillment of the Site-Specific Standard. A summary of the Remedial Investigation Report, Risk Assessment Report and the Cleanup Plan was reported to have been published in the *Williamsport Sun-Gazette* on April 22, 2004.

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

**BP Site 07022**, North Huntingdon Township, **Allegheny County**. Heather Fazekas, 2020 Ardmore Boulevard, Pittsburgh, PA 15221 (on behalf of Nancy Eisaman, Writings on the Wall, 7950 Lincoln Highway, North Huntingdon, PA 15642 and Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Ave., Suite 440, Towson, MD 21204) has submitted a Notice of Intent to Remediate soil contaminated with constituents associated with waste oil, diesel fuel and 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 *Tribune Review* on April 9, 2004.

**Elrama NIKE Site PI-43 (Launcher and Control Facilities)**, Union Township, **Washington County**. John Scrabis, P. E., MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106 (on behalf of Steven R. Lenney, Deputy Commander, United States Army—Charles E. Kelly Support Facility, 6 Lobaugh Street, Oakdale, PA 15071) has submitted a Notice of Intent to Remediate soil contaminated with TCE and arsenic. The applicant proposes to remediate the site to meet the Background Standard for arsenic and Site-Specific Standard for TCE. A summary of the Notice of Intent to Remediate was reported to have been published in the *Observer Reporter* on March 30, 2004.

**Operation Nehemiah/Former Caruso Property**, Wilkinsburg Borough, **Allegheny County**. Christopher Hartigan, The Fourth River Company, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Constance Balthrop, 235 Eastgate Drive, Pittsburgh, PA 15235) has submitted a Notice of Intent to Remediate groundwater contaminated with lead, gasoline constituents and

tetrachloroethylene and its products of decomposition. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on March 14, 2004.

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

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

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

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

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

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

**National Castings Former**, City of Sharon, **Mercer County**. Deborah Perry, Compliance Env. Services, 2700 Kirila Drive, Hermitage, PA 16148, on behalf of David Grande, Shenango Valley Industrial Development Corp., 41 Chestnut St., Sharon, PA 16146, has submitted a Notice of Intent to Remediate. The site soil and groundwater has been found to be contaminated with chlorinated solvents, diesel fuel, fuel oil nos. 1, 2 and 4-6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, PCB, unleaded gasoline and used motor oil. Was reported to be published in the *Sharon Herald* on or about June 12, 2003.

## 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.

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**PLAN APPROVALS**


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**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.*

**48-399-054: Spray-tek LLC** (3010 Avenue B, Bethlehem, PA 18017) for construction of a spray dryer and associated air cleaning devices at their facility in Bethlehem, **Northampton County**.

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

**06-05066D: Exide Technologies** (Spring Valley Road and Nolan Street, Reading, PA 19605) for modification of the four secondary lead furnaces controlled by afterburners, fabric collectors and four wet scrubbers in the Borough of Laureldale and Muhlenberg Township, **Berks County**. The sources are subject to 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelters.

**22-03055A: Kimmel's Coal and Packaging** (Machamer Avenue, P. O. Box 1, Wiconisco, PA 17097) for replacing the fluidized bed dryer with a rotary dryer and changing the venting of two baghouses at its coal preparation facility in Wiconisco Township, **Dauphin County**.

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

**17-314-001F: Sensus Metering Systems—North America, Inc.** (805 Liberty Boulevard, DuBois, PA 15801) for installation of an air cleaning device (a fiber bed oil mist eliminator system) on three existing rubber diaphragm drying/curing ovens in the City of DuBois, **Clearfield County**.

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

**37-290C: Industrial Concerns, Inc.** (526 South Jefferson Street, New Castle, PA 16101) for a minor modification of a plan approval to use two torches at a scrap metal operation in the City of New Castle, **Lawrence County**.

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**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.*

**09-0035C: En Pro Industries, Inc.—Plastomer Technologies** (23 Friends Lane, Newtown, PA 18940-1803) for construction of a Teflon etching process at their existing facility in Newtown Township, **Bucks County**. This facility is a non-Title V facility. A thermal oxidizer will control the ammonia fumes collected from the etching process. The Plan Approval will also contain recordkeep-

ing, operating and testing requirements designed to keep the facility operating within the allowable emission requirements and all applicable air quality requirements.

**15-0004E: Reynolds Metals Co.—Alcoa Flexible Packaging** (520 Lincoln Avenue, Downingtown, PA 19335) for modification of their no. 9 rotogravure press and the recuperative catalytic oxidizer in the Borough of Downingtown, **Chester County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department intends to issue a Plan Approval for their plant in the Borough of Downingtown, Chester County. This plan approval will authorize the applicant to modify their no. 9 rotogravure press and the recuperative catalytic oxidizer, as described in the applicant's application of December 22, 2003. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the no. 9 rotogravure press and recuperative catalytic oxidizer will emit 34.0 tons of VOCs per year and 10.5 tons of NOx per year.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management, (484) 250-5910.

Individuals wishing to provide the Department with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of publication. Written comments should include the name, address and telephone number of the person submitting comments, identification of proposed Plan Approval PA-15-0004E and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation, 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 Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, (484) 250-5920.

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

**40-305-025: Stockton Anthracite LP** (P. O. Box 546, Hazleton, PA 18201-0039) for installation and operation of an anthracite coal refuse crushing and screening plant at their facility in Hazle Township, **Luzerne County**. The operation involves processing the culm material to meet market specifications, disposal of the reject material onsite for final reclamation and revegetation of all disturbed areas. This facility is a non-Title V facility, subject to the requirement of Part 60 Standards of Performance for New Stationary Sources and Subpart Y for Coal Preparation Plants. Fugitive dust will be controlled by the water spray system to the extent that the operation will have no fugitive dust. The company will monitor and visually inspect the process daily during operating hours

to ensure all wet suppression equipment is working properly. Any defects will be corrected immediately and the equipment will be operated as per vendor's specifications to assure the compliance with Department regulations.

**48-313-092: Praxair Distribution, Inc.** (145 Shimersville Road, Bethlehem, PA 18015) for construction of a nitric oxide generation plant and associated air cleaning device (packed bed scrubber) at their facility in the City of Bethlehem, **Northampton County**. The facility is a non-Title V (State-only) facility. The operation of the nitric oxide generation plant and associated packed bed scrubber will result in 0.0954 ton per year of nitric oxide emissions. The plan approval and operating permit will include monitoring, reporting and recordkeeping requirements designed to keep the sources 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.*

**01-05016F: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a portable dryer and associated conveyors controlled by a portable fabric filter baghouse at their Charmian Facility in Hamiltonban Township, **Adams County**. This will result in an actual increase in emissions of 16 tpy of NO<sub>x</sub>, 2.6 tpy of CO and less than 1.0 tpy each of VOC, SO<sub>x</sub> and PM. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**06-05079B: United Corstack, LLP** (720 Laurel Street, Reading, PA 19602) for changing NO<sub>x</sub> emission limits when burning no. 2 fuel oil in boiler no. 1 at their facility in the City of Reading, **Berks County**. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**22-05003A: Stroehmann Bakeries, LC** (3996 Paxton Street, Harrisburg, PA 17111) for replacement of a catalytic oxidizer which controls VOC emissions from the ovens at their Capitol Bakery in Swatara Township, **Dauphin County**. The replacement will not impact emissions from the facility. The State-only operating permit will contain emissions limits and stack testing provisions along with recordkeeping, reporting and monitoring requirements to ensure the facility complies with the applicable air quality regulations.

**36-03019A: Flury Foundry Co.** (1160 Elizabeth Avenue, Lancaster, PA 17601) for construction of a molding line controlled by a fabric filter in Manheim Township, **Lancaster County**. The potential-to-emit from this operation is 1.9 tpy of PM<sub>10</sub> and 2 tpy of VOCs. The plan approval and State-only operating permit will include restrictions, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**59-00004C: Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) for installation of an air cleaning device, a fabric collector, on an iron melting cupola at the company's foundry facility on Gulick Street in Blossburg Borough, **Tioga County**.

The respective facility is a major facility for which Title V Operating Permit 59-00004 has been issued.

The proposed fabric collector will replace an existing scrubber. It is expected that the installation of the fabric collector will significantly reduce the cupola's emission of PM and lead from the levels now existing. The emission of SO<sub>x</sub> from the cupola is, however, expected to increase by as much as 11.09 tons per year.

Ward Manufacturing has additionally requested plan approval to transfer the control of PM emissions created by a material transfer point in the facility's casting shakeout and sand handling system from one existing fabric collector to another. No change in the type or quantity of air contaminant emissions will occur as a result of this transfer.

The Department's review of the information submitted by Ward Manufacturing indicates that following the installation of the fabric collector, the cupola 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, the PM emission requirements of 25 Pa. Code § 123.13, the SO<sub>x</sub> emission requirements of 25 Pa. Code § 123.21 and the visible air contaminant emission requirements of 25 Pa. Code § 123.41. Additionally, it is expected that the fabric collector will allow the cupola to comply with the requirements of Subpart EEEE of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.7680—63.7765, when Ward Manufacturing is required to do so on April 23, 2007.

The Department's review of the information submitted by Ward Manufacturing also indicates that following the transfer of control of the PM emitted from the material transfer point previously discussed from one existing fabric collector to another, the respective material transfer point will comply with 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, the PM emission requirements of 25 Pa. Code § 123.13 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Based on the previous findings, the Department intends to issue plan approval for the installation of the proposed fabric collector, the "modification" of the cupola caused by the resultant increase in SO<sub>x</sub> emissions and the transfer of air contaminant emission control of the material transfer point from one fabric collector to another. Additionally, if the Department determines that the cupola is operating in compliance with all applicable plan approval conditions and regulatory requirements following the installation of the fabric collector and the material transfer point is doing the same following the transfer of PM emission control from one existing fabric collector to another, the conditions established in the plan approval will be incorporated into Title V Operating Permit 59-00004 through administrative amendment under 25 Pa. Code § 127.450.

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

1. The cupola fabric collector shall be equipped with a broken bag detection system.

2. The cupola fabric collector shall be equipped with instrumentation to continuously monitor the collector's inlet temperature.

3. The cupola fabric collector shall be equipped with instrumentation to continuously monitor the differential pressure across the collector.

4. The air compressor used to supply compressed air to the cupola fabric collector shall be equipped with an air dryer and oil trap.

5. Spare bags shall be kept onsite for the cupola fabric collector.

6. Within 120 days of completing the installation of the cupola fabric collector, stack testing shall be performed to determine the PM emission rate. At the same time, Method 9 opacity observations shall be made to determine the opacity of the visible air contaminant emissions.

7. The permittee shall comply with all applicable requirements of Subpart EEEE of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.7680—63.7765, in accordance with the schedule as is specified therein.

8. If upon completion of installation of the cupola fabric collector and/or the transfer of PM control for the material transfer point from one existing fabric collector to another, there is a conflict between the terms and conditions of the plan approval and any terms and conditions contained in Title V Operating Permit 59-00004 which apply to the respective sources, the source or sources shall be operated under the terms and conditions of this plan approval rather than the conflicting terms and conditions contained in the Title V operating permit.

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

**61-193D: National Fuel Gas Supply Corp** (Township Route 300, Stoneboro, PA 16153) for modification of the requirements to reflect the total VOC emission rate and change the minimum operating temperature range of thermal oxidizer to 1,300°F at their Henderson Station in Mineral Township, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to modify Plan Approval 61-193C to modify the requirements to reflect the total VOC emission rate and change the minimum operating temperature range of thermal oxidizer to 1,300°F at the Henderson Station in Mineral Township, Venango County. This plan approval revises the VOC emission limit from 0.165 lb/hr to 0.24 lb/hr and will include monitoring, work practice standards and recordkeeping conditions and other requirements to ensure the source is operated in compliance with 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**16-094A: IA Construction Corp.** (Route 66, Shippenville, PA 16254) for modification of Plan Approval 16-303-00003 to allow for firing the rotary dryer burner with no. 2 oil, liquid propane or natural gas at their Clarion Plant in Paint Township, **Clarion County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan

approval to modify Plan Approval 16-303-00003 to allow for firing the rotary dryer burner with no. 2 oil, liquid propane or natural gas at the Clarion Plant in Paint Township, Clarion County. This plan approval will require emission tests, restrict the production at the plant to 495,000 tons per year, require additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**20-295A: Baillie Lumber Co., L. P.** (SR 27, Titusville, PA 16354-0292) for installation of a wood fired boiler in Oil Creek Township, **Crawford County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to install a wood fired boiler in Oil Creek Township, Crawford County. This plan approval, will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

2. Visible air contaminants shall not be emitted in a manner so that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 60% at any time.

3. The facility shall be permitted to use only hardwood sawdust and/or chips to fire the boiler.

4. The particulate emissions shall not exceed 0.2 #/mmBtu. The maximum heat input of the boiler shall not exceed 28.1 mmBtu/hr.

5. A continuous chart recorder for steam output, pressure and feed bin axle revolutions per minute shall be installed on the boiler. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

6. A magnehelic gauge shall be installed to measure the pressure drop across the multiple cyclone control device.

7. The source will be subject to 40 CFR 60.48c Subpart Dc.

#### 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; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**23-00025: Fibre-Metal Products Co.** (US Route 1, Brinton Lake Road, Concordville, PA 19331) for renewal of their Title V Operating Permit in Concord Township, **Delaware County**. The initial permit was issued on August 11, 1999. The facility manufactures personal safety equipment. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is

therefore subject to the Title V permitting requirements adopted in 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.*

**36-05117: Dart Container Corp. of PA** (110 Pitney Road, Lancaster, PA 17602) for operation of an expandable polystyrene cup manufacturing facility controlled by two boilers in East Lampeter Township, **Lancaster County**. The facility is a Title V facility with the potential to emit VOCs in the amount of 313.97 tpy. The facility is subject to 25 Pa. Code Chapter 127, Subchapter E and has purchased VOC emission reduction credits to offset the potential emissions. The operations of the two boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The operating permit will include restrictions, monitoring, testing, work practice standards and recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**67-05030: C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402-9417) for a Title V Operating Permit Renewal in Manchester Township, **York County**. The facility's major sources of emissions include flexographic presses controlled by permanent total enclosures and incinerators which primarily emit VOCs. The Title V operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**07-05038: Federal Carbide Co.** (One Eagle Ridge Road, Tyrone, PA 16686) for operation of their manufacturing facility in the Township of Snyder, **Blair County**. This is a non-Title V (State Only) facility. Potential volatile organic emissions at the facility are 66 tons per year. The facility-wide (State Only) operating permit will limit VOC emissions to less than 50 tons per year. 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.

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

**62-00150: Superior Tire and Rubber Corp.** (1818 Pennsylvania Avenue, Warren, PA 16365) for a Synthetic Minor Permit to operate a tire and inner tube manufacturing facility in City of Warren, **Warren County**. The significant emitting sources are boilers, space heaters, spray booths, molding process, burn off oven and shot blasting booth. This facility has taken a restriction on emission of single HAPs less than 10 tons per year and multiple HAPs less than 25 tons per year.

**20-00263: The Tapco Tube Co.** (10748 South Water Street Extension, Meadville, PA 16335) for a Natural Minor operating permit for emissions from the surface coating of fabricated metal parts. Their facility is in West Mead Township, **Crawford County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.*

**S03-007: Regal Corrugated Box** (Adams Avenue and Ashland Street, Philadelphia, PA 19124) for operation of a corrugated board manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include a 400 HP boiler and a 500 HP boiler, corrugating, combining, converting and finishing processes, starch and paper handling and two gasoline tanks with dispensers. The facility's air emission control devices include a cyclone and dust collector.

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 protests or comments on the operating permit must submit the protests or comments within 30 days from the date of this notice. Protests or comments filed with the 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, the 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.

<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.

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

**22041301. Ladnar, Inc.** (1165 Trail Road, Hummelstown, PA 17036), commencement, operation and restoration of an anthracite underground mine operation in Williams Township, **Dauphin County**, affecting 1.1 acres. Receiving streams: Bear Creek. Application received May 26, 2004.

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

**30841307 and NPDES Permit No. PA0213438. RAG Emerald Resources, LP** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin and Whiteley Townships, **Greene County**, to install 15 ventilation boreholes. Surface Acres Proposed 4.27. No additional discharges. Application received May 17, 2004.

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

**02823014 and NPDES Permit No. PA0617661. Xecol Corporation** (200 Marshall Road, Coraopolis, PA 15108), application for renewal of NPDES permit to continue mine drainage treatment in Robinson Township, **Allegheny County**, affecting 72 acres. Receiving streams: Campbells Run to Chartiers Creek (WWF). There is no

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:

potable water supply intake within 10 miles from the point of discharge. Renewal application received June 1, 2004.

**63823020 and NPDES Permit No. PA0616621. Robert B. Goodall** (725 Midway Candor Road, Bulger, PA 15019), renewal application for continued mining of an existing bituminous surface mine in Robinson Township, **Washington County**, affecting 39 acres. Receiving streams: unnamed tributary to Little Racoon Creek (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received June 3, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17714022 and NPDES Permit No. PA0611034. A. W. Long Coal Company** (1203 Presqueisle Street, Philipsburg, PA 16866), renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County**, affecting 149.6 acres. Receiving streams: Hawk Run to Moshannon Creek and Moshannon Creek to West Branch Susquehanna River to Susquehanna River. Application received May 10, 2004.

**17990111 and NPDES Permit No. PA0238341. Larry D. Baumgardner Coal Company, Inc.** (P. O. Box 186, Lanse, PA 16849), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County**, affecting 93.3 acres. Receiving streams: Laurel Run to Moshannon Creek to West Branch Susquehanna River. Application received May 28, 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.*

**28990301C2 and NPDES Permit No. PA0223981. Fayetteville Contractors, Inc.** (P. O. Box FCI, Fayetteville, PA 17222), renewal of NPDES permit for discharge of treated mine drainage in Antrim Township, **Franklin County**. Receiving streams: unnamed tributary to Muddy Run and Muddy Run (CWF). Application received June 1, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08040805. David B. Williams** (R. R. 2, Box 197, Kingsley, PA 18826), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Rome Township, **Bradford County**, affecting 3 acres. Receiving streams: unnamed tributary to Parks Creek. Application received May 5, 2004.

**41040802. Howling Hills Enterprises** (1900 Trout Run Mountain Road, Trout Run, PA 17771), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Lewis Township, **Lycoming County**, affecting 5 acres. Receiving streams: Lycoming Creek. Application received May 5, 2004.

**08040806. Walter A. Dickerson** (R. D. 3, Box 253A, Gillett, PA 16925), commencement, operation and restoration of a small industrial minerals (shale) permit in Ridgebury Township, **Bradford County**, affecting 1.5 acres. Receiving streams: Bentley Creek. Application received May 14, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-719. Department of Transportation, District 6,** 7000 Geerdes Blvd., King of Prussia, PA 19406, West Marlborough Township, **Chester County**, ACOE Philadelphia District.

Speckmans No. 1 Buck Run Covered Bridge Rehabilitation Project to rehabilitate and maintain an existing composite steel girder-wooden deck bridge by replacing the burr-arch truss, timber superstructure and abutments with new steel beam floors, concrete reinforced substructures and reinforced concrete wingwalls. The proposed structure, which spans approximately 74.4 feet over the Buck Run (TSF, MF) is approximately 17.5 feet wide with a 3.94-foot underclearance. The work will involve the following:

1. To construct a temporary cofferdam within the stream to accommodate dewatering activities.
2. To conduct excavation and back filling of approximately 8.0 cubic yards of streambed to facilitate pier and pier footings removal activities.
3. To conduct excavation and back filling of approximately 7.0 cubic yards within the floodway to accommodate new concrete wingwalls, abutments and retaining walls.
4. To conduct back filling and grading of approximately 2.0 cubic yards to facilitate roadway approach widening and finish grading.
5. To construct a temporary road crossing under the provisions of GP-8 provisions to accommodate construction activities.
6. To place approximately 250 cubic yards of riprap scour protection at designated positions along the bridge abutment footings.

The project proposes to temporarily affect approximately 100 linear feet of stream length and permanently affect an approximate total of 84 linear feet of stream. The site spans from the centerline of the Buck Run with East Fallowfield Township on the north side and West Marlborough Township on the south side. It is situated approximately 65 feet north of the intersection of Covered Bridge and Frog Hallow Roads in Chester County (Coatesville, PA Quadrangle N: 9.86 inches; W: 10.16 inches).

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

**E35-375. Development Options, Inc. c/o CBL and Associates Properties, Inc.**, 800 South Street, Waltham, MA 02453 in Dickson City Borough, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in 0.75 acre of PEM/SS wetlands in 0.60 acre of shallow bodies of water, within the drainage basin of the Lackawanna River (HQ-CWF), for the purpose of constructing a retail shopping complex known as City Line Market Place. The project is along the Viewmont Drive Commercial Corridor (Scranton, PA Quadrangle N: 15.2 inches; W: 2.7 inches).

**E40-636. Louis and Carmella Sebastian**, R. R. 3, Box 87, Harveys Lake, PA 18618 in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing box structure in Harveys Lake (HQ-CWF), expanding the area coverage from approximately 1,070 square feet to 2,070 square feet. As modified, the structure has overall dimensions of approximately 50 feet (lakeward) by 45 feet. The project is at Pole 275 along Lakeside Drive (Harveys Lake, PA Quadrangle N: 18.5 inches; W: 6.2 inches).

**E48-350. Department of Conservation and Natural Resources, Bureau of State Parks**, P. O. Box 8451, Harrisburg, PA 17105-8451 in City of Easton, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain a visitor center and associated parking areas in the 100-year floodplain of the Delaware River (WWF, MF) at the site of the former Canal Museum. The project is in Delaware Canal State Park, southwest of the confluence of the Lehigh and Delaware Rivers (Easton, PA-NJ Quadrangle N: 12.0 inches; W: 11.7 inches).

*Northcentral Region: Water Management Program Manager, 203 West Third Street, Suite 101, Williamsport, PA 17701.*

**E19-243. Honeysuckle Student Holdings, Inc.**, Kehr Union, Suite 350, 400 East Second Street, Bloomsburg, PA 17815. Honeysuckle Apartments project in the Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 1.9 inches; W: 10.1 inches).

The applicant proposes to construct a 536-bed student housing complex to replace an existing apartment complex and to permanently fill a 0.1-acre PEM wetland area tributary to Fishing Creek (WWF, perennial). A \$1,000 contribution to the Pennsylvania Wetland Replacement Project is proposed as compensation for the wetland impact.

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

**E65-848. Han G. Van Snik and Coby G. Van Snik**, 5139 Mamont Road, Murrysville, PA 15668-9323. Van Snik residential driveway in the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 15.94 inches; W: 4.13 inches) (Latitude: 40° 27' 46" and Longitude: 79° 39' 17"). The applicant proposes to remove the existing structure and to construct and maintain a 30-foot long, 5-foot diameter pipe culvert in Haymakers Run (HQ-CWF) on a driveway approximately 200 feet south of Mamont Road.

#### ENVIRONMENTAL ASSESSMENTS

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

**D28-010EA. Borough of Chambersburg**, 100 S. Second Street, P. O. Box 10009, Chambersburg, PA 17201-0909. Greene Township, **Franklin County**. ACOE Baltimore District.

Project proposes to breach and remove Siloam Dam across Conococheague Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is approximately 150 feet east of the intersection of T842 and SR 4014 (Chambersburg, PA Quadrangle N: 15.7 inches; W: 3.15 inches).

**EA15-026CO. Natural Lands Trust, Binky Lee Preserve**, 1445 Pikeland Road, Chester Springs, PA 19425. West Pikeland Township, **Chester County**. ACOE Philadelphia District.

Project proposes to breach and remove Binky Lee Preserve Dam across a tributary to Pickering Creek (HQ-TSF) for the purpose of restoring the stream to a free flowing condition. The dam is approximately 1,400 feet southeast of the intersection of SR 0113 and Pikeland Road (T488) (Malvern, PA Quadrangle N: 17.85 inches; W: 14.80 inches).

#### WATER QUALITY CERTIFICATIONS REQUESTS

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

The following requests have been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), that there is reasonable assurance that the construction herein described will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to any comments/suggestions/objections which are submitted in writing 30 days of the date of this notice. Comments should be submitted to the Department at the previous address. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments/objections are addressed and a concise statement of comments/objections/suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to given comments if deemed necessary to resolve conflicts. Individuals will be notified in writing of the time and place of a scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are

available for inspection and review at the previous address between 8 a.m. and 4 p.m., working days.

*Certification Request Initiated by: Sunoco, Inc.*, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19130-1699.

*Project Description/Location:* This project involves the operation and maintenance of mooring area adjacent to wharves 1—3 at the Sunoco Philadelphia Refinery Girard Point by mechanical dredging and obstruction leveling. The operation and maintenance of Girard Point Wharf was authorized by Water Obstruction and Encroachment Permit E51-128 on September 20, 1993, and the following licenses issued by the City of Philadelphia, Department of Wharves, Docks and Ferries: 111, 116, 158, 165, 205, 208, 228, 294, 300 and 301. The facility is along the northern shore of the Schuylkill River, between the George Platt Bridge (Penrose Avenue) and the Girard Point Bridge (Interstate 95), City and County of Philadelphia. The proposed activity coincides with the Department of Army, Philadelphia District, Corps of Engineers Permit CENAP-OP-R-200002383-46, SUNOCO INCORPORATED. An estimated 30,000 cubic yards of mechanically removed dredge material will be generated, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ. Obstruction leveling is proposed on an interim basis by redistributing sediment from high portions to deeper portions of the berth template. The applicant seeks certification for redistribution of sediments by obstruction leveling.

*Certification Request Initiated by: Sunoco Logistics*, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19130-1699.

*Project Description/Location:* This project involves the operation and maintenance of mooring area adjacent to Fort Mifflin Terminal by mechanical dredging and obstruction leveling. The operation and maintenance of the Fort Mifflin Terminal that was authorized by Water Obstruction and Encroachment Permits E23-391 and E2378713T-1. The facility is along the Delaware River and Hog Island Road immediately downstream of the Philadelphia/Delaware County boundary in Tinicum Township, Delaware County, including a portion of the facility that extends approximately 416 feet into the City and County of Philadelphia. The proposed activity coincides with the Department of Army, Philadelphia District, Corps of Engineers Permit CENAP-OP-R-200300267-46, SUNOCO INCORPORATED. An estimated 100,000 cubic yards of mechanically removed dredge material will be generated, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ. Obstruction leveling is proposed on an interim basis by redistributing sediment from high portions to deeper portions of the berth template. The applicant seeks certification for redistribution of sediments by obstruction leveling.

*Certification Request Initiated by: Sunoco Logistics*, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19130-1699.

*Project Description/Location:* This project involves the operation and maintenance of mooring area adjacent to Hog Island Wharf by mechanical dredging and obstruction leveling. The operation and maintenance of the Hog Island Wharf was authorized by Water Obstruction and Encroachment Permit E23-038T-1. The facility is along the western shore of the Delaware River and Hog Island Road, approximately 1 mile downstream of the Philadelphia/Delaware County boundary in Tinicum

Township, Delaware County. The proposed activity coincides with the Department of Army, Philadelphia District, Corps of Engineers Permit CENAP-OP-R-200300428-46, SUNOCO INCORPORATED. An estimated 300,000 cubic yards of mechanically removed dredge material will be generated, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ. Obstruction leveling is proposed on an interim basis by redistributing sediment from high portions to deeper portions of the berth template. The applicant seeks certification for redistribution of sediments by obstruction leveling.

*Certification Request Initiated by: Sunoco Logistics*, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19130-1699.

*Project Description/Location:* This project involves the operation and maintenance of mooring area adjacent to South Yard's Case Wharf and North Yard's Asphalt Dock at the Sunoco Philadelphia Refinery Point Breeze Wharves by mechanical dredging and obstruction leveling. The operation and maintenance of Point Breeze Wharves was authorized by Water Obstruction and Encroachment Permits E51-11, E51-129 and E51-138 and the following licenses issued by the City of Philadelphia, Department of Wharves, Docks and Ferries: 40, 52, 124, 104, 109, 150, 157, 213, 253 and 327; and the following licenses issued by the Department of Commerce: 448, 450, 454, 521, 598, 603, 632, 670 and 673. The facility is along eastern shore of the Schuylkill River, west of Schuylkill Avenue, adjacent to the Passyunk Avenue Bridge in the City and County of Philadelphia. The proposed activity coincides with the Department of Army, Philadelphia District, Corps of Engineers Permit CENAP-OP-R-200300429-46, SUNOCO INCORPORATED. An estimated 30,000 cubic yards of mechanically removed dredge material will be generated, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area in Logan Township, NJ. Obstruction leveling is proposed on an interim basis by redistributing sediment from high portions to deeper portions of the berth template. The applicant seeks certification for redistribution of sediments by obstruction leveling.

*Certification Request Initiated by: Sunoco, Inc.*, 1801 Market Street, Ten Penn Center, Philadelphia, PA 19130-1699.

*Project Description/Location:* This project involves the operation and maintenance of mooring area adjacent to Marcus Hook Refinery by mechanical dredging and obstruction leveling. The operation and maintenance of the Marcus Hook Refinery was authorized by Water Obstruction and Encroachment Permit E23-205. and the following licenses issued by the Navigation Commission: 244, 245, 249, 258, 259, 264, 266, 280, 283, 284, 290, 292, 295, 313, 317, 374, 388, 396 and 415. The facility is along the western shore of the Delaware River and on river mile 79.2, Marcus Hook Range, within Delaware County and New Castle County, DE. The proposed activity coincides with the Department of Army, Philadelphia District, Corps of Engineers Permit CENAP-OP-R-200002407-46, SUNOCO INCORPORATED. An estimated 185,000 cubic yards of mechanically removed dredge material will be generated, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area in Logan Township, NJ. Obstruction leveling is proposed on an interim basis by redistributing sediment from high portions to deeper portions of the berth template. The applicant seeks certification for redistribution of sediments by obstruction leveling.

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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

<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>
PA0031267	Tri-Valley School District 110 West Main Street Valleyview, PA 17983	Schuylkill County Hegins Township	Pine Creek 6C	Y
PA0047198 Minor Sewage	Crown American Properties, LP Pasquerilla Plaza Johnstown, PA 15907	Schuylkill County New Castle Township	Unnamed tributary to Mud Run 3A	Y
PA0061905 Minor Sewage	Sunoco Inc. Hickory Run Service Plaza 1001 Hector Street, 4th Floor Conshohocken, PA 19928	Carbon County Penn Forest Township	Stoney Creek 2B	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>
PAS802217	Overnight Transportation Company 1000 Semmes Avenue Richmond, VA 23224	Northampton County Hanover Township	Unnamed tributary to Monocacy Creek 2C	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>
PA0083283 SEW	Arthur G. Bruaw, Jr. Bruaw Mobile Home Park P. O. Box 277 Saint Thomas, PA 17252	Perry County Watts Township	UNT Susquehanna River 6C	Y
PA0024228 IW Transfer	BC Natural Chicken LLC 2609 Route 22 Fredericksburg, PA 17026	Lebanon County Bethel Township	Deep Run 7D	Y
PA0008303 IW Transfer	ISG Steelton LLC 215 South Front Street Steelton, PA 17113	Dauphin County Steelton Borough	Susquehanna River 7C	Y

*Mifflin County Conservation District: 20 Windmill Hill No. 4, Burnham, PA 17009, (717) 248-4695.*

<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>
PAS104505R	Armagh Business Center 269 Waring Avenue State College, PA 16801	Mifflin County Armagh Township	UNT to Tea Creek and Laurel Run HQ-CWF	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>
PA0092797 Industrial Waste	Avonmore Rail Loading, Inc. P. O. Box 119, R. D. 1 Avonmore, PA 15681	Conemaugh Township Indiana County	Kiskiminetas River	Y
PA0097497 Industrial Waste	Cowanshannock Municipal Authority Box 127 NuMine, PA 16244	Armstrong County Cowanshannock Township	Unnamed tributary to the North Branch of Plum Creek	Y
PA0030376 Sewage	Bell Acres Municipal Sewage Authority Municipal Building R. D. 3, Camp Meeting Road Sewickley, PA 15143	Allegheny County Bell Acres Borough	UNT of Little Sewickley Creek	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>
PA0239429	Mercer Baptist Church 3016 Valley Road Mercer, PA 16137	Findley Township Mercer County	Unnamed tributary to Neshannock Creek	Y
PA0101800	Lord Corporation—Chemical Products Division 601 South Street P. O. Box 1050 Saegertown, PA 16433	Saegertown Borough Crawford County	French and Woodcock Creeks 16-A	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. PA0011428**, Industrial Waste, **Amerada Hess Corporation**, One Hess Plaza, Woodbridge, NJ 07095-0961. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated stormwater runoff from the Philadelphia Terminal facility into Schuylkill River in Watershed 3F.

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

**NPDES Permit No. PA0085197**, Sewage, **Kampel Enterprises, Inc.**, 8930 Carlisle Road, Wellsville, PA 17365-9735. This proposed facility is in Warrington Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of North Branch Bermudian Creek in Watershed 7-F.

**NPDES Permit No. PA0033995, Amendment No. 2**, Sewage, **County of Berks, County STP**, Sixth and Court Streets, 14th Floor, Reading, PA 19601. This proposed facility is in Bern Township, **Berks County**.

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

**NPDES Permit No. PA0082741**, Industrial Waste, **Borough of Elizabethtown, Conewago Creek Diversion**, 600 South Hanover Street, Elizabethtown, PA 17022. This proposed facility is in Mount Joy Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Conoy Creek in Watershed 7-G.

**NPDES Permit No. PA0013862**, Industrial Waste, **Wyeth Pharmaceuticals, Inc.**, 206 North Biddle Street, Marietta, PA 17547. This proposed facility is in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Waters 7-J.

**NPDES Permit No. PA0087165, Amendment No. 1**, Industrial Waste, **Bleyer Gift Packs LLC**, 500 Walnut Street Extension, Mount Union, PA 17066. This proposed facility is in Mount Union Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to the Juniata River in Watershed 12-C.

**NPDES Permit No. PA0088935, Amendment No. 1**, CAFO, **Barley Farms**, 37 Chestnut Grove Road, Conestoga, PA 17156. This proposed facility is in North Codorus Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Operation of a 1,893 AEU swine CAFO with discharge in Watershed 7-H.

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

**NPDES Permit No. PA0252620**, Industrial Waste, **West Carroll Township Water and Sewer Authority**, P. O. Box 328, Elmora, PA 15737. This proposed facility is in West Carroll Township, **Cambria County**.

Description of Proposed Action/Activity: Discharge of treated process water from water treatment plant to unnamed tributary of Fox Run.

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

**NPDES Permit No. PA0023175**, Sewage, **Borough of Kane, Kinzua Road Wastewater Treatment Plant**, 112 Bayard Street, Kane, PA 16735. This proposed facility is in Wetmore Township, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Hubert Run in Watershed 16-B.

**NPDES Permit No. PA0239461**, Sewage, **David K. and Lori A. Mason**, 887 Ekastown Road, Sarver, PA 16055. This proposed facility is in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to Sarver Run.

### **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. 1503428**, Sewerage, **Greg Leeber and Tracy Sabol**, 1285 Parkersville Road, Kennett Square, PA 19348. This proposed facility is in Pennsbury Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment system to serve the Leeber and Sabol residence.

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

**WQM Permit No. 4804402**, Sewerage, **Bath Borough Authority**, P. O. Box 87, Bath, PA 18104. This proposed facility is in Upper Nazareth Township, **Northampton County**.

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

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

**WQM Permit No. 0604406**, Sewage, **Ontelaunee Township Municipal Authority**, P. O. Box 621, Leesport, PA 19533. This proposed facility is in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Construction of sewerage facilities consisting of a pump station/collection system which includes two suction lift pump stations, approximately six grinder pumps and associated force mains and gravity sewers. All flows from this collection system will be discharged to and treated at the Maiden Creek STP.

**WQM Permit No. 6703401**, **York Township Water and Sewer Authority**, 25 Oak Street, York, PA 17402. This proposed facility is in York Township, **York County**.

Description of Proposed Action/Activity: Construction of Biscayne Woods and The Fields at Fox Hollow Denhaven Drive Pump Station.

**WQM Permit Nos. 2295201, 2276206 and 2269203**, Industrial Waste, **ISG Steelton, LLC**, 215 South Front Street, Steelton, PA 17113. This proposed facility is in Steelton Borough, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of permits.

**WQM Permit No. 6703202**, CAFO, **Barley Farms**, 37 Chestnut Grove Road, Conestoga, PA 17516. This proposed facility is in North Codorus Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of manure storage facilities for Green Valley Farm, a 1,893 AEU swine CAFO.

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

**WQM Permit No. 6504202**, Industrial Waste, **Westinghouse Electric Company—Specialty Metals Plant**, 559 Westinghouse Road, Blairsville, PA 15717. This proposed facility is in Derry Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of an industrial waste treatment plant to serve the Specialty Metals Plant.

**WQM Permit No. 0203405**, Sewage, **Louise M. McGarrity**, 118 Harrison Road, Elizabeth, PA 15037. This proposed facility is in Lincoln Borough, **Allegheny County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment plant with discharge to infiltration trenches, to serve the Louise M. McGarrity residence.

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

Description of Proposed Action/Activity: Sewage treatment plant modification.

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

**WQM Permit No. 2493402**, Sewerage Amendment No. 1, **Borough of Ridgway**, P. O. Box 149, Ridgway, PA 15853-0149. This proposed facility is in Ridgway Township, **Elk County**.

Description of Proposed Action/Activity: This project is for the installation of sludge filter press and construction of an effluent diffuser.

**WQM Permit No. 1604401**, Sewerage, **George A. White, Riverview Campground**, 587 Whitestown Road, Butler, PA 16001. This proposed facility is in Brady Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve a private campground.

**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 a pump station/sewer extension to serve the Mars-Evans City Road area.

**WQM Permit No. 1072405**, Sewerage Amendment No. 1, **Evans City Borough**, 220 Wahl Avenue, Evans City, PA 16033. This proposed facility is in Evans City Borough, **Butler County**.

Description of Proposed Action/Activity: This project is for the addition of dechlorination stage to process wastewater.

**WQM Permit No. 4304409**, Sewerage, **Dale W. Wilson, Hadley House Apartments**, 751 Lynn-Tyro Road, Hadley, PA 16130. This proposed facility is in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve an existing five-unit apartment house.

**WQM Permit No. 3704404**, Sewerage, **Edgewood Group Home, Human Services Center**, 130 West North Street, New Castle, PA 16101. This proposed facility is in Pulaski Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve an existing residence which houses eight autistic adults and a proposed residence to house eight elderly adults.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023504001	Valley View School District One Columbus Dr. Archbald, PA 18403	Lackawanna	Blakely Borough	Lackawanna River HQ-CWF
PAI023904012	Upper Macungie Township 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Little Lehigh 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>
PAI030704001	Kenneth F. Burket 130 Lakeview Drive Hollidaysburg, PA 16648	Blair	Frankstown Township	UNT to Canoe Creek HQ-CWF
PAI026704001	Hostler Enterprises, LLC 10709 Susquehanna Trail South Glen Rock, PA 17327	York	Springfield Township	Seaks Run

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056504001	William and Jayne Hoy 2781 Italy Road Export, PA 15632	Westmoreland	Washington Township	Unnamed tributary to Thorn Run HQ

## **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>
Phoenixville Borough Chester County	PAG2001504009	Emmanuel Demutis Moyer Properties 184 East Bridge Street Phoenixville, PA 19460	French Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG2001504001	Doutrich Homes Scott Farm Estates 3333 Lincoln Highway East Paradise, PA 17562	Unnamed tributary Sucker Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



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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>
East Marlborough Township Chester County	PAG2001503108	Joseph Scott Subdivision 538 North Mill Road Kennett Square, PA 19348	Unnamed tributary West Branch Red Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Phoenixville Borough Chester County	PAG2001504044	Phoenix Property Group Gateway Project—100 French Creek c/o Delta Organization 72 East Swedesford Road Malvern, PA 19355	French Creek and Schuylkill River TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001504032	Schoolhouse Realty Associates, LP Belvedere a/k/a Ellis Property 1595 Paoli Pike, Suite 202 P. O. Box 1906 West Chester, PA 19380	Unnamed tributaries Red Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Nether Providence Township Delaware County	PAG2002304025	Raymond Puzio 217 North Providence Road Wallingford, PA 19080	Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004604037	Hagey Realty 200 School House Road P. O. Box 116 Franconia, PA 18924	Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004603244	R. Dratch Construction, Inc. Cammarota Tract P. O. Box 3408 Maple Glenn, PA 19002	Little Neshaminy Creek WF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Greenville Borough Montgomery County	PAG2004604013	East Greenville Owl's Home, Inc. The Owl's Property 404 Main Street Pennsburg, PA 18073	Macoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004604062	The Rosen Organization North Crossing Office Building 3625 Welsh Road Willow Grove, PA 19090	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG2004603203	ACTS, Inc. Fort Washington Estates 375 Morris Road, P. O. Box 90 West Point, PA 19486	Unnamed tributary Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick and Upper Providence Townships Montgomery County	PAG2004604027	Spring Ford Area School District 9th Grade Center 199 Bechtel Road Collegeville, PA 19426	Unnamed tributary Mingo Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Abington Township Montgomery County	PAG200464042	Abington Township Parks Department Abington Township Trails 515 Meetinghouse Road Jenkintown, PA 19046	Sandy Run Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Spring Township Berks County	PAG2000604039	Gary Nalbandian Commerce Bank 100 Senate Avenue Camp Hill, PA 17011	Wyomissing Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Rockland Township Berks County	PAG2000604055	Quest Land Development, LLP 711 Spring Street Wyomissing, PA 19610	UNT to Willow Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Spring Township Berks County	PAG2000604052	Greystone Partnership LP 330 Revere Boulevard Sinking Spring, PA 19608	UNT to Wyomissing Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Manheim Township York County	PAG2006704011	Skyview Estates Joel Glatfelter 73 Forest Avenue Box 18 Shrewsbury, PA 17361	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006703152	York County School of Technology 2179 South Queen Street York, PA 17402	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAG2006704009	Sunrise Holdings, LP 1020 N. Hartley P. O. Box 2587 York, PA 17404	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township City of York York County	PAG2006704013	Apple Auto Park Sunrise Holdings 1020 N. Hartley P. O. Box 2587 York, PA 17404	UNT to Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAR10Y399R-1	Berkshire Business Park Kinsley Equities 2700 Water Street York, PA 17403	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006703146	Salem Run Phase 4 Penn State Investment Group 2555 Kingston Road Suite 180 York, PA 17402	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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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>
Heidelberg Township York County	PAG2006703081	Land Scales and Service LLC 65 Musselman Road Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Chanceford Township York County	PAG2006704026	Baublitz Airport 3354 Warner Road Brogue, PA 17309	West Branch Tom's Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township York County	PAG2006704042	Dennis Bosley 4108 Landis Road Glenville, PA 17329	West Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Centre County Spring Township	PAG2001404002	John Koltay Spring Gardens, Inc. 1836 Waddle Road State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 35-6817
Northumberland County Riverside Borough	PAG2004904006	West End Stormwater Controls 100 Avenue C Sunbury, PA 17801	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Cambria County City of Johnstown	PAG2001104007	Willard E. Campbell Team Motors 170 Patchway Road Duncansville, PA 16635	Stonycreek River WWF	Cambria County Conservation District (814) 472-2120
Washington County North Strabane Township	PAG2006303044	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Unnamed tributary to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Upper Burrell Township	PAG2006504022	Mike Phillips 211 Huff Avenue Suite B Greensburg, PA 15601	Tributary to Pucketa Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Municipality of Murrysville	PAG2006504026	Yorkshire Enterprises 53 Bel Aire Drive Delmont, PA 15626	Tributary to Turtle Creek Watershed TSF	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>
Allentown City Lehigh County	PAR202216	Prior Coated Metals, Inc. 2233 26th Street, SW Allentown, PA 18103	Trout Creek	NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

<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>
Neville Township Allegheny County	PAR806232	McClymonds Supply & Transit Company Inc. P. O. Box 29 Currie Road Portersville, PA 16051	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lower Burrell City Westmoreland County	PAG046193	Donald Gathers 405 Spiering Road Lower Burrell, PA 15068	UNT to Chartiers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Spring Township Crawford County	PAG048590	Nicholas A. Tanner 25949 Hickernell Road Springboro, PA 16435	Unnamed tributary to Temple Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Mercer County	PAG048963	Dale W. Wilson Hadley Heights Apartments 751 Lynn-Tyro Road Hadley, PA 16130	Unnamed tributary to Little Shenango River Watershed 20-A	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-6*

<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>
Borough of Braddock Allegheny County	PAG066102	Braddock Borough 415 Sixth Street Braddock, PA 15104	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Borough of Crafton Allegheny County	PAG066110	Crafton Borough Crafton Municipal Building 100 Stotz Avenue Pittsburgh, PA 15205	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Borough of Sharpsburg Allegheny County	PAG066125	Sharpsburg Borough 1611 Main Street Pittsburgh, PA 15215	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Borough of Coraopolis Allegheny County	PAG066135	Coraopolis Municipal Sani. Authority 1012 Fifth Avenue Coraopolis, PA 15108	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Upper Frankford Township Cumberland County	PAG083570	Borough of Carlisle 53 W. South St. Carlisle, PA 17013	Nelson Shughart Farm	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Borough of Chambersburg Franklin County	PAG083587	Chambersburg Borough J. Hase Mowrey WWTF 100 S. Second St. Chambersburg, PA 17201		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

**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 **Olde Colonial Greene**, One Olde Colonial Drive, Doylestown, PA 18901, PWS ID 1090097, Doylestown Township, **Bucks County** on June 1, 2004, for the operation of facilities approved under Construction Permit No. 0904502.

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

**Operations Permit** issued to **United Water Pennsylvania**, 4211 East Park Circle, Harrisburg, PA 17111, PWS ID 3540023, North Union Township, **Schuylkill County** on May 25, 2004, for the operation of facilities approved under Construction Permit No. 5403501 issued November 25, 2003.

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

**Permit No. 5004501**, Public Water Supply.

Applicant	<b>Countryside Mobile Home Park</b>
Municipality	Carroll Township
County	<b>Perry</b>
Type of Facility	This permit approves the installation of manganese control equipment to the existing PWS.
Consulting Engineer	Stephen R. Morse, P. E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185
Permit to Construct Issued	May 28, 2004

**Operations Permit** issued to **The Lutheran Home at Topton**, 3060094, Longswamp, Topton, **Berks County** on May 25, 2004, for the operation of facilities approved under Construction Permit No. 0603503 MA.

**Operations Permit** issued to **Bendersville Borough**, 7010002, Menallen Township, **Adams County** on April

12, 2004, for the operation of facilities approved under Construction Permit No. 0190505.

**WATER ALLOCATIONS**

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

**WA-15-47A**, Water Allocations, Downingtown Municipal Water Authority, 100 Water Plant Way, Downingtown, PA 19335, Downingtown Township, **Chester County**. Modification Order issued May 5, 2004, which modified permit WA-15-47A to recognize the Water Capacity Reservation and Sales Agreement between Downingtown Municipal Water Authority (DMWA) and Aqua Pennsylvania, Inc. (API). API will purchase up to a maximum of 500,000 gallon per day of water from DMWA to meet its essential uses in East Brandywine, West Brandywine and Caln Townships, Chester County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Susquehanna Township	1900 Linglestown Road Harrisburg, PA 17110	Dauphin

Plan Description: Approval of a revision to the Official Sewage Plan of Susquehanna Township, Dauphin County. The proposed Sturbridge Subdivision—Phase II consists of four commercial lots with a sewage flow of 1,600 gpd tributary to the Paxton Creek interceptor with treatment at the Harrisburg City Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Clearfield Borough	6 South Front Street Clearfield, PA 16830	Clearfield

Plan Description: The approved plan provides for the replacement of all the existing combined sewers with new separate sewers throughout the Borough. This project will be divided into two phases. The project will replace over 158,000 feet of sewer line and cost approximately \$20,332,450. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	Washington Township Supervisors c/o Richard Gardner, Chairperson 285 Pine Run Church Road Apollo, PA 15613	Westmoreland

Plan Description: The approved plan provides for extending the existing Beaver Run Interceptor and instructing gravity sewers to serve the Route 380-66 corridor in Washington Township, Westmoreland County. The project proposes extension of municipal sewers owned and operated by the Municipal Authority of Washington Township to serve a total of 323 equivalent dwelling units. The sewage from this project will be conveyed to Kiski Valley Water Pollution Control Authority Sewage Treatment Plant near Vandergrift, PA. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required WQM permits must be obtained in the of the Municipal Authority of Washington Township.

**BIOSOLIDS INDIVIDUAL PERMITS**

**(PABIG, SSN and PABIS)**

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

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.

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

**PABIS 3502. Newville Borough Water and Sewer Authority**, 99 Cove Avenue, Newville, PA 17241, West Pennsboro Township, Cumberland County. Newville Borough Water and Sewer Authority is approved to benefi-

cially use their biosolids on the Dennis McCollough Farm, West Pennsboro Township, **Cumberland County**.

## 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.*

**Lot 52, Olmsted**, Pocopson Township, **Chester County**. Eric B. Schmidley, P. G., Apex Environmental, Inc., 269 Great Valley Parkway, Malvern, PA 19355, on behalf of Michael and Myra Evers, 8 Edmondson Dr., West Chester, PA 19382, has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Atkinson Residence**, Upper Dublin Township, **Montgomery County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951, on behalf of Mr. Atkinson, 1432 Mundock Rd., Upper

Dublin Township, Montgomery County, 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.

**Hull Corporation Site**, Upper Moreland Township, **Montgomery County**. Mark. J. Irani, P. G., Advantage Environmental Consultants, LLC, 3101 Mt. Carmel Ave., Suite 3, Glenside, PA 19038, on behalf of Hull Corp., 21 Bonair Dr., Warminster, PA 18974, has submitted a Final Report concerning remediation of site soil contaminated with PCB, BTEX, PAH and solvents; and groundwater contaminated with solvents and VOCs. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

**Former SICO Lubrication Plant**, Mount Joy Borough, **Lancaster County**. Onesky Engineering, Inc., 210 Carter Drive, Suite 8, West Chester, PA 19382, on behalf of The SICO Foundation, P. O. Box 127, Mount Joy, PA 17552, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the requirements for a combination of the Site-Specific and Statewide Health Standards.

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

**Wise Foods, Inc.**, Berwick, Berwick Borough, **Columbia County**. Gannett Fleming, Inc., on behalf of Wise Foods, Inc., 228 Raseley Street, Berwick, PA 18603, has submitted a Final Report concerning groundwater contaminated with 1,1,1-Trichloroethane, 1,1-Dichloroethane and 1,1-Dichloroethene. This Final Report is intended to demonstrate attainment of the Statewide Health Standard. See additional information in the Applications section of this *Pennsylvania Bulletin*.

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

**Flint Ink**, Borough of Sharpsburg, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Norfolk-Southern RR, 425 Holiday Drive, Pittsburgh, PA 15220 and Flint Ink, 4600 Arrowhead Drive, Ann Arbor, MI 48105) has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead and heavy metals. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

**BP Site 07022**, North Huntingdon Township **Allegheny County**. Heather Fazekas, 2020 Ardmore Boulevard, Pittsburgh, PA 15221 (on behalf of Nancy Eisaman, Writings on the Wall, 7950 Lincoln Highway, North Huntingdon, PA 15642 and Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Ave., Suite 440, Towson, MD 21204) has submitted Final Report for soil contaminated with constituents associated with waste oil, diesel fuel and gasoline. The reports are intended to document remediation of the site to meet the Statewide Health Standard.

**6260 Broad Street**, City of Pittsburgh, **Allegheny County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 and Plumbers Equipment Company, 8,150 North Lehigh

Street, Morton Grove, IL 60053 (on behalf of URA of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PAHs and solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Elrama NIKE Site PI-43 (Launcher and Control Facilities)**, Union Township, **Washington County**. John Scrabis, P. E., MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106 (on behalf of Steven R. Lenney, Deputy Commander, United States Army—Charles E. Kelly Support Facility, 6 Lobaugh Street, Oakdale, PA 15071) has submitted a Remedial Investigation Report and a Final Report concerning the remediation of site soil contaminated with TCE and arsenic. The Reports are intended to document the remediation of the site to meet the Background Standard for arsenic and Site-Specific Standard for TCE.

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

**National Castings Former**, City of Sharon, **Mercer County**. Deborah Perry, Compliance Env. Services, 2700 Kirila Drive, Hermitage, PA 16148 on behalf of David Grande, Shenango Valley Industrial Development Corp., 41 Chestnut St., Sharon, PA 16146 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil nos. 1, 2, 4, and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, PCB, unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet the special industrial area requirements.

## 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:

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

**Kimmel Iron and Metal Co., Inc.**, Manheim Township, **Lancaster County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of the Kimmel Estate c/o Harry Yost, Esq., Appel & Yost, LLC, 33 North Duke Street, Lancaster, PA 17602 and Franklin & Marshall College, P. O. Box 3003, Lancaster, PA 17604-3003, submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soils contaminated with inorganics and lead and site groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard. The Remedial Investigation Report and the Cleanup Plan were approved by the Department on May 28, 2004.

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

**PPL Sunbury Steam Electric Station**, Shamokin Dam Borough and Monroe Township, **Snyder County**. Penn Environmental & Remediation, Inc. on behalf of PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, PA 28202-2279, has submitted a Final Report concerning groundwater contaminated with diesel fuel. This Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 24, 2004.

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

**Operation Nehemiah/Former Caruso Property**, Wilkensburg Borough, **Allegheny County**. Christopher Hartigan, The Fourth River Company, 1550 Obey Street, Suite 201, Pittsburgh, PA 15205 (on behalf of Constance Balthrop, 235 Eastgate Drive, Pittsburgh, PA 15235) has submitted a Final Report for groundwater contaminated with lead, gasoline constituents and tetrachloroethylene and its products of decomposition. The Final Report



demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 3, 2004.

**Bedford/Hope VI Redevelopment Area**, City of Pittsburgh, **Allegheny County**. Frank W. Benaquista, Earth Sciences Consultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Housing Authority of the City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 and MBA Development Corp., Tom Currell, 1101 Lucas Avenue, St. Louis, MO 63101-1179) has submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning remediation of site soil contaminated with Inorganics. The Remedial Investigation, Cleanup Plan and Final Report demonstrated attainment of the Site-Specific Standard and were approved by the Department on May 25, 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 Renewed*

**Berner Trucking, Inc.**, P. O. Box 660, Dover, OH 44622-0660. License No. PA-AH 0382. Effective May 21, 2004.

**Maumee Express, Inc.**, P. O. Box 278, Somerville, NJ 08876. License No. PA-AH 0420. Effective June 2, 2004.

**Providence Environmental, Inc.**, 312 Sharpe Road, Columbia, SC 29203. License No. PA-AH 0695. Effective June 2, 2004.

**Radiac Research Corp.**, 261 Kent Avenue, Brooklyn, NY 11211. License No. PA-AH S007. Effective May 17, 2004.

**US Liquids of Pennsylvania, Inc. d/b/a US Liquids**, 1800 Columbus Avenue, Suite 5, Pittsburgh, PA 15233-2247. License No. PA-AH 0651. Effective June 1, 2004.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Onyx Special Services, Inc.**, 1275 Mineral Springs Drive, Port Washington, WI 53074. License No. PA-AH S197. Effective May 25, 2004.

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

#### Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) 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. PAD981736143. Safety-Kleen Corporation, Johnstown Service Center**, 150 Allenbill Drive, Johnstown, PA 15904. Operation of a hazardous waste container and tank storage facility in Richland Township, **Cambria County**. Permit issued in the Regional Office on June 2, 2004.

#### MUNICIPAL WASTE GENERAL PERMITS

#### General Permit Reissued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and 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. WMGM002E. Magellan EnviroGas Monroeville, LLC**, 5160 Parkstone Drive, Chantilly, VA 20151. General Permit No. WMGM002E is for 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. This general permit was originally issued on January 26, 1998, to Allegheny Energy Resources, Inc. The processing and beneficial use of LFG produced at this Monroeville landfill gas facility is now under the ownership and management of Magellan EnviroGas Monroeville, LLC. Central Office approved the reissuance of this general permit, to Magellan EnviroGas Monroeville, LLC, on May 19, 2004. This notice is being published to correct the issue date, which was incorrectly published at 34 Pa.B. 2950 (June 5, 2004).

Persons interested in obtaining more information or copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, 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.

**General Permit Application No. WMGI001R001. Magee-Womens Hospital**, 300 Halket Street, Pittsburgh, PA 15213. General Permit No. WMGI001 is for the operation of an infectious waste microwave disinfection unit. This general permit was issued as a renewal of Magee-Womens Hospital's original registration under General Permit WMGI001 issued in December 1993. The general permit renewal was issued by Central Office on May 27, 2004.

#### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR013. Larami Metal Company, Inc.**, 1173 Kings Mill Road, York, PA 17405. General Permit No. WMGR013 is for the processing (that is, sorting, de-reeling, shearing, stripping and sweating of lead sheathed cables and other lead materials) and beneficial use of waste telecommunication cables as a raw or reclaimed materials. This general

permit was issued as a renewal of the Larami Metal Company, Inc. original General Permit WMGR013 issued on May 20, 1994. The general permit renewal was issued by the Central Office on June 7, 2004.

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

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

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

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

**Permit No. 100933. Alliance Sanitary Landfill, Inc.**, 398 South Keyser Ave., Taylor, PA 18517. A Major Permit Modification approving the Vegetative Cover Demonstration Project at this municipal waste landfill in Taylor Borough and Ransom Township, **Lackawanna County**. The permit was issued by the regional office on April 15, 2004.

**Permit No. 101600. Waste Reduction and Recycling Center**, 1200 Sans Souci Parkway, Wilkes-Barre, PA 18702. A Major Permit Modification approving the Radiation Protection Action Plan (RPAP) at this municipal waste transfer and processing facility in Hanover Township, **Luzerne County**. The permit was issued by the regional office on March 23, 2004.

**Permit No. 101392. Lehigh Valley Recycling, Inc.**, 320 Godshall Drive, Harleysville, PA 19438. A Major Permit Modification approving the RPAP at this municipal waste transfer facility in North Whitehall Township, **Lehigh County**. The permit was issued by the regional office on March 15, 2004.

#### AIR QUALITY

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

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

**40-312-043GP2: Scranton-Altoona Terminals Corp.** (Dupont East Terminal, Harrisburg, PA 17105) on June 2, 2004, to construct and operate two fuel storage tanks (tanks 26 and 27) at their facility at 801 Suscon Road, Pittston Township, **Luzerne County**.

**45-310-028: Bill Barry Excavating, Inc.** (R. R. 3, Box 3271, Cresco, PA 18326) on June 2, 2004, to construct and operate a portable stone crushing plant and associated air cleaning device at their facility on Sand Spring Road, Barrett Township, **Monroe County**.

**45-312-001GP1: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370) on June 2, 2004, to construct and operate fuel storage tank no. 8 at their facility in Pocono Township, **Monroe County**.

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

**GP3-59-03: Hanson Aggregates Pennsylvania, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on May 19, 2004, to deny authorization to construct and operate a portable stone crushing plant under the "General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants" due to the fact that one of the diesel engines incorporated in the plant cannot comply with the conditions of the respective general plan approval and general operating permit at the Blossburg Quarry in Liberty Township, **Tioga County**.

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

**25-941: McDonald Sand and Gravel, Inc.** (9856 Drury Road, Girard, PA 16417) on May 31, 2004, to operate a portable mineral processing plant in Girard Township, **Erie 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.*

**46-0244: Acme Corrugated Box Co., Inc.** (2700 Turnpike Drive, Hatboro, PA 19040) on May 24, 2004, to operate a steam generator in Upper Moreland 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.*

**35-399-041: CINRAM Manufacturing, Inc.** (1400 East Lackawanna Avenue, Olyphant, PA 18447) on May 10, 2004, to construct 21 printing and screen cleaning stations at their facility in Olyphant Borough, **Lackawanna County**.

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

**36-03149A: Crimson Fire Aerials, Inc.** (1828 Freedom Road, Lancaster, PA 16601) on June 2, 2004, to install one spray booth in East Lampeter Township, **Lancaster County**.

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

**41-00028A: Koppers Industries, Inc.** (436 Seventh Avenue, Suite 1800, Pittsburgh, PA 15219) on May 18, 2004, to construct a 33,475,000 Btu per hour no. 2 fuel oil-fired boiler equipped with a low NOx burner in Clinton Township, **Lycoming County**.

**41-310-001H: Hanson Aggregates Pennsylvania, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on May 25, 2004, to construct a stone crusher and associated

air cleaning devices (two water spray dust suppression system spray nozzles) in an existing stone crushing plant at their Pine Creek Quarry in Limestone Township, **Lycoming County**.

**47-00001A: PPL Montour LLC** (P. O. Box 128, Washingtonville, PA 17884) on May 28, 2004, to install air cleaning devices (two sodium sulfite flue gas injection systems) on two bituminous coal-fired electric utility boilers (units 1 and 2) at their Montour Steam Electric Station in Derry Township, **Montour County**.

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

**25-911A: Humane Society of Northwest Pennsylvania** (2407 Zimmerly Road, Erie, PA 16508) on June 1, 2004, to construct a small animal crematory in Millcreek Township, **Erie County**.

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**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.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-0005M: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on May 27, 2004, to operate a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

**46-0005Q: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on June 3, 2004, to operate a 750 and 1,500 kW emergency generator in Upper Gwynedd 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.*

**39-313-042: Filmtech Corp.** (2121 31st Street SW, Allentown, PA 18103) on May 27, 2004, to modify five polyethylene extrusion lines and associated air cleaning devices at their facility in Allentown, **Lehigh County**. The Plan Approval has been extended.

**48-302-103: Newstech PA LP** (6 Horwith Drive, Northampton, PA 18067) on May 27, 2004, to reactivate a boiler at their facility in Northampton Borough, **Northampton 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.*

**8-318-027: Mill's Pride—Pennsylvania** (100 Lamoka Road, Sayre, PA 18840) on June 1, 2004, to allow the use of glues with a residual formaldehyde content in a wood kitchen cabinet door manufacturing and finishing operation provided that the resultant formaldehyde emissions are less than 1.0 ton in any 12 consecutive month period in Athens Township, **Bradford County**. Formaldehyde is an HAP.

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

**65-00143A: Hanson Aggregates PMA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425) on June 2, 2004, to install two diesel engines/generators in Derry Township, **Westmoreland County**. This plan approval was extended.

**04-00695A: Norfolk Southern Railway Co.** (425 Holiday Drive, Pittsburgh, PA 15220) on June 3, 2004, at their Conway Yard in the borough of Conway, **Beaver County**. PA-04-00695A will be revised as follows:

- References to WDLF were removed throughout.
- Condition 8 replaced NSPS 40 CFR 60.42c with 25 Pa. Code § 123.22(d)(1). However, percent sulfur restrictions (Condition 11) which will keep the SO<sub>2</sub> emission rate below the more stringent NSPS emission rate of 0.50 lb/mmBtu of heat input will remain in place.
- Condition 12 replaced NSPS 40 CFR 60.42c(h) and 60.48c(f) with 25 Pa. Code § 127.12b, but certification requirements will remain the same.
- Condition 14 added "The Owner/Operator may request a reduction in the inspection frequency, in writing, to once per week provided there are no observations by the Owner/Operator or by the Department of visible stack, fugitive and malodorous emissions for the previous six-month period of operation."
- Condition 16b added "Natural gas consumption."
- Condition 18, quarterly reporting changed to annual Air Information Management System reporting. NSPS references deleted.

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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.*

**15-00105: Mobil Pipe Line Co.** (8 South Malin Road, Frazer, PA 19355) on June 1, 2004, to amend their Title V Operating Permit in East Whiteland Township, **Chester County**.

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

**36-05053: Buck Co., Inc.** (897 Lancaster Pike, Quarryville, PA 17566-9738) on June 1, 2004, to operate their ferrous and nonferrous foundry in Providence Township, **Lancaster County**. This is a renewal of the Title V operating permit.

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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.*

**38-03001: Lebanon Chemical Corp.** (1600 East Cumberland Street, Lebanon, PA 17042) on May 28, 2004, for fertilizer drying and bagging operations controlled by a fabric collector in South Lebanon Township, **Lebanon County**.

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

**11-00279: Forest Lawn Cemeteries, Inc.** (1530 Frankstown Road, Johnstown, PA 15902) on June 2, 2004, for a State-only operating permit for a crematory in Conemaugh Township, **Cambria County**.

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

**61-00191: Seneca Printing and Label, Inc.** (Debence Drive, Franklin, PA 16323) on June 3, 2004, for a Natural Minor Operating Permit to operate their printing and label plant in Sandycreek Township, **Venango County**.

**20-00264: Salt Painting Co.** (17918 SR 198, Saegertown, PA 16433) on June 2, 2004, for a Natural Minor Operating Permit to perform abrasive sandblasting and surface coating operation in Hayfield Township, **Crawford County**.

**43-00055: Oldcastle Retail Inc.** (97 Main Street, Fredonia, PA 16124) on June 2, 2004, for a Natural Minor Operating Permit to operate their concrete plant in Fredonia Borough, **Mercer County**.

**61-00204: Franklin Bronze and Alloy Co., Inc.** (655 Grant Street, Franklin, PA 16323) on June 3, 2004, for a Natural Minor Operating Permit for a mold de-wax furnace and after-burner at their investment casting foundry in the City of Franklin, **Venango County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**62-00032: Ellwood National Forge Co.** (1 Front Street, Irvine, PA 16329) on June 3, 2004, for an administrative amendment of the Synthetic Minor operating permit to operate an iron and steel forging facility in Brokenstraw Township, **Warren County**. The amendment incorporates the conditions of Plan Approval 62032A.

**42-00117: Zippo Manufacturing Co.** (Congress Street Extension, Bradford, PA 16701) on May 28, 2004, for an administrative amendment of the Natural Minor operating permit to operate a fabricated metal products facility in Bradford, **McKean County**. The amendment incorporates the conditions of Plan Approval 42117A.

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

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

*Coal Permit Actions*

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

**30910701 and NPDES Permit No. PA0214027. Chess Coal Company** (155 Chess Road, Smithfield, PA 15478-9611), to renew the permit for the Refuse Site No. 7 in Dunkard Township, **Greene County** and related NPDES permit. No additional discharges. Permit issued June 1, 2004.

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

**56030101 and NPDES Permit No. PA0249360. Tomcat Coal** (309 Coalyard Road, Rockwood, PA 15557) for commencement, operation and restoration of a bituminous surface mine and for discharge of treated mine drainage in Milford Township, **Somerset County**, affecting 33.2 acres. Receiving streams: unnamed tributaries to and South Glade Creek (WWF). There are no potable water supply intakes within 10 miles downstream. Application received January 6, 2003. Permit issued June 2, 2004.

*Noncoal Permit Actions*

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

**58990840T. Herbert Kilmer** (R. R. 4 Box 56C, Montrose, PA 18801), transfer of an existing quarry operation from Joseph Manzer in New Milford Township, **Susquehanna County**, affecting 5.0 acres. Receiving streams: none. Application received October 16, 2003. Transfer issued May 27, 2004.

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

**Permit No. 56980301 and NPDES Permit No. PA0234991. Keystone Lime Company** (P. O. Box 278, Springs, PA 15562), renewal of NPDES permit, Addison and Elk Lick Townships, **Somerset County**. Receiving streams: Christener Run, UNT Zehner Run (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 16, 2004. Permit issued June 3, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**4976SM4 and NPDES Permit No. PA0608858. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of an existing NPDES permit in Middlebury Township, **Tioga County**, affecting 38.1 acres. Receiving streams: Norris Brook. Application received March 25, 2004. Permit issued June 1, 2004.

**41030801. John W. Pepper** (R. D. 1, Box 54, Granville Summit, PA 16926), commencement, operation and restoration of a small industrial minerals (bluestone) permit in McNett Township, **Lycoming County**, affecting 1 acre. Receiving streams: unnamed tributaries to Lycoming Creek and to Hawk Run. Application received May 28, 2003. Permit issued May 25, 2004.

**14030803. Richard B. Taylor** (2452 S. Eagle Valley Road, Julian, PA 16844), commencement, operation and restoration of a small industrial minerals (shale) permit in Union Township, **Centre County**, affecting 1 acre. Receiving streams: Bald Eagle Creek, tributary to West Branch Susquehanna River. Application received November 26, 2003. Permit issued May 25, 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.*

**13044001. Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Locust Ridge in Franklin Township, **Carbon County**, with an expiration date of September 3, 2004. Permit issued June 2, 2004.

**64044004. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Wallenpaupack Lake Estates in Paupack Township, **Wayne County**, with an expiration date of July 3, 2005. Permit issued June 2, 2004.

**22044014. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Capitol Mini Storage in Londonderry Township, **Dauphin County**, with an expiration date of June 30, 2005. Permit issued June 2, 2004.

**46044018. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Corinthian Condominiums in Lower Merion Township, **Montgomery County**, with an expiration date of June 26, 2005. Permit issued June 2, 2004.

**21044038. Follmer Excavating, Inc.** (6 Summer Drive, Dillsburg, PA 17019) and **John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Village of Brandywine in Hampden Township, **Cumberland County**, with an expiration date of November 30, 2004. Permit issued June 3, 2004.

**21044040. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at South Middleton Township Pump Station 11 in South Middleton Township, **Cumberland County**, with an expiration date of January 31, 2005. Permit issued June 3, 2004.

**21044039. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Good Hope Farms in Hampden Township, **Cumberland County**, with an expiration date of June 30, 2005. Permit issued June 3, 2004.

**67044028. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Lauxmont Farms Development in Lower Windsor Township, **York County**, with an expiration date of October 31, 2004. Permit issued June 3, 2004.

**48044022. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Foxwood Farms Development in Lower Nazareth Township, **Northampton County**, with an expiration date of July 7, 2005. Permit issued June 4, 2004.

**48044023. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Penn Dixie Development in Upper Nazareth Township, **Northampton County**, with an expiration date of July 4, 2005. Permit issued June 4, 2004.

**52044008. E. R. Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting at

Woodloch Reserve in Lackawaxen Township, **Pike County**, with an expiration date of July 6, 2005. Permit issued June 4, 2004.

**64044005. E. R. Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431), construction blasting at Leeward Asphalt Site in Palmyra Township, **Wayne County**, with an expiration date of July 2, 2005. Permit issued June 4, 2004.

**45044025. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Oak Street Towne Houses in East Stroudsburg Township, **Monroe County**, with an expiration date of May 24, 2005. Permit issued June 4, 2004.

**45044026. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Lot No. 201 Wood Edge in Middle Smithfield Township, **Monroe County**, with an expiration date of May 24, 2005. Permit issued June 4, 2004.

**45044027. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting at Lot No. 105 Upper Grandview Road in Paradise Township, **Monroe County**, with an expiration date of May 27, 2005. Permit issued June 4, 2004.

**09044014. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Wynnefield Estates in Hilltown Township, **Bucks County**, with an expiration date of July 7, 2005. Permit issued June 4, 2004.

**22044015. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting in Londonderry Township, **Dauphin County**, with an expiration date of July 2, 2005. Permit issued June 4, 2004.

**36044050. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting in East Earl Township, **Lancaster County**, with an expiration date of July 2, 2005. Permit issued June 4, 2004.

**46044019. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting for Norriton Business Campus in East Norriton Township, **Montgomery County**, with an expiration date of July 1, 2004. Permit issued June 4, 2004.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14044011. H. R. Excavating** (192 Ridge Lane, Warriors Mark, PA 16877), for construction blasting in Ferguson Township, **Centre County**, with an expected duration of 20 days. Permit issued June 1, 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.*

**E46-950. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, New Hanover Township, Montgomery County, ACOE Philadelphia District.**

To perform the following activities associated with the replacement of the existing Fagleysville Road bridge a 19-foot 4-inch wide and 24-foot long single span I-beam bridge with a precast reinforced concrete box culvert. The bridge spans the West Branch of the Swamp Creek (TSF, MF). The works involved the following activities:

1. To construct and maintain the proposed structure with a waterway opening measuring 30 feet wide by 6 feet high and a roadway width of 23 feet, approximately 30-foot span with an expected waterway opening clearance of 3 feet.
2. To construct and maintain a 50-foot long temporary cofferdam across the stream to facilitate the dewatering process and accommodate the construction works.
3. To place and maintain approximately 37 cubic yards of R-6 riprap for scour protection at the inlet and outlet of the culvert.
4. To construct and maintain temporary road crossing to facilitate vehicle passage during construction works.
5. To perform minor grading in the floodway associated with bridge footings adjustment, depressing of the culvert bottom, reconstruction and grading of roadway approach.

The project proposes to temporarily impact 95 linear feet of watercourse and directly impact a total of approximately 45 linear feet of stream banks. The project site is approximately 778 feet east of the intersection of Fagleysville Road (SR 4023) and Wagner Roads (Sassamansville, PA Quadrangle N: 5.34 inches; W: 8.15 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

**E23-441. Brandywine Conservancy, Inc., P. O. Box 141, Chadds Ford, PA 10317, Chadds Ford Township, Delaware County, ACOE Philadelphia District.**

To perform the following activities associated with the Kuerner Farm Pond Restoration Project:

1. To relocate a reach of an unnamed tributary of Harvey's Run (WWF-MF) through 450 linear feet of new channel by constructing a 2-foot high diversion wall/intake structure and routing flow around an existing drained 0.35-acre reservoir and breached dam.
2. To remove 500 cubic yards of sediment accumulation from a 0.2-acre portion of the existing drained reservoir and impacting a wetland (PEM) that has developed within drained reservoir.

The permittee is required to provide a minimum of 0.20 acre of replacement wetlands. The project is approximately 2,000 feet north of the intersection of Ring Road and Bullock Road (Wilmington North, PA Quadrangle N: 21.6 inches; W: 16.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E18-370. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. Log Road Hollow Run pedestrian bridge replacement in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo West, PA Quadrangle N: 19.80 inches; W: 0.20 inch).

To remove an existing sub-standard pedestrian bridge and to construct and maintain a wooden bank-to-bank wood timber pedestrian bridge with wood-plank deck, concrete abutments, a clear span of 22 feet 10 inches over Log Road Hollow Run and the associated concrete ramped sidewalks within the 100-year floodplain used to connect a new bath house with the existing public pool in the Hyner Run State Park 3 miles north on Hyner Run Road from SR 120.

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

**E11-303. J. M. A. Auto Sales**, 758 Lake Street, South Fork, PA 15956-1412. Sandy Run Bridge in Adams Township, **Cambria County**, Pittsburgh ACOE District (Geistown, PA Quadrangle N: 17.40 inches; W: 4.65 inches) (Latitude: 40° 20' 45" and Longitude: 78° 47' 00"). To construct and maintain a single span bridge having a clear span of 45 feet and an underclearance of 9 feet across Sandy Run (CWF) for the purpose of access to the property. The project is at a point approximately 200 feet south of the SR 219 ramp.

**DAM SAFETY**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D46-341. East Greenville Borough**, P. O. Box 128, East Greenville, PA 18041-0128. To construct, operate and maintain East Greenville Waterworks Dam across Perkiomen Creek (TSF), for the purpose of rehabilitation of the water supply facility. Work includes removal and replacement of the existing dam, dredging of the impoundment area and installation of a dry hydrant along the stream bank (East Greenville, PA Quadrangle N: 5.7 inches; W: 3.1 inches) in Upper Hanover Township, **Montgomery County**.

**D62-033. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To modify, operate and main-

tain, the Akeley Swamp Dam across a tributary to Conewango Creek (CWF), directly impacting a de minimis area of wetland (PEM) equal to 0.03 acre and indirectly impacting approximately 231.0 acres of wetland (PEM, PSS) by seasonal and annual flooding. The project will involve modifying the three outlet structures to regulate the water levels in Akeley Swamp (Russell, PA Quadrangle N: 20.2 inches; W: 1.8 inches) in Pine Grove Township, **Warren County**.

**SPECIAL NOTICES**

**Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	Huntingdon	Huntingdon County	Household Hazardous Waste Education	\$3,055
Northcentral	Snyder	Snyder County	Household Hazardous Waste Feasibility Study	\$11,521

**Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

The Department announces the following grants for recycling programs under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, sections 301(1) and 706(c)(3).

Grant funds are used to reimburse for-profit business entities and nonprofit organizations to increase organics recycling. For-profit and nonprofit organizations are eligible for up to 90% funding of approved organics recycling program costs. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Patti Olenick, Organics Recycling Coordinator,

Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

*Composting Infrastructure Development Grant*

*Recommendations*

*Applications Submitted on or before February 13, 2004*

<i>Applicant</i>	<i>County</i>	<i>Grant Award</i>
1. Wilson College	Franklin	\$36,850
2. Two Particular Acres	Montgomery	\$75,000
3. Shenk's Berry Farm	Lancaster	\$19,640
4. Four Spring's Farm	Lehigh	\$54,396



**Public Hearing for NPDES Permit No.  
PAG2005403032-1**

The Department will hold a public hearing to accept comments on general NPDES Permit Application No. PAG2005403032-1 for the discharge of stormwater from construction activities at the proposed Eagle Rock Resort in Black Creek and Hazle Townships, Luzerne County and East Union and North Union Townships, Schuylkill County.

The public hearing will be held on July 21, 2004, at 7 p.m. in the West Hazleton Elementary and Middle School, 325 North Street, Hazle Township, Luzerne 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 Eagle Rock Resort, a Double Diamond Companies, Inc. The NPDES permit application proposes the discharge of stormwater from construction activities to Sugarloaf and Tomhicken Creeks.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Eagle Rock Resort 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 Department 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 No. PAG2005403032-1. 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 Schuylkill County Conservation District, (570) 622-3742 and the Luzerne County Conservation District, (570) 674-7991.

For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

[Pa.B. Doc. No. 04-1075. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](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.

*Final Technical Guidance*

DEP ID: 580-2200-010. Title: Underground Storage of Explosives. Description: Section 702 of the Pennsylvania Bituminous Coal Mine Act (52 P.S. § 701-702) and section 1402 of the Pennsylvania Anthracite Coal Mine Act (52 P.S. § 70-1402) (collectively, "acts") allow mine operators to adopt or use a new technology or method if that method or technology provides equivalent protection to personnel and property as those statutory requirements contained in the acts. During the 40 years since these acts were promulgated, explosives used in underground coal mines have become significantly more stable and harder to accidentally detonate. As a result, the Department has determined that the storage of explosives in anthracite and bituminous underground mines can occur for extended periods if Department guidance is followed to store these explosives. Final Technical Guidance Document # 580-2200-010 provides guidance for mine operators to store explosives in underground mines which, if followed, will afford personnel and property with the same or greater level of protection as intended under the acts. Notice soliciting public comment on the draft of this document was advertised at 34 Pa.B. 2019 (April 10, 2004) with provision for a 30-day public comment period. The Department did not receive any comments from the public on the draft guidance document. Effective Date: June 19, 2004.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1076. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Certification Program Advisory Committee Meeting Cancellation**

The Certification Program Advisory Committee has canceled its meeting scheduled for July 29, 2004. The next scheduled meeting is October 6, 2004.

Persons with questions concerning this meeting should call Lynn Rice, (717) 787-5236, [mlrice@state.pa.us](mailto:mlrice@state.pa.us). The agenda and meeting materials for the October 6, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the October 6, 2004, meeting should contact the



Department at (717) 787-5236 or through the AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1077. Filed for public inspection June 18, 2004, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators Meeting Cancellations

The State Board for Certification of Water and Wastewater Systems Operators has canceled two meetings scheduled for June 25, 2004, and July 30, 2004. The next regularly scheduled meeting is October 15, 2004.

Persons who have questions concerning these meetings should contact Lynn Rice, (717) 787-5236, mlrice@state.pa.us. The agenda and meeting materials for the October 15, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Persons with a disability who require accommodations to attend the October 15, 2004, meeting should contact the Department at (717) 787-5236 or through the AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1078. Filed for public inspection June 18, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Public Hearing and Public Meeting of the Tobacco Use Prevention and Cessation Advisory Committee

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health will hold a public hearing and a public meeting on June 23, 2004, in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

The public hearing will be held from 10:30 a.m. to 12 p.m. Comments must be submitted in writing by 2:30 p.m. on June 18, 2004, to the Department of Health, Bureau of Chronic Diseases and Injury Prevention, Division of Tobacco Prevention and Control, Room 1006, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, fax (717) 214-6690. Written comments must be limited to no more than three typewritten pages. Persons wishing to present written statements orally at the public hearing must contact Brenda Reichert at (717) 783-6600 by 2:30 p.m. on June 18, 2004, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

The public meeting of the Committee will be held from 1 p.m. to 3:30 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for State fiscal year 2003-04.

This meeting is open to the public. No reservations are required to attend the public meeting.

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 Judy Ochs, Director, (717) 783-6600, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This hearing and meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1079. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) Maximum Allowable Prices

Under 28 Pa. Code § 1103.4(5) (relating to selection criteria for authorization and reauthorization), the WIC Program publishes notice of the maximum allowable prices. Effective July 1, 2004, through September 30, 2004, the maximum allowable prices the Department of Health will pay for a WIC allowable food are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.54
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.22
1 qt. Lactose Reduced Milk	\$2.34
1/2 gal. Kosher Milk	\$3.30
4 oz. Kosher Infant Juice	\$0.69
8 oz. Kosher Infant Cereal	\$1.92
1 doz. Grade A Eggs	\$1.78
1 lb. Fresh Carrots	\$0.98
14 to 16 oz. Canned Carrots	\$0.98
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.32
1 lb. Dry Beans or Peas	\$1.28
1 oz. Adult WIC Cereal	\$0.37
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.43
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.41
6 oz. Cans Juice	\$1.56
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.95
4 oz. Gerber Infant Juice	\$0.69
32 oz. Alimentum Advance Ready-to-Feed	\$9.32
16 oz. Alimentum Advance Powder	\$26.82
13 oz. Isomil with Iron Concentrate	\$4.36
12.9 oz. Isomil with Iron Powder	\$13.29
13 oz. Isomil Advance Concentrate	\$4.70
32 oz. Isomil Advance Ready-to-Feed	\$5.80
12.9 oz. Isomil Advance Powder	\$14.42
12.9 oz. Isomil 2 Advance Powder	\$14.42
32 oz. Isomil DF Ready-to-Feed	\$6.07
13 oz. Nutramigen Lipil Concentrate	\$7.04
32 oz. Nutramigen Lipil Powder	\$24.42
32 oz. Nutramigen Lipil Ready-to-Feed	\$8.87
8 oz. Pediasure Ready-to-Feed	\$2.24
8 oz. Pediasure with Fiber Ready-to-Feed	\$2.34

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Advance Concentrate	\$4.38
32 oz. Similac Advance Ready-to-Feed	\$6.20
12.9 oz. Similac Advance Powder	\$13.66
13 oz. Similac Lactose Free Advance Concentrate	\$4.81
32 oz. Similac Lactose Free Advance Ready-to-Feed	\$5.92
12.9 oz. Similac Lactose Free Advance Powder	\$14.74
12.8 oz. Similac Neosure Advance Powder	\$15.65
13 oz. Similac with Iron Concentrate	\$4.07
32 oz. Similac with Iron Ready-to-Feed	\$5.39
12.9 oz. Similac with Iron Powder	\$12.95
12.9 oz. Similac 2 Advance Powder	\$13.66

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check. However, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Persons with a disability who require an alternative format of this listing of maximum allowable prices (for example, large print, audiotape or Braille) should contact Chris Harr, Department of Health, Division of WIC, Room 604, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-1080. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Technical Advisory on Enrollee Consent for Provider-Initiated Grievances

Under 28 Pa. Code § 9.603 (relating to technical advisories), the Department of Health (Department), Bureau of Managed Care, is issuing a technical advisory on enrollee consent for provider-initiated grievances under Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 991.2101—991.2193).

The Department is aware plans and providers often disagree regarding what constitutes a valid enrollee consent allowing a provider to initiate a grievance on behalf of the enrollee. Similar issues surfaced during the Department's promulgation of 28 Pa. Code Chapter 9 (relating to managed care organizations). Because of these disputes, the Department included in 28 Pa. Code § 9.706(e) (relating to health care provider initiated grievances) the minimum elements that a consent form should have to be compliant with the regulations. Despite 28 Pa. Code § 9.706, plans and providers continue to dispute the size, shape, color and language included in these forms, and these arguments over form are jeopardizing the enrollee's right to have a provider bring a grievance with the enrollee's consent. The Department, therefore, is issuing a sample consent form, which, if a provider and enrollee voluntarily follow this format, will be deemed by the Department to be compliant with 28 Pa. Code § 9.706, and constitute valid enrollee consent for the purpose of a provider grievance.

The Department is also issuing an advisory regarding the proper interpretation of 28 Pa. Code § 9.706(b) and (e)(5) regarding health care provider integrity grievances. Some plans have viewed these two sections as contradictory in a hospital setting, since the first allows a provider to obtain enrollee consent at the time of treatment and the second states that the consent form must include the specific service for which coverage was provided or denied. With respect to the policy behind 28 Pa. Code § 9.706(b), the Department stated in the preamble to the final-form rulemaking published at 31 Pa.B. 3043 (June 9, 2001):

The Department is willing to permit a health care provider to use an enrollee consent obtained prior to service, so long as that consent is not obtained as a condition precedent to the enrollee's receiving the service. The Department is aware that some providers serve populations who may be difficult to locate after the service has been rendered. The Department is also aware that some enrollees, not being held financially responsible for the service in any case, may have no motivation to support the provider's pursuit of a grievance. If the provider does not obtain consent at the time of the service, the provider may have difficulties in obtaining consents at a later date.

This remains the Department's position. Therefore, in a hospital admission setting, the Department will deem compliant with 28 Pa. Code § 9.706(b) and (e)(5) a statement in the enrollee consent form that the specific services for which the enrollee is providing consent are related to the hospital admission and the dates of that admission. The consent would then be valid for all services provided during that admission.

Persons with a disability who require an alternative format of this notice or the consent form (for example, large print, audiotape or Braille) or who have other questions regarding this notice should contact Stacy Mitchell, Director, Bureau of Managed Care, Department of Health, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 787-5193, for speech and/or hearing impaired persons V/TT: (717) 783-6154 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. 04-1081. Filed for public inspection June 18, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Green and Gold Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- Name:* The name of the game is Pennsylvania Green and Gold.
- Price:* The price of a Pennsylvania Green and Gold instant lottery game ticket is \$5.
- Play Symbols:* Each Pennsylvania Green and Gold instant lottery game ticket will contain one play area

featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and Money Bag Symbol (MNYBG).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$2,500 (TWYFIVHUN) and \$75,000 (SVYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$250, \$2,500 and \$75,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Green and Gold instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$75,000 (SVYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$75,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$2,500 (TWYFIVHUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$250 (TWOHUNFTY) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$250.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$250 (TWOHUNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$100 (ONE HUN) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$50\$ (FIFTY) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$25\$ (TWY FIV) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$15\$ (FIFTN) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Money Bag Symbol (MNYBG), and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the Money Bag Symbol (MNYBG) on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Winning Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

*When Any of Your Numbers Match Any of the Winning Numbers, Win With Prize(s) of:*

<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	30	200,000
\$5 w/Moneybag	11.76	510,000
\$6	60	100,000
\$6 w/Moneybag	60	100,000
\$2 × 5	120	50,000
\$5 × 2	600	10,000
\$10	600	10,000
\$10 w/Moneybag	46.15	130,000
\$5 × 3	600	10,000
\$10 + \$5	600	10,000
\$15	600	10,000
\$15 w/Moneybag	300	20,000
\$5 × 5	75	80,000
\$25	200	30,000
\$25 w/Moneybag	66.67	90,000
\$25 × 2	300	20,000
\$15 × 3 + \$5	600	10,000
\$5 × 10	300	20,000
\$10 × 5	300	20,000
\$50	300	20,000
\$50 w/Moneybag	600	10,000
\$10 × 10	960	6,250
\$50 × 2	960	6,250
\$100	960	6,250
\$100 w/Moneybag	960	6,250
\$25 × 10	30,000	200
\$50 × 5	30,000	200
\$250	30,000	200
\$250 w/Moneybag	30,000	200
\$250 × 10	600,000	10
\$2,500	600,000	10
\$75,000	600,000	10

Moneybag = Win prize shown automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Green and Gold instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Green and Gold, prize money from winning Pennsylvania Green and Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Green and Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Green and Gold or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1082. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Pennsylvania 24 Karat Cash Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 24 Karat Cash.

2. *Price:* The price of a Pennsylvania 24 Karat Cash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania 24 Karat Cash instant lottery game ticket will contain one play area featuring one "Winning Numbers" area, one "Your Numbers" area and a "Winner Take All Bonus" area. The play symbols and their captions located in the "Winning Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN) and 16 (SIXTN). The play symbols and their captions located in the "Winner Take All Bonus" area are: Money Symbol (MONEY), Necklace Symbol (NKLACE), Gold Bar Symbol (GOLD), Coins Symbol (COINS), Emerald Symbol (EMRLD) and Ring Symbol (RING).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$12\$ (TWELV), \$16\$ (SIXTN), \$24\$ (TWY FOR), \$48\$ (FRYEGT), \$96\$ (NTY SIX), \$240 (TWOHUNFRY), \$2,400 (TWYFORHUN) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$8, \$12, \$16, \$24, \$48, \$96, \$240, \$2,400 and \$24,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania 24 Karat Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24,000 (TWYFORTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2,400 (TWYFORHUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2,400.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$240 (TWOHUNFRY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$240.

(d) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, four prize play symbols of \$12\$ (TWELV) and four prize play symbols of \$48\$ (FRYEGT) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$240.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$96\$

(NTY SIX) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$96.

(f) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, eight prize play symbols of \$12\$ (TWELV) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$96.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$48\$ (FRYEGT) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$48.

(h) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, four prize play symbols of \$4<sup>00</sup> (FOR DOL) and four prize play symbols of \$8<sup>00</sup> (EGT DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$48.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, eight prize play symbols of \$3<sup>00</sup> (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$24.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$16\$ (SIXTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$16.

(l) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, eight prize play symbols of \$2<sup>00</sup> (TWO DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$16.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, four prize play symbols of \$2<sup>00</sup> (TWO DOL) and four prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(p) Holders of tickets with a Ring Symbol (RING) in the "Winner Take All Bonus" area, eight prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$8.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the “Your Numbers” play symbols matches either of the “Winning Numbers” play symbols and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your Numbers Match Either Winning Number, Win with Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$1 × 2	\$2	18.75	384,000
\$2	\$2	21.43	336,000
\$1 × 3	\$3	37.50	192,000
\$2 + \$1	\$3	50	144,000
\$3	\$3	50	144,000
\$1 × 4	\$4	107.14	67,200
\$3 + \$1	\$4	107.14	67,200
\$4	\$4	125	57,600
\$1 × 8	\$8	100	72,000
\$1 × 8 w/Ring	\$8	300	24,000
\$4 × 2	\$8	300	24,000
\$8	\$8	300	24,000
\$2 × 6	\$12	750	9,600
\$3 × 4	\$12	750	9,600
\$4 × 3	\$12	750	9,600
\$2 × 4 + \$1 × 4 w/Ring	\$12	750	9,600
\$12	\$12	750	9,600
\$2 × 8	\$16	750	9,600
\$2 × 8 w/Ring	\$16	375	19,200
\$4 × 4	\$16	750	9,600
\$16	\$16	750	9,600
\$3 × 8	\$24	1,500	4,800
\$4 × 6	\$24	1,500	4,800
\$8 × 3	\$24	1,500	4,800
\$3 × 8 w/Ring	\$24	250	28,800
\$24	\$24	136.36	52,800
\$8 × 6	\$48	3,000	2,400
\$12 × 4	\$48	3,000	2,400
\$4 × 4 + \$8 × 4 w/Ring	\$48	3,000	2,400
\$48	\$48	3,000	2,400
\$12 × 8 w/Ring	\$96	120,000	60
\$96	\$96	120,000	60
\$12 × 4 + \$48 × 4 w/Ring	\$240	360,000	20
\$240	\$240	360,000	20
\$2,400	\$2,400	360,000	20
\$24,000	\$24,000	720,000	10

Ring = Get Ring in Bonus box wins all 8 prizes automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 24 Karat Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 24 Karat Cash, prize money from winning Pennsylvania 24 Karat Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 24 Karat Cash instant lottery game, the

right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania 24 Karat Cash or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1083. Filed for public inspection June 18, 2004, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Comparative Hospital Complications Methodology Project; Request for Applications 2004-01

The Health Care Cost Containment Council (Council), an independent State government agency, is accepting grant applications regarding developing and demonstrating severity adjustment methods for measuring and pub-

licly reporting complication rates for inpatient admissions to hospitals in this Commonwealth. The Council will accept and evaluate applications for two types of projects: development of new methodologies to measure complication rates; and demonstration of existing methodologies.

This project is designed to identify candidate methodologies that the Council might employ to supplement its existing Hospital Performance Reports, copies of which can be found on the Council's website: [www.phc4.org](http://www.phc4.org). The Council's current methodology only indirectly assesses the impact of complications on outcomes, and the Council seeks to identify methodologies that can be used to measure complication rates directly. A copy of the Request for Applications (RFA) can be downloaded from the Council's website. Questions regarding this RFA should be addressed to Cherie Elias, Director of Administration, (717) 232-6787, [celias@phc4.org](mailto:celias@phc4.org).

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 04-1084. Filed for public inspection June 18, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4614	State Board of Dentistry Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia (34 Pa.B. 1949 (April 10, 2004))	5/10/04	6/9/04
16A-4918	State Board of Medicine Disciplinary Process and Procedure (34 Pa.B. 1963 (April 10, 2004))	5/10/04	6/9/04

### State Board of Dentistry Regulation No. 16A-4614 (IRRC No. 2396)

#### Administration of General Anesthesia, Deep Sedation, Conscious Sedation and Nitrous Oxide/Oxygen Analgesia

June 9, 2004

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Dentistry (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 10, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

The act of November 25, 2002 (P. L. 1109, No. 135) (Act 135) amended the Dental Law to provide additional safeguards related to the administration of anesthesia. Included in Act 135 are requirements for office inspections and clinical evaluations prior to the issuance of permits to administer general anesthesia, deep sedation or conscious sedation. These requirements, as well as requirements regarding nitrous oxide/oxygen analgesia equipment, were to take effect on April 1, 2004.

Section 2 of Act 135 mandates the Board to promulgate regulations "within one year of the effective date" of Act 135. Act 135 became effective December 25, 2002. In its May 11, 2004, comments, the House Professional Licensure Committee (Committee) expressed concern that the Board did not comply with the April 1, 2004, statutory deadline. Additionally, the Committee stated "... that, as a consequence, the statutorily imposed deadline concerning these safety measures cannot be implemented as the law directs." We agree with the Committee

that the Board has not met the legislative intent of Act 135 and as a result, the protection of the public health could be endangered. Therefore, we urge the Board to prepare and submit the final-form regulation as soon as possible.

**1. Existing volunteer license regulations.—Conflict with existing regulations.**

Section 33.110(c)(4) addresses the requirements for a volunteer license applicant who wants to administer various types of anesthesia. This section, however, does not refer to “deep sedation.” Additionally, the cross-references to education requirements do not correspond with the section numbers in the proposed regulation and do not include the new requirements for office inspections and clinical evaluations. In the final-form regulation, we suggest the Board amend § 33.110(c)(4) to update the terminology and cross-references and add a cross-reference to the office inspection and clinical evaluation requirements.

**2. Recordkeeping requirements.—Clarity.**

Section 11.2(e) of Act 135 requires permit holders to keep records of a patient’s “physical evaluation, medical history and anesthesia procedures utilized.” The proposed regulation requires the permit holder’s office to retain the results of the medical history and physical evaluation (§§ 33.340(a)(2)(xvii), 33.340a(a)(2)(xvii) and 33.340b(a)(2)(x)). It does not specify how long records must be maintained and in what form. Section 33.209 addresses patient records but does not include deep sedation as a type of anesthesia for which records must be kept.

When the Board submits the final-form regulation, it should revise § 33.209 to include deep sedation. The Board should also insert a cross-reference to § 33.209 in §§ 33.340, 33.340a and 33.340b.

**3. Section 33.331. Definitions.—Need; Clarity.**

*Professional manuals and guidelines*

This section defines “AAOMS Guidelines,” “AAOMS Manual,” “AAPD Guidelines” and “ADA Guidelines.” Included in these definitions are publication dates for each document. In the final-form regulation, we suggest that the Board include language recognizing the successor volumes of each of these documents so that it is not necessary to revise the regulation each time a manual or set of guidelines is updated.

*Communications equipment*

This term is defined as “equipment capable of eliciting a response in an emergency.” It appears that the intent is to allow for two-way communication between personnel performing anesthesia services and emergency personnel or other medical or dental providers. We suggest the Board revise this definition to more specifically identify the type of communication required.

*Physician*

The proposed regulation includes a definition of the term which varies from the definition of “physician” found in The Medical Practice Act (63 P. S. § 422.2). Since the term is already defined in statute, it is unnecessary and potentially confusing to establish a different definition in this regulation. The Board should revise the definition of “physician” to be consistent with the statutory definition or explain why the proposed definition is necessary. If the Board elects to retain the proposed definition, it should clarify the meaning of “currently credentialed.” It should also consider adding a reference to offices and ambulatory surgical facilities to recognize anesthesiologists who practice in these settings.

**4. Section 33.332. Requirement of permit to administer general anesthesia, deep sedation, conscious sedation or nitrous oxide/oxygen analgesia.—Clarity.**

Subsection (b) establishes that a permit is not required to administer anesthetic modalities “in a State- or Federally-regulated facility other than a dental office.” In its comments, the Pennsylvania Society of Anesthesiologists (PSA) notes the Dental Law establishes authority for administering anesthesia for dental procedures only and suggests that subsection (b) be amended by inserting “for dental procedures” after “nitrous oxide/oxygen analgesia.” We agree that the PSA’s recommendation adds clarity and suggest that the Board insert this language in the final-form regulation.

**5. Section 33.336. Requirements for restricted permit I.—Reasonableness.**

The proposed regulation reduces the required number of hours of undergraduate or postgraduate didactic instruction and clinical experience from 80 hours to 60 hours. Explain the basis for reducing the required number of hours.

**6. Section 33.336a. Requirements for unrestricted permit and restricted permit I.—Need; Reasonableness.**

*Subsection (a)*

Paragraph (4) requires a permit applicant to submit an “original letter” from a peer review organization that establishes the applicant’s satisfactory completion of an office inspection and clinical evaluation. Why is the “original letter” required rather than a copy of the letter?

This paragraph also requires “a written report of the results of the office inspection and clinical evaluation.” If the applicant produces a letter demonstrating satisfactory completion of the inspection and evaluation, why is it necessary to also submit the written report? Will the Board use the report for a specific purpose?

*Subsection (b)*

Paragraphs (1) and (2) require applicants to attest that they will perform their duties in conformance with the AAOMS Guidelines and Manual and the ADA and AAPD Guidelines. Since compliance with these guidelines and the manual are required in various sections throughout the proposed regulation, why is a separate attestation necessary? Is the attestation part of the application form?

**7. Section 33.336b. Approved peer evaluation organizations for administering clinical evaluations and office inspections.—Consistency with the statute; Reasonableness; Clarity.**

This section identifies approved peer evaluation organizations and authorizes organizations of oral and maxillofacial surgeons or unrestricted permit holders to apply to be approved peer review organizations. Section 11.2(b)(1) of Act 135 authorizes the Board to contract with “dental schools, organizations or individuals” to perform office inspections and clinical evaluations. However, it does not appear that the Board has exercised the option to contract with other entities or individuals to carry out the mandates of Act 135. We have the following concerns.

*Subsection (a)*

We request the Board explain why it has not pursued the contracting option laid out by Act 135.

Subsection (a) recognizes the Pennsylvania Society of Oral and Maxillofacial Surgeons (PSOMS) and the Ameri-



can Society of Oral and Maxillofacial Surgeons as qualified peer evaluation organizations. Are there other organizations, such as dental schools or associations of other dental specialties, which should be recognized as qualified peer evaluation organizations in subsection (a)?

The PSOMS raises concerns about the evaluation system. The PSOMS comments that the system "will not work within the existing statutory and regulatory structure due to the lack of protection from liability for the dentists who will be acting essentially as volunteers when conducting the required inspections and evaluations." The PSOMS suggests this problem could be solved by the Board contracting with inspectors and evaluators as provided for in Act 135. We agree that without protection from liability, there may be little incentive for dentists to perform inspections and evaluations. How does the Board intend to address this issue?

*Subsection (b)*

*Application to become a peer review organization*

Under this subsection, an organization of oral and maxillofacial surgeons or of unrestricted permit holders may apply to be a peer review organization. Can individual permit holders apply to conduct peer evaluations? If so, the final-form regulation should specify that individuals can apply and set forth the review criteria that would apply to an individual's application.

The Pennsylvania Dental Association (PDA) comments that restricted permit I holders should also be allowed to apply for approval to conduct evaluations and inspections. We agree. Under § 33.336a, all unrestricted permit holders and restricted permit I holders are required to undergo an office inspection and a clinical evaluation every 6 years. It is reasonable to allow restricted permit I holders to conduct evaluations and inspections for other restricted permit I holders. Furthermore, by expanding the scope of who may apply to conduct peer reviews, more inspectors and evaluators may be available to perform this function. We suggest the Board consider including restricted permit I holders in the group of practitioners who can perform peer review for restricted permit I holders.

*Subsection (b)*

*Criteria for review of a peer review organization application*

Subsection (b)(1)—(11) lists criteria the Board will consider in determining whether to grant applications for approval to serve as a peer review organization. We request the Board explain how these criteria were developed. We also request the Board explain how it will determine an applicant's compliance with the criteria in paragraphs (3), (5) and (8) regarding technical competence to administer evaluations and inspections, standards for satisfactory completion of an inspection and procedures to facilitate fair, unbiased and equitable inspections and evaluations. Furthermore, the Board should specify the documentation an applicant must produce to demonstrate compliance with the criteria in paragraphs (3), (5) and (8).

**8. Section 33.336e. Confidentiality of peer evaluation reports.—Clarity.**

Under subsection (b), a peer review organization is required to notify the Board "as to whether the office inspection and clinical evaluation report has been accepted or rejected by the peer evaluation organization." This language is confusing. Based on discussions with Board staff, the intent of this provision is for the peer

review organization to notify the Board that the permit holder has successfully completed the office inspection and clinical evaluation. The Board should amend this provision in the final-form regulation to clearly reflect its intent.

Additionally, we note that the regulation is silent regarding recordkeeping requirements for peer review organizations. The final-form regulation should include the recordkeeping requirements for these organizations.

**9. Section 33.337. Requirements for restricted permit II.—Reasonableness.**

Subsection (a) reduces the course hour requirement for a nitrous oxide/oxygen analgesia course from 40 to 14. Explain the basis for reducing the required number of hours.

**10. Section 33.338. Expiration and renewal of permits.—Reasonableness.**

Subsection (b)(4) requires attestation that nitrous oxide/analgesia equipment is "properly calibrated." In its comments, the PSA notes that this provision does not place any burden on the permit renewal applicant to show that the equipment has been properly maintained. The PSA suggests that the phrase "and maintained" be inserted after "calibrated." We agree and suggest that the Board incorporate this change in the final-form regulation. Also, the same revision should be made in § 33.340(a)(9).

**11. Section 33.339. Fees for issuance of permits.—Reasonableness.**

Paragraphs (1)(ii) and (2)(ii) set the permit renewal fees at \$200 for an unrestricted permit and a restricted permit I. Although these fees represent a \$100 reduction from the renewal fees in the Board's existing regulations, the revised fee levels for renewals are still twice as much as the \$100 fee for an initial unrestricted permit or restricted permit I. Why are the renewal fees twice as much as the initial issuance fees?

**12. Section 33.340. Duties of dentists who are unrestricted permit holders.—Consistency with the statute; Protection of the public health, safety and welfare; Reasonableness; Clarity.**

Subsection (a)(1) requires that a patient medical history "be taken or updated and the patient is given a physical evaluation . . ." Subsection (a)(12) requires the patient's medical history and physical evaluation be done by "the permit holder, physician or CRNA." Section 11.2(e) of the Dental Law requires "permit holders to conduct a physical examination and take a medical history of the patient . . ." Therefore, subsection (a)(1) should be amended to specify that the permit holder shall take the medical history and conduct the physical evaluation. Subsection (a)(12) should be deleted. The same clarification should be made in §§ 33.340a(a)(1) and 33.340b(a)(1).

Subsection (a)(3) references "auxiliary personnel who assist the permit holder in the administration of general anesthesia, deep sedation or conscious sedation." Who are the "auxiliary personnel"?

Subsection (a)(8) requires that general anesthesia or deep sedation administered to pediatric patients be "administered by a person dedicated solely to the administration and monitoring of anesthesia." Why does this requirement apply to only pediatric patients rather than any patient receiving general anesthesia or deep sedation? The Board should explain how the health and safety of the patient is protected if a separate person is not dedicated to administering and monitoring the anesthesia.

Subsection (a)(10) requires the nonpermit holder's office and equipment transported to the nonpermit holder's office to be inspected by an approved peer review organization. It is unclear when the transported equipment is to be inspected since it would not necessarily be in the nonpermit holder's office at the time of the office inspection. We request the Board clarify how this provision will be implemented.

**13. Section 33.340a. Duties of dentists who are restricted permit I holders.—Need; Reasonableness; Clarity.**

Subsection (a)(3) references "auxiliary personnel who assist the permit holder in the administration of conscious sedation." Who are the "auxiliary personnel"?

Subsection (a)(4)(i) requires CRNAs to perform under the "direct on-premises supervision of the permit holder, who shall assume full responsibility for the performance of the duties." The same language appears in § 33.340(a)(3)(ii). We question the need for these provisions. The State Board of Nursing regulations in 49 Pa. Code § 21.17(3) and (4) specify the supervision requirements applicable to CRNAs. Rather than establish separate requirements under this regulation, we suggest that the Board amend subsection (a)(4)(i) and § 33.340(a)(3)(ii) to cross-reference the supervision requirements for CRNAs in 49 Pa. Code § 21.17(3) and (4).

**14. Section 33.341. Duties of dentists who are not permit holders.—Reasonableness; Clarity.**

*Subsection (a)(2)*

This subsection requires that the dental office be inspected and meet appropriate standards in the regulation. The PDA feels that the inspection of the office of the nonpermit holder is not necessary. The PDA indicates that the inspection of the equipment of the permit holder is sufficient under the law and the permit holder should be responsible for ensuring that all required equipment and facility requirements are present. We concur with this assessment. The Board should revise this requirement to state that the permit holder should be responsible for ensuring that the appropriate equipment and facility requirements are met. However, if the Board intends to maintain this provision, it should set forth the list of facility requirements for which the nonpermit holder will be held responsible. A similar concern exists in subsection (a)(6).

*Subsection (a)(5)*

We have two concerns with this subsection.

First, the requirements in this subsection state that the nonpermit holder should verify with the permit holder that the equipment is installed properly and calibrated. However, the PDA believes this provision should be deleted because only the permit holders should be responsible for verifying that the standards are met. We agree. The Board should delete the language that indicates that the nonpermit holder is also responsible for verification.

Second, this subsection does not specify what type of verification is required to meet the statutory standards. Should this verification be in writing? The Board should insert language that clearly delineates what kind of verification is required.

**15. Section 33.342. Inspection of dental offices.—Clarity.**

The term "authorized agents" is used in subsection (a). However, this term is not defined. Whom does the Board consider an "authorized agent"? Do the organizations in

§ 33.336b fall under this term? For clarity, the Board should define "authorized agent."

**State Board of Medicine Regulation No. 16A-4918  
(IRRC No. 2399)**

**Disciplinary Process and Procedure**

**June 9, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Medicine (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 10, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 16.55. Complaint process.—Clarity.**

Subsection (a) begins "A person, firm, corporation or public officer may submit a written complaint . . ." To clarify its intent, the Board should delete all the terms except for "person," which is defined in section 1991 of the Statutory Construction Act (1 Pa.C.S. § 1991). Section 1991 defines "person" to include all types of organizational entities as well as a natural person.

**2. Section 16.58. Appeal from the Board decision.—Reasonableness.**

This section allows a respondent to appeal a decision by the Board to the Commonwealth Court if "the appeal is based on allegations of certain errors of law under terms and conditions as cover appeals and actions involving State agencies under 2 Pa.C.S. § 702 (relating to appeals)." The House Professional Licensure Committee (Committee) in its comments described this language as "too limiting and narrow in its scope."

The Committee refers to both statutory and constitutional grounds for its concern. The statute (2 Pa.C.S. § 702) referenced by the Board asserts that any person, who is aggrieved by an adjudication of a Commonwealth agency and has a direct interest in the adjudication, has the right to appeal the decision to the court vested with jurisdiction. The right to an appeal is also included in Article V Section 9 of the Pennsylvania Constitution.

We agree that the right of appeal cannot be limited to "allegations of certain errors of law." Therefore, language that would constrain the right of appeal should be deleted from this section in the final-form regulation. However, we recommend that the regulation reference 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1085. Filed for public inspection June 18, 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: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of a

regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
2-142	Department of Agriculture Sheep and Lamb Marketing Program; Wine Marketing and Research Program	6/7/04
16A-603	State Board of Vehicle Manufacturers, Dealers and Salespersons Vehicle Auction License	6/9/04
16A-605	State Board of Vehicle Manufacturers, Dealers and Salespersons Branch Lots	6/8/04
16A-607	State Board of Vehicle Manufacturers, Dealers and Salespersons Consignment Sales	6/8/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1086. Filed for public inspection June 18, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Capital Blue Cross; Community Rated and Association Groups; Demographic Rating Methodology for Groups with 50 or Fewer Employees; Rate Filing

On June 2, 2004, the Insurance Department (Department) received from Capital Blue Cross a filing to refine the demographic rating adjustments for small groups. The proposed refinements include separate medical and pharmacy demographic factors, revised industry factors, removal of the demographic rate bands and the addition of a tier unit adjustment. The impact of the filing will be revenue neutral to Capital Blue Cross. The proposed effective date is January 1, 2005.

Unless formal administrative action is taken prior to November 1, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1087. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Keystone Health Plan Central; Base Rates; Rate Filing

Keystone Health Plan Central requests, with filing no. 04-A, approval to revise its base rates with proposed effective dates of October 1, 2004, through December 31, 2005.

The requested rate changes for the three service areas ranges as follows based on the quarter:

Lehigh Valley	27.10% to 33.48%
Harrisburg	22.75% to 28.92%
Northern Tier	20.91% to 26.98%

With this filing, Keystone Health Plan Central will combine its three service areas into one and make other changes to make a seamless offering of the HMO product with other Capital Blue Cross products. In addition, age/sex rating would be by contract holder instead of member and Demographic rating would change from sizes 51 and higher down to groups of size 2.

The filing will impact approximately 96,000 members and generate additional revenue amounting to \$50.7 million annually.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1088. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Keystone Health Plan Central; Group Demographic Rating Methodology for Groups with 50 or Fewer Employees and Demographic Factor Adjustments for Group Specific Community Rated Groups; Rate Filing

On June 2, 2004, the Insurance Department (Department) received from Keystone Health Plan Central a filing to implement demographic rating for small groups and to modify the demographic factors approved in the Group Specific Community Rating Methodology. The filing once approved will consider age, gender and industry in the development of the small group rate. The impact of the filing will be revenue neutral to Keystone Health Plan Central. The proposed effective date is January 1, 2005.

Unless formal administrative action is taken prior to November 1, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select

"Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1089. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Keystone Health Plan Central; Prescription Drug Rates; Rate Filing

Keystone Health Plan Central requests, with filing no. 04-C, approval to revise its prescription drug rates with proposed effective dates of October 1, 2004, through December 31, 2005.

The requested rate changes range from 8.24% to 61.11% based on the plan, region and quarter.

With this filing, Keystone Health Plan Central will combine its three service areas into one and make other changes to make a seamless offering of the HMO product with other Capital Blue Cross products. In addition, age/sex rating would be applied to the drug program. These factors would be different from the base rates age/sex factors.

The filing will impact approximately 70,000 members and generate additional revenue amounting to \$9.6 million annually.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1090. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Peerless Insurance Company; Homeowners Rate/Rule Filing

On May 26, 2004, the Insurance Department (Department) received from Peerless Insurance Company a filing

for a rate level and rule change for their Homeowners Program.

The company requests an overall 0.1% increase amounting to \$16,000 annually, to be effective September 1, 2004, for new business and August 15, 2004, for renewal business.

Unless formal administrative action is taken prior to July 25, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1091. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Penn Treaty Network America Insurance Company; Rate Increase Filing for Long Term Care Series LTC-1; Rate Filing

Penn Treaty Network America is requesting approval to increase the premium 50% for the Long Term Care form LTC-1 and the associated riders. The average premium will increase from \$1,044 to \$1,566 and will affect 1,633 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to September 2, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: www.ins.state.pa.us. To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1092. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Per Diem Charges for Financial Examinations;  
Notice No. 2004-04**

Under the authority in section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem changes for financial examinations conducted by the Insurance Department (Department) is adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$240 per day
Actuary 1	\$476 per day
Examiner 1	\$305 per day
Examiner 2	\$405 per day
Examiner 3	\$469 per day
Examination Manager	\$568 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2-hour units.

This schedule is effective July 1, 2004.

This document supersedes the notice published at 33 Pa.B. 2721 (June 7, 2003) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1093. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Stonebridge Life Insurance Company; Rate Increase Filing for Long Term Care Series D425; Rate Filing**

Stonebridge Life Insurance Company is requesting approval to increase the premium 35% for the Long Term Care Form D425 and the associated riders. This policy was originally issued by J C Penny Life Insurance Company. The average premium will increase from \$1,747 to \$2,167 and will affect 434 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to August 18, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1095. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Per Diem Charges for Market Conduct Examinations; Notice No. 2004-05**

Under the authority in section 907 of The Insurance Department Act of 1921 (40 P.S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem changes for market conduct examinations conducted by the Insurance Department (Department) is adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$236 per day
Examiner 1	\$277 per day
Examiner 2	\$383 per day
Examiner Manager	\$447 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2004.

This document supersedes the notice published at 33 Pa.B. 2721 (June 7, 2003) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1094. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Westfield Insurance Company; Homeowners Insurance Rule/Rate Revision; Rate Filing**

On May 28, 2004, the Insurance Department (Department) received from Westfield Insurance Company a filing for a proposed rate level and rule change for homeowners insurance.

The company requests an overall 4.0% increase amounting to \$1.016 million annually, effective October 1, 2004.

Unless formal administrative action is taken prior to July 27, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days

after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1096. Filed for public inspection June 18, 2004, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution # CB-04-124, Dated May 5, 2004. Authorizes implementation of the Memorandum of Understanding between the Commonwealth and the Pennsylvania Liquor Control Board Enforcement Officers III Meet and Discuss (K5) Unit.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 04-1097. Filed for public inspection June 18, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Cancellation Order

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Worldxchange, Inc. (2002.0246.00);  
Doc. No. C-20031989; A-311038*

### Cancellation Order

#### *By the Commission:*

On December 19, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Worldxchange, Inc. (Respondent), an IXC reseller certificated at A-311038. In the Complaint, Prosecutory Staff alleged that Commission staff had notified Respondent by both first class and certified mail, return receipt requested, that Respondent had failed to file its 2002 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate for failure to file its 2002 Annual Report.

Service of the Complaint was perfected on December 29, 2003. Respondent filed an Answer on February 13, 2004, stating that it filed for bankruptcy on April 24, 2001, and has had no operations since the summer of 2001. In its Answer, Respondent further stated that it sold substantially all of its assets in June 2001. Respondent requests to have its certificate cancelled since the company is out of business and all of its assets have been sold.

Based upon the foregoing, it is appropriate to sustain the complaint and cancel the certificate of public convenience of Worldxchange, Inc. We note that a review of Commission records shows that Respondent does not have any outstanding assessments or fines. We also note that because Respondent was never given any NXX codes, there are no numbering compliance issues. We reach this determination notwithstanding numerous technical violations of the Public Utility Code and our regulations since under the circumstances presented to us in this case, no practical benefits inure nor is the public interest advanced by any further prosecution of this entity.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this order; *Therefore,*

#### *It Is Ordered That:*

1. The allegations in Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is hereby sustained.
2. The certificate of public convenience held by Worldxchange, Inc. at A-311038 is hereby cancelled.
3. The Secretary strike the name of Worldxchange, Inc. from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.
4. Notice of this Cancellation Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1098. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Investigation into Competition in the Natural Gas Supply Market

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Investigation into Competition in the Natural Gas Supply  
Market; Doc. No. I-00040103*

### Order

#### *By the Commission:*

Section 2204(g) of the Natural Gas Choice and Competition Act (act) requires the Commission to initiate an investigation or other appropriate proceeding to deter-

mine whether effective competition for natural gas supply services<sup>1</sup> exists in this Commonwealth.<sup>2</sup> The proceeding must be launched 5 years after the effective date of the act. The act became effective July 1, 1999. Thus, we must initiate our investigation on, or shortly after July 1, 2004, to comply with the directive of the General Assembly. With this order, we initiate this investigation.

The purpose of the investigation is to determine the level of competition that exists currently in the natural gas supply service market in this Commonwealth. A party that wishes to submit written testimony shall file ten copies of his written testimony at this docket with the Commission's Secretary by Friday, August 27, 2004. An electronic copy of the testimony on a diskette must also be provided so that testimony can be posted at the Commission's website.

Parties are asked to address the following topics in their written testimony:

1. The assessment of the level of competition in this Commonwealth's natural gas supply service market.
2. The effect of the price of natural gas on competition.
3. The effect of consumer education on competition.
4. The effect of customer information/service on competition.
5. The effect of supplier financial security requirements on competition.
6. The effect of natural gas distribution company penalties and other costs on competition.
7. Discuss any avenues, including legislative, for encouraging increased competition in this Commonwealth.

Note that the list of topics is not all inclusive. Other topics that are relevant to assessing competition in the natural gas supply service market in this Commonwealth may also be addressed.

Additionally, the Commission will direct all natural gas distribution companies and licensed natural gas suppliers to provide the information requested in Appendix A. The receipt of this current and historical data should provide a more accurate and complete picture of competition in the market in this Commonwealth.

Following receipt of the written testimony, the Commission will hold an en banc hearing to further explore the level of competition in this Commonwealth. The en banc hearing will be held on September 30, 2004. The Commission will issue a Secretarial Letter addressing further procedural details for this hearing on or before September 10, 2004. The Commission wishes to remind interested parties are invited to contribute other relevant data and statistics related to this investigation; *Therefore,*

*It Is Ordered That:*

<sup>1</sup> The term "natural gas supply services" is defined as: (1) the sale or arrangement of the sale of natural gas to retail gas customers; and (2) services that may be unbundled by the Commission under section 2203(3) (relating to standards for restructuring of the natural gas utility industry) (66 Pa.C.S. § 2202(3)).

<sup>2</sup> § 2204(g) Investigation and report to General Assembly

Five years after the effective date of this chapter, the commission shall initiate an investigation or other appropriate proceeding, in which all interested parties will be given a chance to participate, to determine whether effective competition for natural gas supply services exists on the natural gas distribution companies' systems in this Commonwealth. The commission shall report its findings to the General Assembly. Should the commission conclude that effective competition does not exist, the commission shall reconvene the stakeholders in the natural gas industry in this Commonwealth to explore avenues, including legislative, for encouraging increased competition in this Commonwealth.

66 Pa.C.S. § 2204(g).

1. An investigation into competition in this Commonwealth's natural gas supply service market is initiated.

2. A copy of this order shall be served upon all natural gas distribution companies in this Commonwealth, the Philadelphia Gas Works, the Office of Consumer Advocate, the Office of Small Business Advocate, all licensed natural gas suppliers, the Energy Association of Pennsylvania, the Independent Oil and Gas Association and the Industrial Energy Consumers of Pennsylvania.

3. A person wishing to submit written testimony addressing the issues presented in this order shall do so by August 27, 2004. An original and ten copies of the written testimony and one diskette containing an electronic version of the written testimony shall be filed with the Commission's Secretary. Testimony should be addressed to James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

4. The natural gas distribution companies, the Philadelphia Gas Works and the natural gas companies shall file the answers to the questions appearing in Appendix A by August 27, 2004. An original and ten copies of the answers and an electronic version of the answers on a diskette shall be filed with the Commission's Secretary.

5. An en banc hearing will be held on September 30, 2004. The Commission will issue a Secretarial Letter addressing the procedural aspects for this hearing on or before September 10, 2004.

6. The contact persons for this investigation are Robert Bennett, Fixed Utility Services, (717) 787-5553, robennett@state.pa.us; and Patricia Krise Burket, Assistant Counsel, (717) 787-3464, pburket@state.pa.us.

7. This Order shall be published in the *Pennsylvania Bulletin* and that the Order and the written testimony submitted shall be posted on the Commission's website: www.pucpaonline.com.

JAMES J. MCNULTY,  
*Secretary*

### Appendix A

#### *Natural Gas Distribution Companies*

Each natural gas distribution company is directed to provide specific information about its system.

(1) For each quarter of the years 1999 to 2004, provide the following:

(a) Number of natural gas suppliers operating on its distribution system;

(b) Number of residential, industrial and commercial customers purchasing gas from alternative suppliers;

(c) Volume of natural gas transported on its distribution system;

(d) Volume of natural gas transported for suppliers on its distribution system.

(e) Numbers of customer complaints/disputes regarding slamming or unauthorized change of supplier; changing a supplier; selecting a supplier; confusion regarding a bill on which charges appear for natural gas from an alternative supplier; error in billing for a supplier; and any other issue competition-related issue.

(2) Provide the following information about security requirements that natural gas suppliers are required to maintain for licensure (66 Pa.C.S. § 2208(c)(1)(i)):

(a) Security requirement as posted in the distribution company's initial supplier tariff.

(b) Each change that was made to this security requirement to date.

#### *Natural Gas Suppliers*

Natural gas suppliers are directed to provide specific information regarding sales volume and customer number. For each of the quarters of the years 1999 to 2004, provide the following:

(1) Number of customers (by class) for each distribution system on which the supplier operates.

(2) Volume of natural gas delivered to customers (by class) on each system on which the supplier operates.

(3) Numbers of customer complaints/disputes regarding slamming or unauthorized change of supplier; changing a supplier; selecting a supplier; confusion regarding a bill on which charges appear for natural gas from an alternative supplier; error in billing for a supplier; and any other issue competition-related issue.

[Pa.B. Doc. No. 04-1099. Filed for public inspection June 18, 2004, 9:00 a.m.]

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### Order

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Digizip.com Inc. Petition for Reinstatement of Certificate of Public Convenience (2003.0096.01); A-311173*

### Order

*By the Commission:*

On May 23, 2003, the Commission entered a Tentative Order at this docket against Digizip.com Inc. (Digizip), a telecommunications interexchange reseller certificated at A-311173, tentatively revoking Digizip's certificate of public convenience for failure to return the Annual Assessment Report for Fiscal Year 2003/2004 under section 520(b) of the Public Utility Code (66 Pa.C.S. § 520(b)). A Tentative Order was entered rather than the filing of a complaint and subsequent Default Order because the company had failed in its responsibility to notify the Commission of any address or phone number changes so there was no reasonable means for filing a complaint with the expectation that Digizip.com would receive it and thereafter file a response. The Tentative Order was published June 7, 2003, in the *Pennsylvania Bulletin* at 33 Pa.B. 2727, with a 30-day comment period. When no adverse comments regarding the certificate revocation were filed during the comment period, the Tentative Order became final without further action of this Commission; however, Digizip's certificate was never officially cancelled by the Secretary's Bureau.

On June 9, 2003, Digizip filed its 2003/2004 Annual Assessment Report with the Commission. However, at the time of the filing, Digizip was unaware that the Commission had commenced revocation of Digizip's certificate through issuance of the Tentative Order and was not aware of the process required to request reconsideration of the Tentative Order before it became final. It was only after the Tentative Order became final that Digizip learned about the separate revocation proceedings. There-

after, on August 11, 2003, Digizip filed a Petition for Reinstatement of Certificate of Public Convenience.

In its Petition, Digizip states that to avoid additional failures to file annual assessment reports, it has set up a new internal system for monitoring the filing of these reports, as well as other State compliance requirements. Digizip states that taking these steps will ensure that it timely complies with future filing deadlines. Digizip requests reinstatement since it has now filed its 2003/2004 Annual Assessment Report and has taken necessary steps to ensure that it will not again be delinquent with these filings.

It is well-settled that decisions such as whether to grant a petition for reinstatement are left to the Commission's discretion and will be reversed on appeal only if that discretion is abused. *Hoskins Taxi Serv. v. Pa. P.U.C.*, 486 A.2d 1030 (Pa. Cmwlth. 1985). In ruling upon a reinstatement petition, it is incumbent upon this Commission to examine all relevant factors to reach an equitable result. *Re: Medical Transportation, Inc.*, 57 Pa. P.U.C. 79 (1983).

The Commission has identified five factors that are particularly relevant to the adjudication of a petition to reinstate: (1) the amount of time that elapsed between the cancellation of the certificate of public convenience and the filing of the petition; (2) whether the petitioner has a record of habitually violating the Public Utility Code; (3) the reasonableness of the excuse given for the violation that caused the certificate to be canceled; (4) whether the petitioner has implemented procedures to prevent a recurrence of the circumstances giving rise to the cancellation; and (5) whether the petitioner is current in the payment of all Commission fines and assessments. *Re: M.S. Carriers, Inc.*, Dkt. No. A-00110601 (May 4, 1999).

In considering the first factor, we note that only approximately 11 weeks elapsed between when the Tentative Order was entered on May 23, 2003, and Digizip's request for reinstatement on August 11, 2003, and that Digizip actually filed its overdue 2003/2004 Annual Assessment Report in early June during the 30-day comment period.

In regard to the second factor, Digizip does not have a record of habitually violating the Public Utility Code. Digizip has had no additional complaints issued against it since the issuance of its certificate in 2002.

In considering the third and fourth factors, Digizip's excuse for the violation was that its internal system for monitoring the compliance filing requirements was inadequate and that it has taken the necessary steps to ensure that its regulatory compliance remains in good standing in the future. The fact that Digizip has now complied with its Annual Assessment reporting requirements for 2003/2004 and has represented to the Commission that it has taken action internally to ensure future compliance militates toward reinstatement.

The fifth factor requires that all outstanding fines and/or assessments be paid prior to reinstatement. A review of Commission records shows that Digizip has no unpaid fines or assessments.

Based upon the foregoing, we grant Digizip's petition for reinstatement. However, we caution Digizip that in the future annual assessment reports required to be filed with the Commission must be timely filed and all Commission assessments must be paid in a timely manner; *Therefore,*



*It Is Ordered That:*

1. The Petition for Reinstatement filed by Digizip.com Inc. at A-311173 on August 18, 2003, is hereby granted.
2. The certificate of public convenience held by Digizip.com Inc. at A-311173 is hereby reinstated.
3. The Secretary cause a copy of this Order to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1100. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; Doc. No. M-00900239F0006*

#### Order

*By the Commission:*

In accordance with Ordering Paragraph No. 10 of our May 29, 1990, Opinion and Order at Docket No. M-00900239 and Act 34 of 1995, as amended by Act 181 of 2002, 35 P. S. § 6701.1, et seq., we have completed the recalculation of the Pennsylvania Relay Service surcharges as they apply to residence and business customers for the ensuing 12-month period from July 1, 2004, through June 30, 2005.

Our May 29, 1990, Opinion and Order at Docket No. M-00900239 contains provisions in Ordering Paragraph No. 10, which sets forth the following schedule outlining the annual calculation of the Pennsylvania Relay Service System Surcharge:

10. That this Commission shall annually calculate the surcharge according to the following schedule:

a) April 30. The LECs will provide, for Commission approval, the total number of access lines adjusted for Centrex lines through the use of ATTACHMENT A, Line to Trunk Equivalency Table.

b) May 1. The Relay Service Provider will supply to the Commission a statement of the estimated minutes of Relay Service use and the annual charges for the ensuing twelve (12) month period July 1 through June 30.

c) May 1. The Fund Administrator shall provide to the Commission a Statement of the financial status of the Fund.

d) June 1. The Commission shall notify the Local Exchange Carriers of the new surcharge rate to be applied for the prospective period.

e) July 1. The new surcharge rate will become effective for the ensuing twelve (12) month period with conforming tariffs to be filed upon one day's notice in the format set forth in the PTA Petition at Appendix 8.

The Commission may revise the surcharge more frequently than annually at its discretion.

In July, 1995, the Telecommunication Device Distribution Program (TDDP) was established to provide specialized telecommunications devices such as text telephones and amplifiers to qualified persons. 35 P. S. § 6701.1 et seq. In 2002, this law was amended to expand the definition of "person with a disability" and "people with disabilities" to include persons who have a disability and who require technology to independently access telecommunications services. 35 P. S. § 6701.2. The law provides the following:

Section 4 . . . (c) Additional use of surcharge.—The program shall be funded by the Telecommunication Relay Service Program surcharge, as calculated by the commission on an annual basis under the methodology established by the commission Order entered May 29, 1990 and July 9, 1990, at Docket Number M-900239. The executive director of the Office of Vocational Rehabilitation in the [D]epartment [of Labor and Industry] shall provide the commission with an annual budget and supporting information for the purchase of telecommunication devices for the program.

Under the aforementioned schedule, the following actions have been taken:

1. The local exchange carriers<sup>1</sup> submitted their updated access line counts. The total number of access lines, adjusted for Centrex lines is 8,107,727, which includes 5,512,518 residence access lines and 2,595,209 business access lines.

2. The Relay Service Provider, AT&T Communications of Pennsylvania, Inc., has submitted the estimated minutes and charges for the period July 1, 2004, through June 30, 2005.

3. Wachovia Bank, N. A.<sup>2</sup> the Fund Administrator, has provided a statement of the financial status of the Fund.<sup>3</sup>

4. The executive director of the Office of Vocational Rehabilitation (OVR) has submitted its ninth annual budget. The TDDP began its distribution program in June 1997.

5. Based upon the total number of access lines submitted by the LECs, estimated cost of the CapTel trial,<sup>4</sup> the cost of the consumer education outreach campaign,<sup>5</sup> estimated expenses of the TRS for the period July 1, 2004, through June 30, 2005,<sup>6</sup> and the financial status of the TRS Fund, we shall decrease the existing residential and business monthly surcharges of \$0.08 and \$0.17 to \$0.07 and \$0.13 per access line, respectively, effective July 1,

<sup>1</sup> Including both incumbent local exchange carriers and competitive local exchange carriers.

<sup>2</sup> Hamilton Bank changed its name to CoreStates Bank N. A. in 1995 as the result of a merger and to First Union National Bank in 1999, and to Wachovia Bank, N. A. in 2002.

<sup>3</sup> Separate accounts are maintained for the portion of the surcharge allocated to TRS and the portion allocated to the TDDP.

<sup>4</sup> On February 6, 2003, the Commission approved a motion of the TRS Advisory Board permitting a 9-month trial of the CapTel phone, with a possibility of two 3-month extensions. Both of the 3-month extensions received Commission approval, and the CapTel Trial will continue through July 31, 2004. The Commission is actively exploring their options, but has made no decision at this time regarding the future use of CapTel.

<sup>5</sup> By Secretarial Letter dated June 3, 2003, AT&T was directed to submit an Implementation Plan of its proposal for consumer education outreach. On September 29, 2003, the Commission unanimously accepted the Implementation Plan, and W. J. Green & Associates, Inc. started the outreach campaign in October, 2003. The campaign will continue for 2 years at a cost of \$500,000 per year until September 2005. At that time, the results of the campaign will be evaluated and a determination will be made as to whether or not to continue with the campaign.

<sup>6</sup> The estimated expenses include: the estimated minutes of Telecommunications Relay Service use and estimated charges submitted by AT&T, the estimated Relay Advisory Board expenses, the estimated compensation to the Fund Administrator, and the estimated budget for the TDDP submitted by the OVR.

2004.<sup>7</sup> All surcharge revenues shall continue to be remitted to the Wachovia Bank, N. A.<sup>8</sup> as the Fund Administrator. These monthly surcharges shall be allocated as follows:

	<i>Monthly Surcharge</i>	
	<i>Residence</i>	<i>Business</i>
Telecom. Relay Service	\$0.06	\$0.12
Telecom. Device Distribution	\$0.01	\$0.01
Total Surcharge	\$0.07	\$0.13

We note that we actively oversee the operations of the Pennsylvania Telecommunications Relay Service. In addition, our staff continues to collaborate with the Department of Labor and Industry and its distribution administrator to ensure distribution of TDDP equipment to low-income households in accordance with 35 P. S. § 6791.1 et. seq.

Additionally, it should be noted that, consistent with our order at M-00900239F0003 entered May 29, 2003, the Commission is moving forward with its intent to audit both the TRS and the TDDP funds. Regarding the TRS fund, the Bureau of Audits is currently working to set up an audit process of AT&T's budgeted costs and actual expenditures of providing the relay service. Regarding the TDDP fund, a Memorandum of Understanding was executed on April 15, 2004, between the Commission and the Department of Labor and Industry setting forth the terms and conditions for this audit. Since the ratepayers of this Commonwealth are required to pay a surcharge on their monthly bills to support these programs, these on-going efforts to audit both the underlying program budgets and expenditures are appropriate to ensure fiscal responsibility; *Therefore,*

*It Is Ordered That:*

1. For the period of July 1, 2004, through June 30, 2005, the residence surcharge per access line per month shall decrease from \$0.08 to \$0.07 and the business surcharge per access line per month shall decrease from \$0.17 to \$0.13, unless we take action to revise the surcharge prior to June 30, 2005.

2. All incumbent local exchange carriers and competitive local exchange carriers are directed to use the attached form to remit the monthly TRS surcharge collections to Wachovia Bank, N. A.

3. All incumbent local exchange carriers and competitive local exchange carriers are directed to file revised tariff supplements to become effective July 1, 2004, on at least 1 day's notice, which decrease the residence and business surcharges in accordance with Ordering Paragraph No. 1.

4. A copy of this Order be served upon all incumbent local exchange carriers and competitive local exchange carriers, AT&T Communications Company of Pennsylvania, Inc., the Wachovia Bank, N. A., the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate and the Office of Small Business Advocate.

5. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

<sup>7</sup> The total TRS/TDDP decrease in the surcharge will be \$0.01 for residential customers and \$0.04 for business customers.

<sup>8</sup> Surcharge revenues should be remitted to the Wachovia Bank, N. A., Attn: Nancy Haney, 123 S. Broad St., PA4944, Philadelphia, PA 19109. Checks should be made payable to: PA Relay Service Fund.

REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS 2004-2005

All local service providers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month, to the Wachovia Bank, N.A., ATTN: Nancy Haney, 123 S. Broad St.—PA 4944, Philadelphia, PA 19109. Please make your remittance checks payable to the Pennsylvania Relay Service Fund. It is advisable to use the following format for the monthly remittance:

*Pennsylvania Relay Service*

For the Month Ending \_\_\_\_\_

Number of Residential access lines \_\_\_\_\_  
(TRS) × \$0.06 per line \_\_\_\_\_

Number of Residential access lines \_\_\_\_\_  
(TDDP) × \$0.01 per line \_\_\_\_\_

Number of Business access lines \_\_\_\_\_  
(TRS) × \$0.12 per line \_\_\_\_\_

Number of Business access lines \_\_\_\_\_  
(TDDP) × \$0.01 per line \_\_\_\_\_

Total Remittance \_\_\_\_\_

Make check payable to: Pennsylvania Relay Service Fund

Send Report and payment to:  
Wachovia Bank, N.A.  
Nancy Haney, Trust Administrator  
123 So. Broad Street—PA 4944  
Philadelphia, PA 19109

Remittance for: Company name(s) \_\_\_\_\_  
Address \_\_\_\_\_

Company Contact: Name \_\_\_\_\_  
Phone number \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

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

Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850.

[Pa.B. Doc. No. 04-1101. Filed for public inspection June 18, 2004, 9:00 a.m.]

**Rescission Order**

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. American Phone Services Corp.  
(2003.0264); Doc. No. C-20031951; A-311002*

**Rescission Order**

*By the Commission:*

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against American Phone Services Corp. (American or Respondent), an IXC reseller, certificated at A-311002, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience.

On April 13, 2004, 5 days subsequent to the entry date of the Default Order, American filed its delinquent 2002 Annual Report and paid the \$250 late-filing fee. American included a letter with its filing that requested that the Default Order be rescinded and that its certificate be reinstated.

By separate facsimile also dated April 13, 2004, American sent the Commission what was purported to be a copy of its 2002 Annual Report on its letterhead and a copy of a check in the amount of \$250. The faxed copies were both dated November 28, 2003, and were faxed to support Respondent's averment that its report was timely filed in response to the Prosecutory Staff Complaint. Unfortunately, a review of Commission records fails to confirm that these documents were received by the Commission in 2003.

In its Answer, Respondent gives no reason why its 2002 Annual Report was delinquent. It simply alleges that its report was filed in November, which we note, parenthetically, would also have made the filing delinquent. However, because Respondent filed its delinquent Annual Report and paid the late-filing fee 5 days after the entry date of the Default Order, we will grant Respondent's request for rescission of the Default Order. However, we caution American that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts American and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered April 8, 2004, at this docket is hereby rescinded.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1102. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Rescission Order

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzigrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ironton Telephone Co. (2003.0264);  
Doc. No. C-20031929; A-311650*

### Rescission Order

*By the Commission:*

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Ironton Telephone Co. (Ironton or Respondent), a CLEC certificated at A-311650, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default

Order was published April 24, 2004, at 34 Pa.B. 2258 with a 20-day comment period.

On April 5, 2004, subsequent to the April 1, 2004, adoption date of the Default Order, but prior to the April 8, 2004, entry date, Ironton filed its 2002 Annual Report. It paid the \$250 late filing fee on April 14, 2004. By Answer dated April 16, 2004, it questioned why the Default Order had been entered in light of the fact that it had filed its outstanding 2002 Annual Report and paid the late-filing fee. In its Answer, Ironton requested that the Default Order be dismissed and the Complaint be deemed satisfied.

In its answer, Respondent gives no reason why its 2002 Annual Report was delinquent. It simply requests that the Default Order be dismissed because of its compliance. Because Respondent filed its delinquent annual report and paid the late-filing fee in the time period between the adoption and entry of the Default Order, and filed its answer only 8 days after the entry of the Default Order, we will grant Respondent's request for rescission. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Ironton and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered April 8, 2004, at this docket is hereby rescinded.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1103. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Rescission Order

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzigrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Ton Services, Inc. (2003.0264); Doc.  
No. C-20031931; A-310859*

### Rescission Order

*By the Commission:*

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Ton Services, Inc. (Ton or Respondent), an interexchange reseller certificated at A-310859, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published April 24, 2004, at 34 Pa.B. 2265 with a 20-day comment period.

On May 6, 2004, within the specified 20-day comment period, Respondent filed its 2002 Annual Report and paid the \$250 late-filing fee. No letter accompanied this filing.

Because Respondent filed its delinquent annual report and paid the late-filing fee during the 20-day comment period stated in the *Pennsylvania Bulletin*, we find it appropriate to rescind the Default Order. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Ton and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered April 8, 2004, at this docket is hereby rescinded.

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1104. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Rescission Order

Public Meeting held  
May 27, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Winstar of Pennsylvania, LLC  
(2003.0264); Doc. No. C-20031991; A-311171*

### Rescission Order

*By the Commission:*

On October 17, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against Winstar of Pennsylvania, LLC (Winstar or Respondent), an IXC reseller, CLEC, competitive access provider and switched access carrier certificated at A-311171, for failure to file its 2002 Annual Report. Subsequently, on April 8, 2004, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. The notice of the Default Order was published April 24, 2004, at 34 Pa.B. 2268 with a 20-day comment period.

On May 10, 2004, within the specified comment period, Respondent filed an Answer and its delinquent 2002 Annual Report and paid the \$250 late-filing fee. Respondent included a letter with its filing that requested that the Default Order be rescinded and that its certificate be reinstated.

In its Answer, Respondent stated that the failure to timely file its 2002 Annual Report was an oversight. Winstar avers that on April 1, 2002, the Commission approved its acquisition of the assets of Winstar Wireless of Pa. Respondent states that in its application, it indicated that for purposes of correspondence from the Commission, its address was 1850 M Street, NW, Suite 300, Washington, DC 20036. Respondent further states that the letters and Complaint regarding the 2002 Annual Report were sent to 1615 L Street, NW, Suite 1260, Washington, DC 20036, which Winstar Wireless of Pa., LLC occupied until 2001. Respondent explains that because Commission correspondence went to the wrong

address, it was never received. Since it has now complied with the 2002 Annual Report filing requirement, Winstar requests that the Default Order be rescinded and its certificate be reinstated. A review of Commission records confirms that the certified letters and the Complaint regarding the 2002 Annual Report went to the wrong address.

Based upon the fact that Respondent filed its delinquent annual report and paid the late-filing fee within the 20-day comment period, we will grant Respondent's request for rescission of the Default Order. However, we caution Respondent that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Winstar and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate.

In this Order, we also advise Winstar of the requirement to notify the Commission of any change of address, and direct the Secretary's Bureau to change its records to reflect Winstar's mailing address as 1850 M Street, NW, Suite 300, Washington, DC 20036; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered April 8, 2004, at this docket is hereby rescinded.

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

3. The Secretary's Bureau change its records to reflect that the correct mailing address for Winstar is 1850 M Street, NW, Suite 300, Washington, DC 20036.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1105. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 12, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-00120808. Lehert Atkinson** (562 Broad Street, Chambersburg, Franklin County, PA 17201)—persons, upon call or demand, in the County of Franklin.

**A-00120333 (Corrected). C & S Ambulance Service, Inc.** (P. O. Box 150, Vandergrift, Westmoreland County,

PA 15690), a corporation of the Commonwealth—persons in paratransit service, between points in the Township of Washington, the Boroughs of Vandergrift and East Vandergrift, all in Westmoreland County, the Township of Parks, Armstrong County and the Boroughs of Cabot and Saxonburg, Butler County; subject to the following restrictions: (1) the service provided in Parks Township, Armstrong County, Vandergrift and East Vandergrift Boroughs, Westmoreland County, is limited to members of the Vandergrift Ambulance Service; (2) the service provided to Washington Township, Westmoreland County, is limited to West Haven Nursing Home and Westview Manor; (3) the service provided in Cabot Borough, Butler County, is limited to Concordia Health Care; (4) the service provided to Saxonburg Borough, Butler County, is limited to Saxony Health Center; (5) the service is limited to the use of vehicles modified to handle wheelchairs and having emergency vehicle registration plates; and (6) the service is limited to transportation of persons who are nonambulatory or persons who, due to chronic or acute physical or mental conditions, require pre-trip preparations such as assistance in being dressed or lifted or medical monitoring or the use of medical appliances or equipment or a medical escort during transit. *Attorney:* Jeffrey W. Miller, 158 Grant Avenue, Vandergrift, PA 15690.

**A-00120815. Robert W. Alexander, Jr. and Linda L. Griffin** (309 Main Street, Prospect, Butler County, PA 16052)—persons, in limousine service, between points in the Counties of Butler, Lawrence, Mercer and Indiana, and from points in said counties, to points in this Commonwealth, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-00120807. Online Corp.** (4187 New Holland Road, Mohnton, Berks County, PA 19540), a corporation of the Commonwealth—persons, in limousine service, between points in this Commonwealth; which is to be a transfer of all the right authorized under the certificate issued at A-00109436 to Lifestyle Limousine, Inc., subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Twelfth Floor, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1106. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Wastewater Service

**A-230240F0022. Little Washington Wastewater Company d/b/a Suburban Wastewater Company.** Application of Little Washington Wastewater Company d/b/a Suburban Wastewater Company for approval of: (1) the acquisition, by purchase, of the wastewater system assets of Deerfield Knoll Homeowners Association; and (2) the right of Little Washington Wastewater Company to begin to offer, render, furnish or supply wastewater service to the public in a portion of Willistown Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsyl-

vania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 6, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company

*Through and By Counsel:* Frances P. Orth, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1107. Filed for public inspection June 18, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-075.4, Facility Lighting Upgrades at Tioga Marine Terminal (TMT), Piers 38-40, 78, 80, 82, 84, 96 & 98 South, until 2 p.m. on Thursday July 8, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 22, 2004. Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held at the PRPA office on July 1, 2004, at 10 a.m. at the Port of Philadelphia Administration Building, 3460 N. Delaware Ave., 2nd Floor (Tioga St. and Delaware Ave.), Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1108. Filed for public inspection June 18, 2004, 9:00 a.m.]

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, July 8, 2004, for Project # 04-046.P (Cleaning/Janitorial Services—TAB). Bid openings will be held at 3460 N. Delaware Ave., Philadelphia, PA 19134. The bid documents can be obtained from the Director of Procurement, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 22, 2004. PRPA is an equal opportunity employer. Vendors will be required to comply with all applicable equal employment opportunity laws and regulations.

A mandatory prebid meeting will be held on Thursday July 1, 2004, at 10 a.m. at 3460 N. Delaware Ave.,

Philadelphia, PA 19134. PRPA will only consider bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1109. Filed for public inspection June 18, 2004, 9:00 a.m.]

(relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-1110. Filed for public inspection June 18, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 14, 2004	Joseph A. Digiorgio (Purchase of Service)	1 p.m.
August 11, 2004	Joanne Digiuseppe (Waiver of Repayment)	1 p.m.
	Linda Radcliff Champion (Purchase of Maternity Leave)	2:30 p.m.
August 25, 2004	Grace D'Alo (Purchase of Service)	1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704

## STATE TAX EQUALIZATION BOARD

### 2003 Common Level Ratio

The State Tax Equalization Board (Board) has established a common level ratio for each county in this Commonwealth for the calendar year 2003. The ratios were mandated by the act of December 13, 1982 (P. L. 1158, No. 267).

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2003 common level ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2003.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the common level ratio for each county for 2003.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2003 of 100% will utilize valid sales from 1% to 200%.

The common level ratios for 2003 are listed as follows:

### 2003 Common Level Ratios

<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
ADAMS	34.6	ELK	19.8	*MONTGOMERY	68.7
*ALLEGHENY	93.9	*ERIE	91.8	MONTOUR	8.8
ARMSTRONG	39.7	*FAYETTE	97.5	NORTHAMPTON	39.2
BEAVER	32.2	FOREST	21.1	NORTHUMBERLAND	13.4
*BEDFORD	19.5	*FRANKLIN	14.5	*PERRY	91.0
*BERKS	86.3	*FULTON	50.4	PHILADELPHIA	26.8
BLAIR	7.9	*GREENE	88.7	PIKE	22.7
BRADFORD	43.3	HUNTINGDON	15.9	*POTTER	42.2
BUCKS	3.1	INDIANA	13.7	SCHUYLKILL	43.2
BUTLER	10.4	JEFFERSON	18.8	SNYDER	16.4
CAMBRIA	16.3	*JUNIATA	17.7	SOMERSET	40.5
CAMERON	37.3	*LACKAWANNA	19.2	SULLIVAN	23.4
CARBON	43.2	*LANCASTER	81.7	SUSQUEHANNA	41.4
CENTRE	37.3	*LAWRENCE	93.0	*TIOGA	90.4
*CHESTER	68.0	LEBANON	8.2	UNION	16.2
CLARION	19.0	LEHIGH	40.8	*VENANGO	92.1
CLEARFIELD	19.1	LUZERNE	6.8	WARREN	36.8

NOTICES

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<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
CLINTON	28.3	LYCOMING	62.4	WASHINGTON	15.4
COLUMBIA	32.8	MCKEAN	22.5	WAYNE	8.2
CRAWFORD	33.9	*MERCER	28.6	*WESTMORELAND	21.1
*CUMBERLAND	90.4	MIFFLIN	49.3	WYOMING	23.7
*DAUPHIN	87.7	MONROE	17.9	*YORK	80.9
*DELAWARE	79.5				

\*Counties with a predetermined assessment ratio of 100%

DANIEL G. GUYDISH,  
*Chairperson*

[Pa.B. Doc. No. 04-1111. Filed for public inspection June 18, 2004, 9:00 a.m.]

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