

PENNSYLVANIA BULLETIN

Volume 34

Number 31

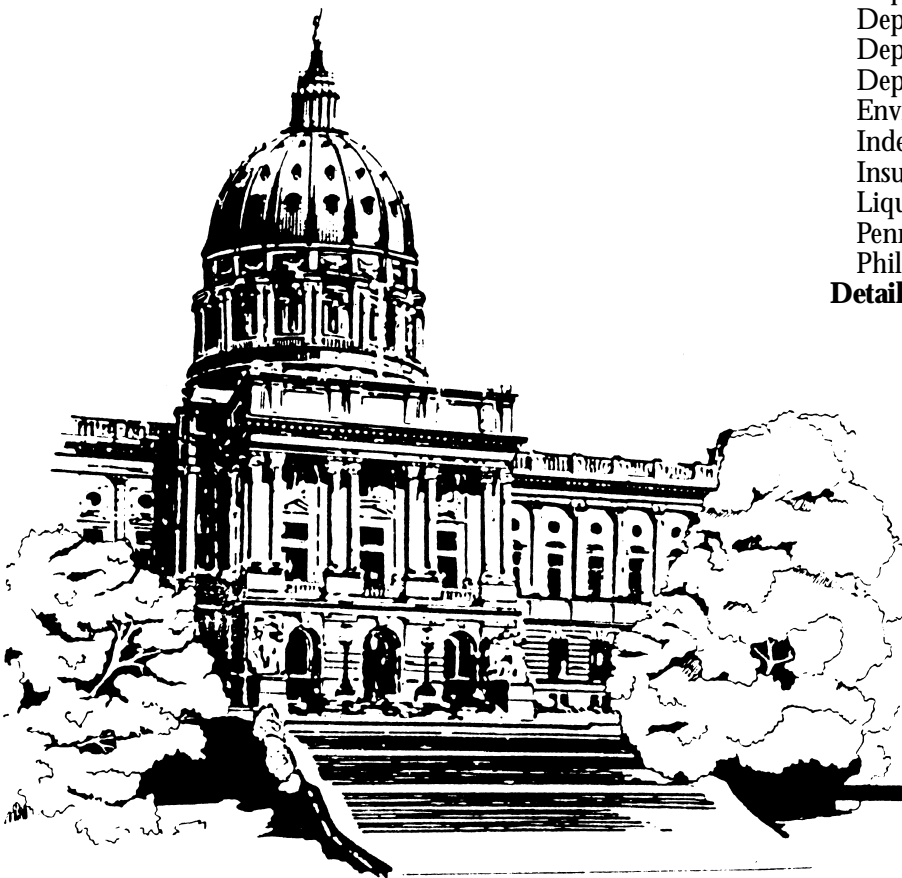
Saturday, July 31, 2004 • Harrisburg, Pa.

Pages 4005—4092

Agencies in this issue:

The Governor
The General Assembly
The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of State
Department of Transportation
Environmental Hearing Board
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority

Detailed list of contents appears inside.



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

No. 356, July 2004

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BULLETIN

(ISSN 0162-2137)

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800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

published weekly by Fry Communications, Inc. for the

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

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ISBN 0-8182-0004-9

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CONTENTS

THE GOVERNOR

EXECUTIVE ORDERS

Code of conduct..... 4013

THE GENERAL ASSEMBLY

Recent actions during the 2004 regular session of the General Assembly (3 documents) .. 4015, 4017, 4018

THE COURTS

LOCAL COURT RULES

Beaver County

Local rules of civil procedure; no. 10130 of 2001 4023

Snyder County

Adoption of local rules; no. MC 22-2004 4026

MINOR COURT CIVIL RULES

Proposal to rename Chapter 400 and proposed new Rule 401.1 of the rules of conduct, office standards and civil procedure for district justices 4022

RULES OF EVIDENCE

Proposed revision of the comment to Pa.R.E. 804(b)(2) 4020

Proposed revision of the introductory comment to Article VIII, hearsay 4021

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Action on applications..... 4030

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 4031

Facilities general permit; transfer, storage, composting and processing of nonliquid spent mushroom substrate..... 4075

Laboratory Accreditation Advisory Committee meeting cancellation..... 4076

State Water Plan Statewide Water Resources Committee, Critical Water Planning Area Subcommittee meeting..... 4076

State water plan water resources regional committees meeting schedule for August 2004 4077

DEPARTMENT OF GENERAL SERVICES

Notices

State contracts information..... 4090

DEPARTMENT OF HEALTH

Notices

Applications for exception:
 Clarion Hospital 4078
 Community Medical Center 4078
 Sacred Heart Hospital 4078

Troy Community Hospital 4078
 UPMC Bryn Mawr Rehab Hospital 4079
 Equipment and procedures for chemical testing of blood and urine..... 4079
 Preventive Health and Health Services (PHHS) Block Grant Advisory Committee meeting 4079
 Requests for exception; long-term care nursing facilities..... 4080

DEPARTMENT OF PUBLIC WELFARE

Notices

Medical Care Availability and Reduction of Error Fund abatement 4080

DEPARTMENT OF STATE

Notices

HAVA organizational grant information 4081

DEPARTMENT OF TRANSPORTATION

Notices

Administrative docket filing fee schedule 4081

ENVIRONMENTAL HEARING BOARD

Notices

Alcoa, Inc. v. DEP; EHB doc. no. 2004-157-L..... 4082

Keystone Profiles, Ltd. v. DEP; EHB doc. no. 2004-160-L 4082

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission..... 4082

Notice of filing of final rulemakings..... 4085

INSURANCE DEPARTMENT

Notices

Conseco Senior Health Insurance Company; rate increase filing for long term care policy ATL-LTC-3; rate filing 4085

Review procedure hearings; cancellation or refusal of insurance (2 documents) 4086

Review procedure hearings under the Unfair Insurance Practices Act 4087

Travelers Indemnity Company and Phoenix Insurance Company; homeowners insurance rate revision; rate filing 4087

LIQUOR CONTROL BOARD

Notices

Expiration of leases..... 4088

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications..... 4088

Telecommunications (5 documents)..... 4088, 4089

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 4089

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

1 Pa. Code (General Provisions)

Adopted Rules

301	1681
303	1681
305	1681
307	1681
309	1681
311	1681

4 Pa. Code (Administration)

Adopted Rules

1	2057, 2685
5	366, 2287
6 (with correction)	366, 2162, 2164, 2288, 3236
7	3238, 4013
91	1442
93	1442
95	1442
97	1442
99	1442
101	1442
105	1442
110	1442

Proposed Rulemaking

161	3146
-----	------

Statements of Policy

9	855, 1234, 1335, 1337, 1966, 2075, 2332, 2830, 3277, 3608, 3723
114	63

7 Pa. Code (Agriculture)

Adopted Rules

138	2421
138e	2421
138l	2421

Proposed Rulemaking

76	831
104	561

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

Statements of Policy

123	488
-----	-----

22 Pa. Code (Education)

Adopted Rules

14	2324
403	2975, 3355, 3358

25 Pa. Code (Environmental Protection)

Adopted Rules

86	388
109	1758, 1762, 3130
207	2041
215	3823
216	3823
217	3823
218	3823
219	3823
220	3823
221	3823
223	3823

224	3823
225	3823
226	3823
227	3823
228	3823
230	3823
240	3823

Proposed Rulemaking

93	2067
401	1329

28 Pa. Code (Health and Safety)

Adopted Rules

18	3695
25	2711, 2808
1001	677
1003	677
1005	677
1007	677
1051	677

31 Pa. Code (Insurance)

Proposed Rulemaking

147	844
151	850
167	3255

34 Pa. Code (Labor and Industry)

Adopted Rules

401	319
403	319
405	319

Statements of Policy

123	1684
-----	------

37 Pa. Code (Law)

Proposed Rulemaking

42	853
91	3010
93	3010
94	3010

Statements of Policy

200	2573
-----	------

40 Pa. Code (Liquor)

Proposed Rulemaking

1	3411
3	3411
5	3411
7	3411
9	3411
11	3411
13	3411
15	3411

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

3 (with correction)	1574, 1683, 3699
7	2467
9	235
11	1768

13 39
 16 40
 18 43
 19 3410
 23 1453
 25 47
 31 388
 33 2326
 40 3700

Proposed Rulemaking

9 1948
 13 1961
 16 56, 1963
 21 851
 25 58, 563
 27 3146
 29 565
 31 1331
 33 1949
 35 61
 39 55
 41 60
 45 3143

52 Pa. Code (Public Utility)

Proposed Rulemaking

29 3258
 31 3258
 62 2071
 63 1784, 1795
 101 3138

Statements of Policy

41 3912

55 Pa. Code (Public Welfare)

Adopted Rules

1150 3596
 3040 1575

Proposed Rulemaking

285 1774

Statements of Policy

6000 1234

58 Pa. Code (Recreation)

Adopted Rules

63 1231, 1232, 3598
 65 1231, 3599, 3600
 93 1231, 1232
 111 3601
 135 3703
 139 3704
 141 2328, 2825, 3710, 3711, 3712, 3713
 143 2826, 3713, 3715
 147 2329, 2827, 2828, 3716
 147a 2329
 147b 2329

Proposed Rulemaking

61 3603
 63 1457
 65 1458, 1460, 1461, 3603
 69 3603
 135 1941, 3137
 137 3015
 139 1776
 141 484, 1781, 1941, 3016

143 484, 1782, 1944
 147 485, 486, 1946, 3017, 3411

61 Pa. Code (Revenue)

Adopted Rules

872 50

64 Pa. Code (Securities)

Adopted Rules

207 1940

67 Pa. Code (Transportation)

Adopted Rules

83 3718
 175 1327

Proposed Rulemaking

103 843
 212 951

Statements of Policy

86 567
 88 567

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

71 2062, 2063, 3102
 81 9, 2537
 83 1547, 2537
 85 948
 87 948
 89 948

Proposed Rulemaking

71 1749
 81 1752
 83 1749, 3243, 3245, 3862

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 1670
 9 1670
 11 1670
 13 1670
 15 1670, 3862
 17 1670, 3870
 19 2064
 21 1320, 2688
 31 2688
 33 3870
 37 2688
 65 379

225 Pa. Code (Rules of Evidence)

Adopted Rules

VII 2065
 IX 1492

Proposed Rulemaking

I 2689
 VI 2987
 VIII 4020, 4021

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 9, 557, 3103, 3677
 400 9
 1000 9, 1926
 1300 22
 1500 9
 1600 9

1900 1754
 1910 1754
 1915 1754
 1920 1754
 1930 1754
 2000 9
 2020 9
 2050 9
 2100 9
 2120 9
 2150 9
 2170 9
 2200 9
 2220 9
 2250 9
 2300 9
 2320 9
 2350 9
 2950 22
 3000 9, 22
 4000 9, 1926

Proposed Rulemaking

3000 476
 3300 476
 Part II 3104

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1547, 1671, 1929, 2541, 2910, 3105
 4 1547, 1929
 5 1547, 1932, 2543, 2910, 3105
 6 3105
 7 1547, 3105
 8 3105
 9 1547, 1671, 3105

Proposed Rulemaking

1 1429
 4 34
 6 2543

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

300 2464
 400 2465

Proposed Rulemaking

200 480
 300 480
 400 4022
 500 480
 1000 1933

249 Pa. Code (Philadelphia Rules)

Unclassified 36

252 Pa. Code (Allegheny County Rules)

Unclassified 2912

255 Pa. Code (Local Court Rules)

Unclassified 37, 231, 379, 482, 483, 557, 829,
 830, 949, 1229, 1230, 1320, 1321, 1326, 1433, 1570,
 1571, 1573, 1674, 1936, 1937, 2289, 2312, 2545,
 2551, 2690, 2704, 2705, 2706, 2710, 2798, 2801,
 2912, 2914, 2987, 2991, 2998, 3008, 3009, 3110,
 3125, 3247, 3248, 3249, 3250, 3251, 3252, 3253,
 3254, 3371, 3394, 3401, 3404, 3406, 3585, 3587,
 3593, 3678, 3681, 3683, 3687, 3688, 3691, 3873,
 3875, 3876, 3877, 3880, 3881, 3882, 3883, 3884,
 3910, 3911, 4023, 4026

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

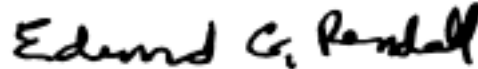
[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 1980-18, REVISION NO. 2]

Code of Conduct

July 5, 2004

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, hereby revise Part I, Section 1 of Executive Order 1980-18, page 1, as follows:



Governor

Fiscal Note: GOV 04-8. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter K. CODE OF CONDUCT FOR APPOINTED OFFICIALS AND STATE EMPLOYEES

RESTRICTED ACTIVITIES: CONFLICTS OF INTEREST

§ 7.151. Adverse pecuniary interest.

An employee, appointee or official in the Executive Branch of the Commonwealth may not do the following:

(1) Engage directly or indirectly in business transactions or private arrangement for profit which accrues from or is based upon his official position or authority.

(2) Participate in the negotiation of or decision to award contracts, the settlement of claims or charges in contracts, the making of loans, the granting of subsidies, the fixing of rates, or the issuance of permits, certificates, guarantees or other things of value to, with or for an entity in which he has a financial or personal interest.

(3) Hold any pecuniary interest in, or own shares or securities issued by, an entity regulated by 45 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act) (herein, a "regulated gaming entity"). This provision does not apply to any interests held as follows:

(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the regulated gaming entity.

(ii) Through defined benefit pension plans.

(iii) In blind trusts over which the holder may not exercise any managerial control or receive income during the time period the holder is subject to these provisions.

(iv) In a regulated gaming entity prior to July 6, 2004, by individuals other than the following:

(A) Employees of the Pennsylvania State Police or the Department of Revenue whose duties include any aspect of the gaming industry.

(B) Members of the State Horse Racing Commission or the State Harness Racing Commission and their respective staff.

THE GOVERNOR

(C) Public officials appointed by the Governor and Commonwealth employees under the Governor's jurisdiction.

(D) Members of the board of the Public School Employees Retirement System and its employees.

(E) Members of the board of the State Employees Retirement System and its employees.

(F) Members of the board of the Independent Regulatory Review Commission and its employees.

[Pa.B. Doc. No. 04-1385. Filed for public inspection July 30, 2004, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 073					
073	Jul 13	SB0922	PN1438	60 days	Health and Safety (35 Pa.C.S.)—custodial care facilities
2004 APPROPRIATION ACTS ENACTED—ACT 009A through 036A					
009A	Jul 12	HB2529	PN4318	immediately	Pennsylvania State University—operation, instruction, medical education, children's hospital, agricultural research and extension services, etc.
010A	Jul 12	HB2531	PN4298	immediately	University of Pittsburgh—operation, maintenance, education, doctor of medicine instruction, veterinary activities and cardiovascular studies, etc.
011A	Jul 12	HB2532	PN4299	immediately	Temple University—operation, doctor of medicine instruction, dental clinics, podiatric medicine, Richard J. Fox Bio-Medical Center, etc.
012A	Jul 12	HB2533	PN4300	immediately	Lincoln University—operation, instruction, etc.
013A	Jul 12	HB2535	PN4302	immediately	University of Pennsylvania—dental clinics, doctor of medicine program, veterinary activities and cardiovascular studies
014A	Jul 12	HB2536	PN4303	immediately	Philadelphia Health and Education Corporation—colleges of medicine, public health, nursing and health professions, operation, maintenance, etc.
015A	Jul 12	HB2537	PN4304	immediately	Thomas Jefferson University—Doctor of Medicine program, maintenance, College of Allied Health Sciences, student aid, Children's Heart Hospital and Tay-Sachs disease program
016A	Jul 12	HB2538	PN4305	immediately	Philadelphia College of Osteopathic Medicine—instruction
017A	Jul 12	HB2539	PN4306	immediately	Pennsylvania College of Optometry—instruction
018A	Jul 12	HB2540	PN4307	immediately	University of the Arts—instruction and student aid
019A	Jul 12	HB2541	PN4308	immediately	Berean Training and Industrial School—operation, maintenance and payment of debt service
020A	Jul 12	HB2542	PN4309	immediately	Johnson Technical Institute of Scranton—operation and maintenance
021A	Jul 12	HB2543	PN4310	immediately	Williamson Free School of Mechanical Trades—operation and maintenance
022A	Jul 12	HB2544	PN3686	immediately	Fox Chase Institute for Cancer Research—operation and maintenance and cancer research program
023A	Jul 12	HB2545	PN3687	immediately	Wistar Institute—operation and maintenance expenses and research

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
024A	Jul 12	HB2546	PN3688	immediately	Central Penn Oncology Group—operation
025A	Jul 12	HB2547	PN3689	immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
026A	Jul 12	HB2548	PN3690	immediately	Pittsburgh Cleft Palate—outpatient-inpatient treatment
027A	Jul 12	HB2549	PN3691	immediately	Burn Foundation—outpatient and inpatient treatment
028A	Jul 12	HB2550	PN4311	immediately	Children's Institute—treatment and rehabilitation of young persons with disabling diseases
029A	Jul 12	HB2551	PN3693	immediately	Children's Hospital of Philadelphia—comprehensive patient care for children and general maintenance and operation of hospital
030A	Jul 12	HB2552	PN3694	immediately	Beacon Lodge Camp—services to the blind
031A	Jul 12	HB2553	PN4312	immediately	Carnegie Museums of Pittsburgh—Carnegie Museum of Natural History maintenance and purchases and Carnegie Science Center Planetarium and center operation
032A	Jul 12	HB2555	PN4314	immediately	Academy of Natural Sciences—maintenance expenses
033A	Jul 12	HB2556	PN4322	immediately	African-American Museum—operating expenses
034A	Jul 12	HB2557	PN3699	immediately	Everhart Museum—operating expenses
035A	Jul 12	HB2558	PN4315	immediately	Mercer Museum—operating expenses
036A	Jul 12	HB2559	PN4316	immediately	Whitaker Center for Science and the Arts—operating expenses

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-1386. Filed for public inspection July 30, 2004, 9:00 a.m.]

Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 074 through 094					
074	Jul 15	HB1117	PN4319	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—railroad protection, railroad vandalism, interference with transportation facilities and railroad civil immunity
075	Jul 15	HB1130	PN4139	60 days	Vehicle Code (75 Pa.C.S.)—learners' permits, drivers of emergency vehicles, Child Passenger Restraint Fund, oral hazard warnings and civil immunity for lenders of child passenger restraint systems
076	Jul 15	HB1912	PN4143	60 days	Vehicle Code (75 Pa.C.S.)—person with disability plate and placard, physical examinations, reports on mental or physical disabilities or disorders and determination of incompetency
077	Jul 15	HB1996	PN4282	60 days	Procurement (62 Pa.C.S.)—cooperative purchasing, legislative reports and guaranteed energy savings and contracts
078	Jul 15	HB2230	PN3040	immediately	Emergency Medical Services Act—support of emergency medical services
079	Jul 15	HB2351	PN3279	60 days	Borough Code—retirement benefits of employees transferred to wastewater authorities
080	Jul 15	HB2433	PN4246	immediately	Volunteer Fire Company and Volunteer Ambulance Service Grant Act—award of grants, expenses incurred by Pennsylvania Emergency Management Agency and allocation of appropriated funds
081	Jul 15	HB2467	PN3519	60 days	Municipal Pension Plan Funding Standard and Recovery Act—contents of actuarial valuation report
082	Jul 16	HB2654	PN4249	immediately*	General Local Government Code (53 Pa.C.S.)—parking authorities and taxicabs and limousines in cities of the first class
083	Jul 15	SB0157	PN1766	immediately*	Public School Code of 1949—firefighter and emergency service training as creditable high school courses, education empowerment districts and credit card marketing on college or university campus
084	Jul 15	SB0508	PN1727	60 days	Municipal Claim and Tax Lien Law—redemption of property and challenging foreclosure sales
085	Jul 15	SB0679	PN1549	60 days	Controlled Substance, Drug, Device and Cosmetic Act—possession or transporting of liquefied ammonia gas, possession of certain precursors and chemicals used in manufacture of controlled substances and clandestine drug laboratories
086	Jul 15	SB0769	PN1654	90 days	Elderly Immunization Act—enactment
087	Jul 15	SB0971	PN1340	60 days	Public Employee Pension Forfeiture Act—definition of "crimes related to public office or public employment"
088	Jul 15	SB0979	PN1779	immediately	Judicial Code (42 Pa.C.S.)—child victims and witnesses

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
089	Jul 15	SB1039	PN1791	immediately	Public Officers (65 Pa.C.S.)—definition of "agency"
090	Jul 15	SB1092	PN1557	60 days	Fred Jaindl Memorial Highway—designation
091	Jul 15	SB1095	PN1565	60 days	Chuck Mattei Interchange—designation
092	Jul 15	SB1100	PN1573	60 days	General County Assessment Law—valuation of property
093	Jul 15	SB1139	PN1784	immediately	Pennsylvania Construction Code Act—application of act, adoption of regulations, administration and enforcement, changes in Uniform Construction Code and exemptions
094	Jul 15	SB1184	PN1734	60 days	Project 70 lands—release and imposition of restrictions on land in Scranton, Lackawanna County
2004 APPROPRIATION ACTS ENACTED—ACT 037A through 039A					
037A	Jul 15	HB2534	PN4301	immediately	Drexel University—instruction and student aid
038A	Jul 15	HB2554	PN4313	immediately	Franklin Institute Science Museum—maintenance expenses
039A	Jul 15	HB2590	PN4317	immediately	Lake Erie College of Osteopathic Medicine—instruction in Doctor of Osteopathy program

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-1387. Filed for public inspection July 30, 2004, 9:00 a.m.]

Recent Actions during the 2004 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2004 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2004 GENERAL ACTS ENACTED—ACT 095					
095	Jul 20	HB0147	PN4323	immediately	Tax Reform Code of 1971—film production tax credit

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

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Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-1388. Filed for public inspection July 30, 2004, 9:00 a.m.]

THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VIII]

Proposed Revision of the Comment to Pa.R.E. 804(b)(2)

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Pa.R.E. 804(b)(2). This Comment Revision is being proposed to alert the bench and bar to a change in the law of hearsay as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, _____ U. S. _____, 124 S.Ct. 1354 _____ L.Ed.2d _____ (2004).

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Report.

The text of the proposed Comment changes precedes the Report. Additions are bold, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns
Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than August 31, 2004.

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE ARTICLE VIII. HEARSAY

Rule 804. Hearsay Exceptions; Declarant Unavailable.

* * * * *

(b) *Hearsay Exceptions.* The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant is unavailable as a witness:

* * * * *

(2) *Statement Under Belief of Impending Death.* A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

Comment

* * * * *

The rationale for this exception [to] from the hearsay rule was set forth in *Commonwealth v. Smith*, 454 Pa. 515, 314 A.2d 224, 225 (Pa. 1973):

* * * * *

The common law [has] traditionally, but illogically, excepted a dying declaration [to] from the hearsay rule in a criminal prosecution for homicide, but not in a criminal prosecution for another crime, or in a civil case. Prior Pennsylvania case law followed the common law. See *Commonwealth v. Antonini*, 69 A.2d 436 (Pa. Super. 1949).

Reasoned analysis [dictates] dictated a change. If a dying declaration is trustworthy enough to be introduced against a defendant charged with murder, it [should be] is trustworthy enough to be introduced against a defendant charged with attempted murder, robbery, or rape. It [should] is also [be] trustworthy enough to be introduced against a party in a civil case.

In *Crawford v. Washington*, _____ U. S. _____ (2004), the Supreme Court interpreted the Confrontation Clause in the Sixth Amendment of the United States Constitution to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule. However, in footnote 6, the Supreme Court said that there may be an exception, sui generis, for those dying declarations that are testimonial.

* * * * *

REPORT

Proposed Revision of the Comment Pa.R.E. 804(b)(2) Comment Changes

The Introductory Comment to Article VIII, Hearsay calls attention to the role of the Sixth Amendment to the United States Constitution in determining the admissibility of hearsay evidence against a defendant in a criminal case.

The proposed revision of Comment to Pa.R.E. 804(b)(2) comes about as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, _____ U. S. _____, 124 S.Ct. 1354 _____ L.Ed.2d _____ (2004) interpreting the confrontation clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant. One possible exception would be a dying declaration (Pa.R.E. 804(b)(2)). The proposed change cites *Crawford v. Washington* as confirming this exception.

Heretofore this issue was governed by the earlier United States Supreme Court in *Ohio v. Roberts*, 446 U. S. 56 (1980), now overruled by the *Crawford* opinion.

[Pa.B. Doc. No. 04-1389. Filed for public inspection July 30, 2004, 9:00 a.m.]

**ARTICLE VIII. HEARSAY
[225 PA. CODE ART. VIII]**

Proposed Revision of the Introductory Comment to Article VIII, Hearsay

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Introductory Comment to Article VIII, Hearsay. This Comment Revision is being proposed to alert the bench and bar to a change in the law of hearsay as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, ___ U.S. ___, 124 S.Ct. 1354 ___ L.Ed.2d ___ (2004).

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Report.

The text of the proposed Comment changes precedes the Report. Additions are bold, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns
Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than August 31, 2004.

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Introductory Comment

The Federal Rules of Evidence list 24 exceptions [**to**] **from** the hearsay rule in which the availability of the declarant is immaterial, five exceptions in which the declarant must be unavailable, and four exceptions [**to**] **from** the definition of hearsay (which are, in reality, exceptions [**to**] **from** the hearsay rule), for a total of 33.

The Pennsylvania Rules of Evidence, while following the federal numbering system as far as possible, recognize fewer exceptions, and arrange them more logically. Article VIII of the Pennsylvania Rules of Evidence lists 16 exceptions [**to**] **from** the hearsay rule in which the availability of the declarant is immaterial, five exceptions in which the declarant must be unavailable, and three exceptions in which the testimony of the declarant is necessary, for a total of 24.

Defendant's Constitutional Right of Confrontation in Criminal Cases

The hearsay rule is applicable both in civil and criminal cases. In a criminal case, however, hearsay that is offered against a defendant under an exception [**to**] **from** the hearsay rule may sometimes be excluded because its admission would violate **the** defendant's right "to be confronted with the witnesses against him" under the Sixth Amendment [**to**] **of** the United States Constitution, or "**to be confronted with the witnesses against him**" under Article I, § 9 of the Pennsylvania Constitution.

* * * * *

In *Crawford v. Washington*, ___ U.S. ___ (2004), the Supreme Court, overruling its prior opinion in *Ohio v. Roberts*, 446 U.S. 56 (1980), interpreted the Confrontation Clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule, except, perhaps, if the hearsay qualifies as a dying declaration (Pa.R.E. 804(b)(2)).

In short, when hearsay is offered against a defendant in a criminal case, the defendant may interpose three separate objections: (1) admission of the evidence would violate the hearsay rule, (2) admission of the evidence would violate defendant's right to confront the witnesses against him under the Sixth Amendment [**to**] **of** the United States Constitution, and (3) admission of the evidence would violate defendant's right [**of confrontation**] "**to be confronted with the witnesses against him**" under Article I, § 9 of the Pennsylvania Constitution.

REPORT

Proposed Revision of the Introductory Comment Article VIII, Hearsay Comment Changes

The Introductory Comment to Article VIII, Hearsay calls attention to the role of the Sixth Amendment to the United States Constitution in determining the admissibility of hearsay evidence against a defendant in a criminal case.

The proposed change comes about as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, ___ U.S. ___, 124 S.Ct. 1354 ___ L.Ed.2d ___ (2004) interpreting the confrontation clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant. One possible exception would be a dying declaration (Pa.R.E. 804(b)(2)).

Heretofore this issue was governed by the earlier United States Supreme Court in *Ohio v. Roberts*, 446 U.S. 56 (1980), now overruled by the *Crawford* opinion.

[Pa.B. Doc. No. 04-1390. Filed for public inspection July 30, 2004, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 400]

Proposal to Rename Chapter 400 and Proposed New Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for District Jus- tices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania rename Chapter 400 and adopt a new Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to provide for the assignment of civil judgments. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
Fax 717-795-2175

or e-mail to: minorrules@pacourts.us

no later than Monday, August 23, 2004.

By the *Minor Court Rules Committee*

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 400. [EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY] ENFORCEMENT OF JUDGMENTS RENDERED BY DISTRICT JUSTICES FOR THE PAYMENT OF MONEY

Rule 401.1. Assignment of Judgment; Parties.

If the judgment has been assigned, upon request of the real party in interest the district justice shall:

(1) Cause a docket entry to be made indicating the assignment and the name of the original plaintiff and the name of the real party in interest.

(2) Issue an amended notice of judgment indicating the assignment and the name of the original plaintiff and the name of the real party in interest.

Official Note: The real party in interest (assignee) must produce an acknowledgement of assignment of judgment, properly executed by the original plaintiff

(assignor), before the district justice notes the assignment on the docket or issues an amended notice of judgment.

When an assignment is entered on the docket pursuant to this rule, the real party in interest becomes the plaintiff as defined in Rule 401, and the original plaintiff shall have no further rights with respect to the judgment.

If the judgment has been entered in the court of common pleas the district justice may not take any action pursuant to this rule. See Rule 402D (4).

REPORT

Proposal to Rename Chapter 400 and Proposed New Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

Enforcement of Judgments; Assignment of Judgments; Parties

I. Background

The Minor Court Rules Committee (hereinafter the Committee) considered issues relating to the assignment of civil judgments after the Committee learned that some district justices are receiving notices that judgments have been assigned along with requests for the issuance of amended notices of judgment. The Committee learned that in some areas of the Commonwealth it is becoming common for "judgment enforcement" businesses to purchase civil judgments from plaintiffs who are having difficulty enforcing the judgments. Then, so as to avail themselves of enforcement procedures in an effort to collect the judgments, these businesses request that the district justice note the assignment on the docket and issue an amended notice of judgment showing the assignee as the real party in interest.

The Committee determined that, although the assignment of common pleas level judgments is not an uncommon practice, it is much less common at the district justice level. In addition, there is no procedural mechanism for a district justice to note the assignment of a judgment on the docket or to issue an amended notice of judgment reflecting the assignment and the name of the real party in interest. The Committee noted that the practice of assigning judgments is recognized in the Rules of Civil Procedure. Specifically, Rule 3026 (Parties) provides in part that "[i]f the judgment has been assigned or transferred, the caption shall contain the name of the original judgment plaintiff and the name of the real party in interest." Pa.R.C.P. No. 3026(b).

The Committee believes it would be helpful to district justices and parties if the rules of civil procedure for district justices would provide some guidance regarding assignments. Therefore, the Committee proposes a new Rule 401.1 to address assignments.

II. Proposed Rule Changes

As noted above, to address the assignment of civil judgments at the district justice level the Committee proposes a new Rule 401.1 entitled "Assignment of Judgment; Parties." The proposed new rule would be placed in Chapter 400 so as to be included with other rules relating to execution and enforcement of money judgments. The rule would provide for a docket entry to indicate that a judgment has been assigned, as well as for the issuance of an amended notice of judgment reflecting the name of the original plaintiff (assignor) and the real party in interest (assignee).

The proposed Official Note to the rule would make clear that the assignee must produce an acknowledgement of

assignment of judgment, properly executed by the assignor, before the district justice notes the assignment on the docket or issues an amended notice of judgment. To ensure that the district justice receives accurate and complete information regarding the assignment, the Committee anticipates that the Administrative Office of Pennsylvania Courts would develop an acknowledgement form to be produced by the district justice computer system (DJS).¹ In addition, the Official Note would make clear that if the judgment has been entered in the court of common pleas prior to the assignment, the district justice may not take any action.²

In addition to the proposed new rule, the Committee also proposes that the title of Chapter 400 be changed to "ENFORCEMENT OF JUDGMENTS RENDERED BY DISTRICT JUSTICES FOR THE PAYMENT OF MONEY" to more accurately describe the rules in the chapter.

[Pa.B. Doc. No. 04-1391. Filed for public inspection July 30, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rules L205.2(a) and (b), L206.1(a), L206.4(c), L208.2(e), L208.3(b), L210, L1028(c), L1034(a) and L1035.2(a) are adopted pursuant to Pa. R.C.P. Nos. 239.1, 239.2, 239.3, 239.4, 239.5, 239.6 and 239.7, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. All local rules inconsistent with the foregoing local rules are suspended as of the effective date of the foregoing rules.

In accordance with Pa. R.C.P. No. 239, the Court Administrator of Beaver County shall transmit certified copies of this order and the foregoing Local Rules as follows:

¹ See Pa.R.C.P.D.J. No. 212 (Design of Forms).

² See Pa.R.C.P.D.J. No. 402D (4) ("[O]nce the judgment is entered in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the district justice.").

A. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;

B. Two (2) certified copies and a diskette containing the rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. One (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

D. One (1) copy in the office of the Prothonotary of Beaver County to be kept continuously available for public inspection and copying. In addition, one (1) copy shall be delivered to the Beaver County Law Library.

In addition, the Court Administrator of Beaver County shall cause the foregoing rules to be published on the website of the Administrative Office of Pennsylvania Courts and on the Beaver County website.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Rule L 205.2(a)—Requirements for Pleadings and Other Legal Papers

All pleadings and other legal papers shall be printed in double space on white paper size 8 1/2 × 11 inches and secured by an appropriate metal or plastic fastener. The use of a gummed or taped substance is not permitted. Exhibits shall be tabbed and labeled.

L 205.2(b)—Cover Sheet

All pleadings and other legal papers shall be accompanied by a cover sheet which contains the information required by Pa. R.C.P. No. 1018. In addition, the cover sheet for a complaint shall designate the parties' addresses, the number of plaintiffs and defendants, the manner in which the action was commenced, the amount in controversy and the type of case. The cover sheet for other pleadings and other legal papers shall include the name, mailing address, telephone number and facsimile number, if any, of the party or the party's attorney, and, if represented by counsel, counsel's current Supreme Court identification number.

The cover sheets shall be in the forms hereinafter set forth.

FORM OF COVER SHEET FOR COMPLAINT

Court of Common Pleas of Beaver County
Civil Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME

Rule L 206.1(a)—Petition Definition

Where all persons affected by the request for relief have not consented thereto, the following applications for relief are included in the definition of "Petition" and shall be governed by Pa. R.C.P. No. 206.1 et seq.

1. An application for coordination of actions filed in different counties under Pa. R.C.P. No. 213.1.
2. An application to strike off a discontinuance.
3. An application to reinstate an action terminated by reason of inactivity which is presented pursuant to Pa. R.C.P. No. 230.2(d)(3).
4. Applications to transfer an action for convenience of parties and witnesses or to secure a fair and impartial trial.
5. Applications for sanctions under Pa. R.C.P. No. 1023.2 or 1042.7.
6. Applications to intervene.
7. Applications for attorney fees under 42 Pa.C.S.A. § 2503.

Rule L 206.4(c)—Procedures for Issuance of a Rule to Show Cause

(a) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa. R.C.P. No. 206.5.

(b) Whether or not the petition has been filed, it shall be presented to the court by counsel for the petitioner at the time prescribed for the receipt of motions by the court.

Note. The prescribed time to receive motions appears on the Beaver County Website: www.co.beaver.pa.us. Links are available to the court and then to motions court.

(c) The Petition must be accompanied by an order in the form set forth in Pa. R.C.P. No. 206.5(d). If appropriate to do so, the court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(d) After the court issues the rule, counsel for the Petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

(e) Any exhibits attached thereto must be tabbed and identified.

Rule L 208.2(e)—Discovery Motions

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

Rule L 208.3(b)—Procedure Governing Motions

(a) All motions, as defined in Pa. R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the court by counsel for movant at the time prescribed for the receipt of motions by the court.

Note. The prescribed time to receive motions appears on the Beaver County Website: www.co.beaver.pa.us. Links are available to the court and then to motions court.

Note. LR 206 B requires at least three business days notice of intention to present the motion and requires the manner of notice to be disclosed therein and a copy of the notice to be attached. Such notice is not required if all parties affected by the requested relief have consented thereto.

Note. On occasion, counsel will have filed the motion by mail and then present a photo copy of the motion to the court. Such a practice is condemned. It is generally not necessary to file the motion in advance. However, if counsel has already filed the motion, counsel must secure it from the Prothonotary and present it to the court.

(b) Any exhibits attached thereto must be tabbed and identified.

(c) After the court enters the order, counsel for movant must deliver the original motion and order to the Prothonotary for filing, serve a copy upon all other parties or their counsel, deliver a copy of the order to the Court Administrator if the order schedules future court action and file proof of service.

Rule L 210—Form of Briefs

In addition to the requirements of Pa. R.C.P. No. 210, briefs shall comply with the following requirements:

A. Except for quotations, briefs shall be double spaced on white paper size 8 1/2 × 11 inches.

B. Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon. Opinions of the Appellate Courts of Pennsylvania shall be cited to the official reports of the *Pennsylvania Reporter* as well as to *Atlantic Reporter*;
6. a conclusion setting forth the requested relief sought.

(C) Any exhibits attached thereto must be tabbed and identified.

Note: In cases involving post-trial motions, motions for judgment on the pleading or for summary judgment, it may be appropriate for counsel to also supply the court with a compact disc which contains counsel's brief.

Rule L 1028(c)—Procedures for Disposition of Preliminary Objections

(A) Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by counsel for the objector.

(1) A Praeceptum for Argument form can be secured from the Prothonotary. The original must be filed with the Prothonotary and a copy must be delivered to the Court Administrator by counsel along with a copy of the preliminary objections.

(2) Upon receipt of a copy of the Praeceptum for Argument and the preliminary objection, the Court Administrator

shall place the case on a list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at www.co.beaver.pa.us with links to the court and then to the Law Library.

Rule L 1034(a)—Disposition of a Motion for Judgment on the Pleadings

(a) Motions for Judgment on the Pleadings shall be placed on the argument list by the Court Administrator upon the filing of a Praecepte for Argument by counsel for the movant.

(1) A Praecepte for Argument form can be secured from the Prothonotary. The original Praecepte must be filed with the Prothonotary and a copy must be delivered by counsel to the Court Administrator, along with a copy of the Motion for Judgment on the Pleadings.

(2) Upon receipt of a copy of the Praecepte for Argument and the Motion for Judgment on the Pleadings, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at www.co.beaver.pa.us with links to the court and then to the Law Library.

Rule L 1035.2(a)—Disposition of Motions for Summary Judgment

(A) Motions for Summary Judgment shall be placed on the argument list by the Court Administrator upon the filing of a Praecepte for Argument by counsel for the movant.

(1) A Praecepte for Argument form can be secured from the Prothonotary. The original Praecepte must be filed with the Prothonotary and a copy must be delivered by counsel to the Court Administrator, along with a copy of the Motion for Summary Judgment.

(2) Upon receipt of a copy of the Praecepte for Argument and the Motion for Summary Judgment, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at www.co.beaver.pa.us with links to the court and then to the Law Library.

[Pa.B. Doc. No. 04-1392. Filed for public inspection July 30, 2004, 9:00 a.m.]

SNYDER COUNTY
Adoption of Local Rules; No. MC 22-2004

Order

And Now, this 9th day of July, 2004, it is hereby *Ordered*:

1. That this Court's Order of June 24, 2004, is vacated.
2. That existing Local Rule 17CV1023.1 is rescinded.
3. That the Court hereby adopts the following Local Rules marked as Appendix "A."
4. The provisions of Paragraphs 1 and 2 of this Order shall become effective upon publication on the website of the Administrative Office of Pennsylvania Courts, pursuant to Pa.R.C.P. No. 239.8(d).
5. That the Court Administrator of the 17th Judicial District is ordered and directed to do the following:
 - 5.1. File seven (7) certified copies of this Order and of the pertinent Local Rules with the Administrative Office of Pennsylvania Courts.
 - 5.2. File two (2) certified copies of this Order and the pertinent Local Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
 - 5.3. File one (1) certified copy of this Order and the pertinent Local Rules with the Civil Procedural Rules Committee.
 - 5.4. Provide one (1) copy of this Order to each member of the Snyder County Bar Association and Union County Bar Association that maintains an active practice in Snyder and Union Counties.
 - 5.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rules.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

APPENDIX A

17CV205.2(a) Physical Requirements for Pleadings and Other Legal Papers; Cover Sheets

- (1) All pleadings and other legal papers shall be printed in double space on white paper that is 8 1/2 inches wide and 11 inches long, and shall be secured by appropriate metal or plastic fasteners. All exhibits shall be tabbed and labeled.
- (2) All pleadings and other legal papers to be filed shall be accompanied by a cover sheet which shall include:
 - (i) in the upper left-hand corner the name of the filing party, the name, address, and telephone number of the attorney representing the filing party, or if the party is not represented by counsel, the address and telephone number of the filing party;
 - (ii) the full caption of the litigation;
 - (iii) the title of the pleading or other legal paper; and the name and address of the attorney of record for any party, including the name of the attorney's firm, or a designation that a party without an attorney is pro se, and the pro se party's address.
- (3) The cover sheet shall be substantially in the following form:

(4) If a party wishes to have an evidentiary hearing or oral argument that party, at the time of the filing of their preliminary objections or their answer or responsive brief, shall submit a scheduling order substantially in the following form:

CAPTION

SCHEDULING ORDER

AND NOW, this ____ day of _____, 20____, the (objecting) (answering) party having requested (oral argument) (and) (evidentiary hearing) on the preliminary objection and any answer thereto, it is hereby ORDERED that (hearing) (and) (argument) shall be held on the ____ day of _____, 20____, ____ o'clock ____ .m. in the Courtroom of the _____ County Courthouse, _____, _____ County, Pennsylvania. _____ (_____) minutes have been allocated for the purposes of the said (hearing) (and) (argument).

In the event that a party against whom the preliminary objections has been filed fails to file timely an answer and/or responsive brief to the said preliminary objections this Order will be deemed to have been vacated without further Order of the Court and no hearing and/or argument shall be held on the date scheduled herein.

BY THE COURT:

(5) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(6) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Argument by the objecting and any answering parties shall be limited to a total of fifteen (15) minutes unless, at the time of the filing of the proposed preliminary objection or responsive brief, the party requesting argument certifies to the court that additional time is necessary. Any party requesting a hearing shall be responsible for completing the proposed order with a good faith estimate as to the amount of time that party believes will be necessary for a complete hearing and argument on the pending preliminary objections;

(7) Upon the entry of an order scheduling hearing and/or argument it shall be the responsibility of the party requesting hearing and/or argument to serve the order on all other parties.

17CV1034(a) Motions for Judgment on the Pleadings

(1) A motion for judgment on the pleadings filed pursuant to Pa.R.C.P. No. 1034 shall be accompanied by a brief. All briefs shall be filed in duplicate. Upon the filing of a motion for judgment on the pleadings and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) All parties opposing the said motion shall file a response and a brief in support of their response within twenty (20) days of the service of the motion. All briefs

shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the Court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Argument on the said Motion and any response thereto shall be limited to a total of fifteen (15) minutes, unless, at the time of the filing of the proposed scheduling order the party requesting argument certifies that additional time is necessary. If additional time is necessary the party submitting the proposed scheduling order shall make a good faith estimate as to the total amount of time needed for argument by all parties. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

17CV1035.2(a) Motions for Summary Judgment

(1) A party filing a motion for summary judgment, shall, at the time of the filing of the said motion, file a brief in support thereof. All briefs shall be filed in duplicate. Upon the filing of a motion for summary judgment and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) A party filing a response pursuant to Pa.R.C.P. No. 1035.3(a) shall file a brief in support of their response contemporaneously with the filing of that response. All briefs shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more

than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Oral argument shall be limited to a total of one-half (1/2) hour unless a party at the time of the filing of their proposed scheduling order certifies that additional time will be necessary. That party will be responsible for making a good faith estimate as to the total amount of time the parties will need for argument. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

[Pa.B. Doc. No. 04-1393. Filed for public inspection July 30, 2004, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 20, 2004.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-2-04	Omega Financial Corporation, State College, to acquire 100% of Sun Bancorp, Inc., Lewisburg, and thereby indirectly acquire Sun Bank, Lewisburg, which will be merged with and into Omega Bank, State College	State College	Filed

Note: As a result of the previously noted transaction, Sentry Trust Company, Chambersburg, the trust company subsidiary of Sun Bank, will be acquired by Omega Financial Corporation.

Branch Applications

<i>Bank</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-12-04	First Columbia Bank & Trust Company Bloomsburg Columbia County	Northumberland Drive Ralpho Township Northumberland County	Opened
7-13-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme, Lawrence Park Shopping Center 11 Sproul Road Broomall Delaware County	Filed
7-13-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 720 Downingtown Pike West Chester Chester County	Filed
7-19-04	S & T Bank Indiana Indiana County	208 West Plank Road Altoona Blair County	Filed
7-19-04	S & T Bank Indiana Indiana County	Messenger service branch to operate within a 20-mile radius of 208 West Plank Road, Altoona	Filed
7-20-04	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	1305-11 Bethlehem Pike Flourtown Montgomery County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-12-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 11361 Route 30 North Huntingdon Westmoreland County <i>From:</i> 12120 Route 30 North Huntingdon Westmoreland County	Effective

SAVING INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENK, III,
Secretary

[Pa.B. Doc. No. 04-1394. Filed for public inspection July 30, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0025381 SEW	Saxton Borough Municipal Authority P. O. Box 173 Saxton, PA 16678	Bedford County Saxton Borough	Raystown Branch 11-D	Y
PA0032093 SEW	Department of Conservation and Natural Resources Shawnee State Park 132 State Park Road Schellsburg, PA 15559-7300	Bedford County Napier Township	Shawnee Run 11-C	Y
PA0087131 SEW	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517-8946	Brecknock Township Lancaster County	Little Muddy Run 7-J	Y
PA0086550 SEW	Jeffrey and Rose Siddens 18 Michael Lane Alburtis, PA 18011	Longswamp Township Berks County	UNT Swabia Creek 2-C	Y
PAI032804002	Moss Spring Estates Brook View Dr Moss Spring Ave. Forest View Dr.	Franklin County Greencastle Borough Antrim Township	UNT to Muddy Run HQ-CWF	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.

PA0011266, Industrial Waste, **Cabot Supermetals**, County Line Road, Boyertown, PA 19512. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and stormwater from Cabot Supermetals' facility in Douglass Township, **Montgomery County**. This is an existing discharge to West Swamp Creek.

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

The proposed effluent limits for Monitoring Point MP101, based on an average flow of 0.1403 mgd, effective from permit issuance through completion of new IWWTP, are as follows:

<i>Parameter</i>	<i>Effluent Limitations</i>				
	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	117.95	236.60	Monitor and Report	Monitor and Report	252
Ammonia (as N)	130.59	297.38	Monitor and Report	Monitor and Report	280
Oil and Grease	34.53	57.83	Monitor and Report	Monitor and Report	75
Fluoride	49.92	88.95	Monitor and Report	Monitor and Report	107
Nickel, Total	0.047	0.066	Monitor and Report	Monitor and Report	0.100
Zinc, Total	0.934	2.272	Monitor and Report	Monitor and Report	2.00
Copper, Total	0.074	0.155	Monitor and Report	Monitor and Report	0.158
Lead, Total	0.290	0.623	Monitor and Report	Monitor and Report	0.625
Molebdenum, Total	0.269	0.610	Monitor and Report	Monitor and Report	0.574
pH	within limits of 6—9 STD units at all times				

The proposed effluent limits for Outfall 001, based on an average flow of 0.1763 MGD, effective from permit issuance through completion of new IWWTP, are as follows:

<i>Parameter</i>	<i>Effluent Limitations</i>				
	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	Monitor and Report	Monitor and Report	20	40	50
Total Dissolved Solids	Monitor and Report	Monitor and Report	15,000	20,000	25,000

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia (as N)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Oil and Grease	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Nitrite and Nitrate (as N)	Monitor and Report	Monitor and Report	100	150	175
Fluoride	Monitor and Report	Monitor and Report	55	70	100
Sulfate as SO ₄	Monitor and Report	Monitor and Report	5,600	8,600	8,600
Chloride	Monitor and Report	Monitor and Report	6,700	6,800	6,800
Nickel, T	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Zinc, T	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Copper, Total	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Lead, Total	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Molybdenum, T	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
pH		within limits of 6–9 STD units at all times			
Dissolved Oxygen					Monitor and Report Instantaneous Minimum
Total Residual Chlorine			Monitor and Report	Monitor and Report	
BOD ₅			Monitor and Report	Monitor and Report	
Alpha, Total			Monitor and Report		
Beta, Total			Monitor and Report		
Radium, Total			Monitor and Report		
Arsenic			Monitor and Report		
Chromium, Hex			Monitor and Report		
Selenium, T			Monitor and Report		
Thallium			Monitor and Report		
Aluminum, Total			Monitor and Report		
Osmotic Pressure (MOS/kg)			Monitor and Report	Monitor and Report	

The proposed effluent limits for Outfall 001, based on an average flow of 0.1763 MGD, effective from completion of new IWWTP lasting through expiration, are as follows:

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	29.5	59.0	20	40	50
Total Dissolved Solids	15,012	23,420	10,210	15,928	25,525
Ammonia (as N)	8.8	17.6	6.0	12.0	15.0
Oil and Grease	22.0	44.0	15.0	30.0	30.0
Nitrite and Nitrate (as N)	160	240	110	163	175
Fluoride	49.92	88.95	34.0	60.5	85.0
Sulfate as SO ₄	10,586	16,515	7,200	11,232	18,000

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chloride	11,518	17,969	7,834	12,221	19,585
Nickel, T	0.047	0.066	0.032	0.045	0.080
Zinc, T	0.93	2.28	0.638	0.996	1.58
Copper, Total	0.074	0.154	0.050	0.105	0.125
Lead, Total	0.04	0.062	0.027	0.042	0.068
Molybdenum, Total	0.27	0.61	0.18	0.415	0.458
pH	within limits of 6—9 STD units at all times				
Dissolved Oxygen	minimum of 5.0 mg/l at all times				
Total Residual Chlorine			0.5	1.0	1.2
BOD ₅	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Alpha, Total			Monitor and Report		
Beta, Total			Monitor and Report		
Radium, Total			Monitor and Report		
Arsenic			Monitor and Report		
Chromium, Hex			Monitor and Report		
Selenium, T			Monitor and Report		
Thallium			Monitor and Report		
Aluminum, Total			Monitor and Report		
Osmotic Pressure (MOS/kg)			330	515	825

The proposed effluent limits for Outfall 002, based on an average flow of 0.0404 MGD, are as follows:

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	Monitor and Report	Monitor and Report	20	40	50
Total Dissolved Solids	Monitor and Report	Monitor and Report	650	1,014	1,625
Ammonia (as N)	Monitor and Report	Monitor and Report	6.0	12.0	15.0
Phosphorus (as P)	Monitor and Report	Monitor and Report	2.0	3.1	5.0
Fluoride	Monitor and Report	Monitor and Report	40	62	100
Chloride	Monitor and Report	Monitor and Report	300	468	750
Sulfate as SO ₄	Monitor and Report	Monitor and Report	100	156	250
Total Residual Chlorine			0.5	1.0	1.2
Temperature (°F)					100
Osmotic Pressure (MO _S /kg)			Monitor and Report	Monitor and Report	
NO ₂ -N and NO ₃ -N	Monitor and Report	Monitor and Report	2.0	3.1	5.0
Phenols, Total			Monitor and Report	Monitor and Report	
Selenium, T			Monitor and Report	Monitor and Report	
Trichloroethylene			Monitor and Report	Monitor and Report	
1-1, Dichloroethylene			Monitor and Report	Monitor and Report	
pH	within limits of 6—9 STD units at all times				

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen			minimum of 5.0 mg/l at all times		
CBOD ₅ *			Monitor and Report		
Oil and Grease*			Monitor and Report		
Chemical Oxygen Demand*			Monitor and Report		
Total Kjeldahl Nitrogen*			Monitor and Report		
Iron, Dissolved*			Monitor and Report		
Lead, Total*			Monitor and Report		
Chromium, Total*			Monitor and Report		
Copper, Total*			Monitor and Report		
Nickel, Total*			Monitor and Report		
Molybdenum, Total*			Monitor and Report		
Cadmium, Total*			Monitor and Report		
Arsenic, Total*			Monitor and Report		
Zinc, Total*			Monitor and Report		
Nitrate Nitrogen*			Monitor and Report		
Manganese, Total*			Monitor and Report		

* These parameters are applicable to stormwater only.

The proposed effluent limits for Outfall 003, based on an average flow of 0.0603 mgd, are as follows:

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	15.8	30.2	30	60	75
Total Dissolved Solids	277	431	550	858	1,375
Iron, Total	1.0	2.0	2.0	4.0	5.0
Manganese, Total	0.5	1.0	1.0	2.0	2.5
Aluminum, Total	2.0	4.0	4.0	8.0	10.0
Fluoride	1.5	2.36	3.0	4.7	7.5
Sulfate as SO ₄	60.4	94.0	120	187	300
Chloride	25.1	39.2	50	78	125
NO ₂ -N and NO ₃ -N	2.0	3.1	4.0	6.2	10.0
Osmotic Pressure (MOS/kg)			Monitor and Report	Monitor and Report	
Total Residual Chlorine			0.5	1.0	1.2
pH			within limits of 6–9 STD units at all times		

The EPA waiver is in effect.

PA0057762, Sewage, **Wunder Residence, Mary T. Bauman**, 3221 Old School Road, Pennsburg, PA 18073. This application is for renewal of an NPDES permit to discharge treated sewage from the Wunder SR sewage treatment plant in Milford Township, **Bucks County**. The property is on the north side of Sleepy Hollow Road, approximately 600 feet from the intersection with Gerryville Pike. This is a new discharge to an unnamed tributary to Macoby Creek.

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

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

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

The EPA waiver is in effect.

PA0056081, Sewage, **Wycombe Inn**, P. O. Box 104, Wycombe, PA 18980. This proposed facility is in Wrightstown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Wycombe Inn STP.

The receiving stream, an unnamed tributary to Mill Creek, is in the State Water Plan watershed 2F and classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is in the Neshaminy Creek, approximately 16.34 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,750 gpd and are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(5-1 to 10-31)			10		20
(11-1 to 4-30)			20		40
Total Suspended Solids			10		20
NH ₃ -N					
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
Fecal Coliform			200#/100 ml		
Dissolved Oxygen			3.0 min.		
pH (STD Units)			6.0 Instantaneous Minimum		9.0
Total Residual Chlorine			0.5		1.2
Phosphorus					
(4-1 to 10-31)			Monitor		
Oil and Grease			15		30

The EPA waiver is in effect.

PA0026786, Sewage, SIC 4952, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. This facility is in Pottstown, **Montgomery County**.

Description of Activity: Renewal of an NPDES permit to discharge treated sewage from the Pottstown Borough Sewage Treatment Plant. The following permit limits have been changed since the initial notice published at 34 Pa.B. 864 (February 14, 2004).

The receiving stream, Schuylkill River, is in the State Water Plan watershed 3E and classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Suburban Water Company is on the Schuylkill River, approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 12.85 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Maximum Daily</i>
CBOD ₅				
(5-1 to 10-31)	20	30	40	
(11-1 to 4-30)	25	40	50	
Total Suspended Solids	30	45	60	
Ammonia (as NH ₄)				
(5-1 to 10-31)	8	12	16	
(11-1 to 4-30)	20	30	40	
Total Residual Chlorine	0.5		1.0	
Fecal Coliform	200 colonies/100 ml as a geometric average			
Dissolved Oxygen	minimum of 5.0 mg/l at all times			
pH	within range of 6.0—9.0 standard units at all times			
Cadmium, Total	Monitor and Report			
Copper, Total	0.032			0.060
Lead, Total	0.009			0.015
Silver, Total	Monitor and Report			
Zinc, Total	0.150			0.223

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>	<i>Maximum Daily</i>
Vinyl Chloride	Monitor and Report			
Chromium, Hexavalent	Monitor and Report			
Dieldrin	Monitor and Report			
Cyanide, Free	Monitor and Report			
Bis(2 Ethylhexyle)Phthalate	Monitor and Report			

In addition to the effluent limits, the permit contains the following special conditions:

1. The permittee shall monitor stormwater runoff from the facility twice per year and analyze/report the following parameters: CBOD₅, COD, Oil and Grease, pH, Total Suspended Solids, Total Kjeldahl Nitrogen, Total Phosphorus, Iron (Dissolved), Fecal Coliform and PCBs (1/Quarter).

2. The permittee shall operate an industrial pretreatment program in accordance with the Federal Clean Water Act, The Clean Stream Law and the Federal general pretreatment regulations in 40 CFR Part 403.

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

PA0053091, SIC Code 2033, Industrial Waste, **Giorgio Foods, Inc.**, P. O. Box 96, Temple, PA 19560. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Willow Creek in Maiden Creek Township, **Berks County**.

The receiving stream is classified for CWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Pottstown Borough Authority on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
pH	6.0 to 9.0 at all times		
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Total Residual Chlorine	0.17	XXX	0.55
Dissolved Oxygen	minimum of 5.0 at all times		
CBOD ₅	10	20	25
NH ₃ -N			
(5-1 to 9-30)	1.5	3.0	3.5
(10-1 to 4-30)	4.5	9.0	11.0
Fecal Coliform			
(5-1 to 9-30)	200	XXX	XXX
(10-1 to 4-30)	2,000	XXX	XXX
Color (PC)	XXX	100	100
Temperature	as required each month		

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

The EPA waiver is in effect.

PA0051560, Industrial Waste, SIC Code 4951, **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608-9633. This facility is in Lower Heidelberg Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Tulpehocken Creek, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Pottstown Borough is on the Schuylkill River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—003 are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
pH	6.0 to 9.0 (SU) at all times		
Total Residual Chlorine	0.59		1.93
Total Aluminum	1.96	3.92	4.90
Total Manganese	1.00	2.00	2.50
Total Iron	2.00	4.00	5.00

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Copper	0.036	0.072	0.090
Total Zinc	0.312	0.624	0.780

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

The EPA waiver is not in effect.

PA0024708, Sewage, **Municipal Authority of the Township of Union**, P. O. Box 5625, Belleville, PA 17004-9701.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage from a publicly owned treatment works in Union Township, **Mifflin County**.

The receiving water, Kishacoquillas Creek, is in Watershed 12-A and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the United Water Company is on the Susquehanna River, over 70 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a hydraulic design capacity of 0.65 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	28	45	XXX	56
Total Suspended Solids	33	50	XXX	66
Total Phosphorus (Interim)	Monitor and Report	XXX	XXX	XXX
Total Phosphorus (Final)	2.0	XXX	XXX	4.0
Total Residual Chlorine (Interim)	0.7	XXX	XXX	2.3
Total Residual Chlorine (Final)	0.33	XXX	XXX	1.09
NH ₃ -N				
(5-1 to 10-31)	5.4	XXX	XXX	10.8
(11-1 to 4-30)	14.1	XXX	XXX	28.2
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0 to 9.0 inclusive		
Fecal Coliform		200/100 ml as a geometric average		
(5-1 to 9-30)		6,000/100 ml as a geometric average		
(10-1 to 4-30)				
Total Copper	XXX	XXX	Monitor and Report	XXX
Total Thallium	XXX	XXX	Monitor and Report	XXX

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

The EPA waiver is in effect.

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

PA0009024, SIC 3399, **Osram Sylvania Products, Inc.**, Hawes Street, Towanda, PA 18848. This proposed action is for renewal of an NPDES permit for a discharge of treated industrial wastewater to the North Branch Susquehanna River in North Towanda Township, **Bradford County**.

The receiving stream is in the Towanda watershed (4-C) and classified for WWF, and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply considered during the evaluation is the Danville Municipal Water Authority.

Outfall 001: The proposed effluent limits, based on a design flow of 1.22 MGD, are:

<i>Specific Substance</i>	<i>Monthly Average (lb/day)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Copper	6.6	17.1	1.7
Nickel	21.3	47.9	4.7
Lead	1.5	3.4	0.4
Zinc	6	14.9	1.6
Arsenic	7.4	18.8	1.9
Tantalum	4.25	4.3	0.4
Selenium	2.9	7.2	0.7
Fluoride	246	446	45.6
Molybdenum	287	575	55.4
Cobalt	16.2	36.8	3.7
Tungsten	597.6	1,342.8	132
Cadmium	1.8	4.1	0.4

<i>Specific Substance</i>	<i>Monthly Average (lb/day)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia	1,363	3,097	295
TSS	388	792	86.7
Oil and Grease			30.0
pH	6.0 to 9.0 at all times		

Outfalls 002—004: The proposed effluent limits for discharge of noncontact cooling water and stormwater are:

<i>Specific Substance</i>	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Copper		Monitor	
Nickel		Monitor	
Zinc		Monitor	
Molybdenum		Monitor	
Ammonia		Monitor	
Oil and Grease (mg/l)	15.0	30.0	30.0
pH	6.0 to 9.0 at all times		

Special Conditions: Whole effluent toxicity testing and stormwater monitoring and control.
The EPA waiver is not in effect.

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

PA0239453, Industrial Waste, **Intech P/M Stainless, Inc.**, P. O. Box 506, Ridgway, PA 15853. This proposed facility is in Ridgway Township, **Elk County**.

Description of Proposed Activity: Discharge of noncontact cooling water.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Western Pennsylvania American Water Company and the Clarion River at Clarion, 66 miles below point of discharge.

The receiving stream, Elk Creek, is in watershed 17-A and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0001 MGD.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
pH	6.0 to 9.0 standard units at all times				

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)

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

WQM Permit No. 5204402, Sewerage, **Aqua, Pennsylvania, Inc.** This proposed facility is in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: This project consists of the construction of a new 50,000-gallon flow equalization tank to the Woodloch Springs Wastewater Treatment Facility.

WQM Permit No. 5204404, Sewerage, **Pocono Environmental Education Center**, R. R. 2, Dingman's Ferry, PA 18328. This proposed facility is in Lehman Township, **Pike County**.

Description of Proposed Action/Activity: This project consists of the construction of a 3,780 gpd onlot sewage disposal system for a new dining hall at the Pocono Environmental Education Center.

WQM Permit No. 3904402, Sewerage, **Lynn Township Sewer Authority**, P. O. Box 208, New Tripoli, PA 18066. This proposed facility is in Lynn Township, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of an organic re-rating of the Lynn Township Wastewater Treatment Plant from 144 pounds BOD/day to 162 pounds BOD/day.

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

WQM Permit No. 2204406, Sewerage, **East Hanover Township**, 8848 Jonestown Road, R. D. 2, Box 4323, Grantville, PA 17028-8650. This proposed facility is in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of the Bow Creek Interceptor and Dairy Lane Wastewater Treatment Plant.

WQM Permit No. 6704410, Sewerage, **Dillsburg Area Authority**, Dillsburg Professional Center, 4 Barlo Circle, Suite E, Dillsburg, PA 17019. This proposed facility is in Carroll Township, **York County**.

Description of Proposed Action/Activity: Construction of the Stonebridge Crossing pump station and sanitary sewers.

WQM Permit No. 0503406, Amendment 04-1, Sewerage, **Shawnee State Park**, 132 State Park Road, Schellsburg, PA 15559. This proposed facility is in Napier Township, **Bedford County**.

Description of Proposed Action/Activity: Modifications/upgrades to existing wastewater treatment plant.

WQM Permit No. 0100403, Amendment 04-1, Sewerage, **Freedom Valley Worship Center**, 3185 York Road, Gettysburg, PA 17325. This proposed facility is in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Expansion of existing wastewater treatment facility.

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

WQM Permit No. 0204406, Sewerage, **Keith Gray**, 36 Werner Camp Road, Pittsburgh, PA 15238. This proposed facility is in West Deer Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of single residence small flow treatment facility to serve the Gray residence.

WQM Permit No. 5604405, Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, 2209 North Center Avenue, Somerset, PA 15501-0247. This proposed facility is in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Lavansville Sewage Treatment System.

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

WQM Permit No. 5604406, Sewerage, **Helen Miller c/o Diane Kerr, Somerset Trust**, 1416 Scalp Avenue, Johnstown, PA 15904. This proposed facility is in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of single residence small flow treatment facility to serve the Miller residence.

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

WQM Permit No. 2004407, Sewerage, **Rick Moyer**, 14215 Dickson Road, Meadville, PA 16334. This proposed facility is in West Mead Township, **Crawford County**.

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

WQM Permit No. 2504417, Sewerage, **Richard Chernicky**, 4209 Reichert Road, McKean, PA 16426. This proposed facility is in McKean Township, **Erie County**.

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

WQM Permit No. 6204407, Sewerage, **Carol L. and James M. Lopez**, 191 Scott Run Road, Warren, PA 16365. This proposed facility is in Conewango Township, **Warren County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904007	Tri County Real Estate Soliday/Kriebel Major Subdivision P. O. Box 197 Perkasie, PA 18944	Bucks	Milford Township	Unami Creek HQ-TSF
PAI011504044	Richard and Barbara Becker Becker Development 2901 Coventryville Road Pottstown, PA 19465	Chester	South Coventry Township	Pigeon Creek HQ-TSF
PAI011504045	James Harris Harris Metals 401 Faggs Manor Road Cochranville, PA 19330	Chester	Oxford Borough	West Branch Big Elk Creek HQ-TSF-MF

NOTICES

4041

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504046	Stephen Frost Woods at Nottingham 455 Pennsylvania Ave., Suite 205 P. O. Box 187 Fort Washington, PA 19034	Chester	East Nottingham Township	Big Elk Creek HQ-TSF-MF
PAI011504047	James Low Pond House II 92 Millard Road Elverson, PA 19520	Chester	West Nantmeal Township	East Branch Brandywine Creek HQ-TSF
PAI011504048	Calvin L. and Richard Smoker Manufacturing Facility Bldg. Expan. 5166 Horseshoe Pike P. O. Box 520 Honeybrook, PA 19344-8647	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI011504049	Baxter Properties Honey Brook Industrial Center 1025 Andrew Drive, Suite 200 West Chester, PA 19380	Chester	Honey Brook Township	West Branch Brandywine Creek HQ
PAI011504050	Parker Ford Church of the Brethren New Church Facilities P. O. Box 386 87 Bethel Church Road Parker Ford, PA 19457	Chester	East Coventry Township	Unnamed tributary Schuylkill River and Pigeon Creek HQ-TSF
PAI011504051	151 Pottstown Pike, LLP Land Development 151 Pottstown Pk. P. O. Box 315 Sewell, NJ 08083	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF
PAI011504052	BK Campbell, Inc. Wheatland Development 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	New London and Franklin Townships	Ways Run HQ-TSF-MF

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

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>
PAS10S075-1	Paradise Township R. R. 1, Box 1226 Cresco, PA 18326	Monroe	Paradise and Barrett Townships	Cranberry 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>
PAI024804023	Signature Homes 610 Farm Lane Doylestown, PA 18901	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024804024	Robert Bayuk P. O. Box 228 Bath, PA 18014	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024804025	Robert Ciccone RGC Development LP P. O. Box 86 Bath, PA 18014	Northampton	Palmer Township	Bushkill Creek HQ-CWF
PAI024803039-1	Cherry Lane Commercial Center, LLC 559 Main Street, Suite 300 Bethlehem, PA 18018	Northampton	City of Bethlehem	Saucon Creek (Black River to SR 412 Bridge) HQ-CWF

Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204004	Nemanie Village, Inc. P. O. Box 77 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek HQ-CWF
PAI025204006	Hemlock Farms Comm. Assoc. 1007 Hemlock Farms Hawley, PA 18428	Pike	Blooming Grove Township	Shohola Creek HQ-CWF
PAI025204007	Pike County Concrete, Inc. HC8, Box 8210 Hawley, PA 18428	Pike	Blooming Grove Township	Billings Creek HQ-CWF

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>
PAS10Q185-R	Lehigh Valley Hospital & Health Network P. O. Box 689 Allentown, PA 18105	Lehigh	City of Bethlehem	Monocacy Creek HQ

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F079-1R	Department of Transportation Engineering District 2-0 1924-30 Daisy St. Clearfield, PA 16830	Centre	Taylor, Worth, Patton and Huston Townships	North and South Bald Eagle Creek CWF
		Blair	Snyder Township	Buffalo Run TSF Waddle Creek HQ-CWF

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

Washington County Conservation District: 100 West Beau Street, Suite 602, Washington, PA 15301-4402, (724) 228-6774.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056304004	Pierce Hardy Limited Partnership 1019 Router 519 Eighty Four, PA 15330-2813	Washington	North Strabane Township	Little Chartiers Creek WWF-HQ

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2092604002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Fayette	Springhill Township	Grassy Run WWF Cheat River WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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 in-

clude 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. 0904504, Public Water Supply.

Applicant **Plumstead Township, Bucks County**
 Township Plumstead
 Responsible Official James Crafton
 P. O. Box 387
 Plumsteadville, PA 18943
 Type of Facility PWS
 Consulting Engineer Pennoni Associates, Inc.
 2005 S. Easton Road, Suite 100
 Doylestown, PA 18901
 Application Received Date July 15, 2004
 Description of Action Adding phosphate for iron sequestering for Wells NB-2 and NB-3.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0271501-A3, Minor Amendment.

Applicant **Fawn-Frazer Joint Water Authority**
 326 Donnellsville Road
 Natrona Heights, PA 15065
 Township or Borough Frazer Township
 Responsible Official James H. Norris, Chairperson
 Fawn-Frazer Joint Water Authority
 326 Donnellsville Road
 Natrona Heights, PA 15065
 Type of Facility Water Treatment Plant
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Application Received Date July 12, 2004
 Description of Action Construction of Yutes Tank No. 2.

Application No. 0389503-A2, Minor Amendment.

Applicant **Sugar Creek Rest Home, Inc.**
 R. D. 2, Box 80
 Worthington, PA 16262-9004
 Township or Borough Sugar Creek Township

Responsible Official Phillip Tack, Vice President
 Sugar Creek Rest Home, Inc.
 R. D. 2, Box 80
 Worthington, PA 16262-9004
 Type of Facility Water System
 Consulting Engineer RB Shannon & Associates, Inc.
 314 South Water Street
 Kittanning, PA 16201-1628
 Application Received Date July 12, 2004
 Description of Action Construction of an 88,000-gallon potable water storage tank and replacement of raw water well pumps.
Application No. 0288509-A1-C2, Minor Amendment.
 Applicant **Borough of Sharpsburg**
 1611 Main Street
 Pittsburgh, PA 15215
 Township or Borough Sharpsburg Borough
 Responsible Official Borough of Sharpsburg
 1611 Main Street
 Pittsburgh, PA 15215
 Type of Facility Water System
 Application Received Date July 19, 2004
 Description of Action Change in water quality parameters.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG AND PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

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

The application and related documents, comments received and other information are on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate in the

proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Central Office: Bureau of Water Quality Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 787-8184.

PABIG 9903. Synagro Mid-Atlantic, Inc., 7014 East Baltimore Street, Baltimore, MD has applied for an Individual Generator Permit for the beneficial use of biosolids by land application.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental

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

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

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

CVS Store Doylestown, Doylestown Borough, **Bucks County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 West Church Rd., King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Site soils are found to be partial historical fill material which was found to be impacted by lead, arsenic and benzo(a)pyrene. The future use of the property is redevelopment for commercial retail business. Proof of publication of notice in the *Courier Times* on June 23, 2004.

280 North Providence Road Office Building, Media Borough, **Delaware County**. Mark J. Irani, P. G., Advantage Environmental Consultants, LLC, 3101 Mount Carmel Avenue, Suite 3, Glenside, PA 19038 on behalf of Blake A. Strine, Professional Building Investments, Inc., 203 Baltimore Avenue, Media, PA 19063, has submitted a Notice of Intent to Remediate. Damage to the fuel oil return line caused a release of oil into the soils along a utility trench. Soil was impacted with the contaminants consisting of no. 2 fuel oil with parameters: benzene, toluene, ethylbenzene, naphthalene, cumene, phenanthrene and fluorene. The future use of the property will continue to be utilized as a commercial office building. Proof of publication of notice in the *Delaware County Daily Times* on July 6, 2004.

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

American Electric Facility (Former), City of Pittsburgh, **Allegheny County**. Ruth C. Mannebach, NPN Environmental, 1631 Headland Drive, St. Louis, MO (on behalf of Om Chopra, Thomas & Betts, 8155 T & B Boulevard, 4B-35, Memphis, TN 38125) has submitted a Notice of Intent to Remediate soil contaminated with inorganics, other organics 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 *Pittsburgh Tribune-Review* on July 5, 2005

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received, withdrawn, denied or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

Facility Identification No. PAD980692008. APS No. 444343. Keystone Environmental Services, Inc., 1100 South Pottsville Pike, Shoemakersville, PA 19555, Perry Township, **Berks County**. On May 27, 2004, Keystone Environmental Services, Inc. provided written notification to the Department that it is withdrawing its application for a Part B permit to operate a storage facility for

commercial and household hazardous wastes. The permit application was received on May 17, 2002. Persons interested in obtaining more information about this permit application should contact the Waste Management Program, (717) 705-4909.

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

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

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

Permit Application No. 101413. McCusker Paper & Salvage Transfer Station, 725 E. 4th Street, Chester, PA 19013-4526, City of Chester, Delaware County. This application was received for a 10-year permit renewal for the facility. The application was received by the Southeast Regional Office on July 19, 2004.

AIR QUALITY

**PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS**

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified

before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

PLAN APPROVALS

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

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

39-302-178: St. Luke's Hospital (801 Ostrum Street, Bethlehem, PA 18015) for construction of three no. 6 fuel oil/natural gas fired boilers to replace existing units at the facility at 801 Ostrum Street, Fountain Hill, **Lehigh County**.

45-310-031: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) for installation of an air cleaning device as a replacement, to control the atmospheric emissions from the secondary crushing operation at their Stroudsburg Quarry on Upper Cherry Valley Road, Hamilton Township, **Monroe County**.

39-302-179: Nestle Purina PetCare Co. (2050 Pope Road, Allentown, PA 18104) for construction of a natural gas/no. 2 fuel oil fired boiler to replace an existing unit at their facility in South Whitehall Township, **Lehigh County**.

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

06-05103: Granger Electric of Morgantown LLC (16980 Wood Road, Lansing, MI 48906-1044) for construction of an electricity generating station using landfill gas in the Borough of New Morgan, **Berks County**. The facility will be subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources.

31-03033A: Stone Valley Welding (R. R. 2, Box 213, Huntingdon, PA 16652) to operate a metal surface coating booth using solvent coatings in Jackson Township, **Huntingdon County**. The primary emissions from the source are VOCs which will be limited to 20.5 tons per year.

36-03135C: Shared Mail Acquisitions, LLC (72 Industrial Circle, Lancaster, PA 17540) for construction of a new heatset press at their KAR Printing—East Division facility in Upper Leacock Township, **Lancaster County**.

44-03014: Barr Funeral Home, Inc. (120 Logan Street, Lewistown, PA 17044) for installation of a natural gas operated human crematory controlled by a secondary chamber afterburner. The unit will be installed in Lewistown Borough, **Mifflin County**.

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

17-305-051: Parkwood Resources, Inc. (P. O. Box 552, Somerset, PA 15501) for construction of a bituminous coal stockpiling and truck loading operation at their Cherry Tree Mine in Burnside Township, **Clearfield County**.

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

30-00150A: Wellington Development—WVDT, LLC (1620 Locust Avenue, Fairmont, WV 26554) for construction of a 525 mW waste coal fired boiler electric generation facility at the Greene Energy Resource Recovery Project Site in Cumberland Township, **Greene County**.

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

10-345A: Allegheny Mineral Corp.—Murrinsville Quarry (102 VanDyke Road, Harrisville, PA 16038) for installation of a limestone processing facility in conjunction with their new limestone mining operation in Marion Township, **Butler County**.

16-132C: Aconcagua Timber Corp. (143 Fiberboard Road, Box 340, Shippensville, PA 16245) for replacement of an existing prefilter with a turbo Venturi scrubber in Paint Township, **Clarion County**. This is a Title V facility.

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

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

46-0035D: SmithKline Beecham Pharmaceutical d/b/a GlaxoSmithKline (790 Swedeland Road, King of Prussia, PA 19406) for installation of air cleaning devices, a wet scrubber and carbon injection system, to their existing commercial and industrial solid waste incinerator at their Upper Merion facility in Upper Merion Township, **Montgomery County**. This facility is a Title V facility. This installation is to meet the emission limitations specified in 40 CFR Part 62, Subpart III for commercial and industrial solid waste incinerators which commenced construction on or before November 30, 1999. This installation will result in emission decreases. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

22-05034B: Pennsy Supply, Inc. (1001 Paxton St., P. O. Box 3331, Harrisburg, PA 17104-3331) for construction of a pulverized mineral processing operation, the Hummelstown Quarry in South Hanover Township, **Dauphin County**. This plan approval will include appropriate restrictions and requirements designed to keep the source operating within all applicable air quality requirements. Estimated atmospheric emissions for PM₁₀, SO_x, CO, NO_x, VOCs and HAPs are projected to be 6.82, 0.85, 30.75, 6.25, 9.50 and 0.05 tpy, respectively. The pulverized

mineral processing operation is subject to 40 CFR Part 60, Subparts I and O, Standards of Performance for New Stationary Sources.

67-03126A: Yorkshire Animal Hospital, Inc. (3434 East Market Street, York, PA 17402) for construction of a new 130 lb/hr natural gas fired animal crematory in Springettsbury Township, **York County**. This is a non-Title V (State-only) facility. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

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

16-132C: Aconcagua Timber Corp. (143 Fiberboard Road, Box 340, Shippensville, PA 16245) a plan approval for a Title V Facility in Paint Township, **Clarion County**. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The permit will not increase any emissions from the currently permitted levels in existing Plan Approval 16-132B. The Plan Approval contains conditions for testing to verify compliance with the existing emission limits, monitoring of the pH and pressure drop across the new scrubber and additional recordkeeping and reporting to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

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

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

28-05036: Lamtech, Inc. (5150 Innovation Avenue, Chambersburg, PA 17201) for operation of their synthetic marble manufacturing facility in Green Township, **Franklin County**. The facility emitted approximately 20 tons of VOC and 17.5 tons of styrene in 2003. The facility is subject to 40 CFR Part 63, Subpart WWWW for reinforced plastics composites production. Standard monitoring and recordkeeping are included to keep the facility operating within all applicable requirements.

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

25-00029: Erie Coke Corp. (East Avenue, Erie, PA 16512) for renewal of their Title V Operating Permit in Erie City, **Erie County**. The initial permit was originally issued on August 25, 1999. Erie Coke owns and operates two boilers, parts cleaner, coke oven battery no. 1 (battery charging), coke oven no. 1 (battery push), coke oven no. 1 (battery quenching), battery no. 1 (coal unloading), battery no. 1 (oven underfire), oven/door leaks battery no. 1, topside leaks battery no. 1 and coke loading into trucks. As a result of potential emissions of NO_x, 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 and Prevention of Significant Deterioration adopted in 25 Pa. Code Chapter 127, Subchapter D. The proposed Title V Operating renewal does not adopt any new regulations and does not reflect any changes in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

16-00128: County Landfill Inc.—County Environmental of Clarion (SR 36, Township Road 620, P. O. Box 237, Leeper, PA 16233) for renewal of their Title V Operating Permit in Farmington Township, **Clarion County**. The initial permit was originally issued on August 16, 1999. County Landfill owns and operates landfill, leachate treatment plant and stationary internal combustion engine (emergency diesel engine). As a result of potential emissions of NO_x and VOCs, the facility is not a major source and is therefore not subject to Reasonable Available Control Technology. The proposed Title V Operating Permit renewal does not adopt any new regulations and does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring under 40 CFR part 64.

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

V03-004: Allied Tube and Conduit Corp. (11350 Norcom Road, Philadelphia, PA 19154) for operation of their tube and conduit manufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include three mills, one space heater rated at 3.76 mmBtu/hr and four space heaters rated at 801,000 Btu/hr each.

The operating permit will be issued 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 the AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the previous operating permit must submit 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.

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.

06-05061: Cambridge-Lee Industries, Inc. (P. O. Box 14026, Reading, PA 19612) for a secondary copper smelter controlled by an afterburner and copper rolling mill in Ontelaunee Township, **Berks County**. The facility is a non-Title V (State-only) facility. This amendment involves the operation of two copper billet heating furnaces at the copper rolling mill. The amendment results in minor increases in the PTE of the plant. The permit will include monitoring, recordkeeping, work practices and reporting requirements to keep the facility within all applicable air quality requirements.

06-05102: Sunsweet Growers, Inc. (105 South But- tonwood Street, Fleetwood, PA 19522) for their hot-filled bottle plant in the Borough of Fleetwood, **Berks County**. The facility has the potential to emit more than 100 tons per year of SO_x and more than 100 tons per year of NO_x.

The State-only operating permit will limit emissions to levels below the Title V permit thresholds. The permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

07-03003: Bon Secours-Holy Family Hospital (2500 Seventh Street, Altoona, PA 16602) for operation of their three natural gas/no. 2 fuel oil fired boilers and three emergency generators in Altoona City, **Blair County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

41-00061: Hanson Aggregates Pennsylvania, Inc. (2200 Springfield Pike, Connellsville, PA 15425) for their sand and gravel processing facility in Fairfield Township, **Lycoming County**. The facility's main sources include various pieces of crushing, screening and conveying equipment. The facility has the potential to emit PM (PM₁₀), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

43-00037: SQP Industries (2 North Sixth Street, Sharpsville, PA 16150) for a Natural Minor Permit to operate a screening operation and diesel generator at mine no. 1 in Sharpsville Borough, **Mercer County**.

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 miscellaneous metal parts in West Mead Township, **Crawford County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any

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

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

particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (total)	2.0mg/l	4.0mg/l	5.0mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

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

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

11841603 and NPDES Permit No. PA0235377. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the permit for the Sonman Preparation Facility in Portage Township, **Cambria County** and related NPDES permit from Cooney Brothers Coal Company. No additional discharges. Application received June 7, 2004.

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

24890107 and NPDES Permit No. PA0207624. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), renewal of an existing surface strip and auger operation in Horton Township, **Elk County**, affecting 38.0 acres. Receiving streams: Johnson Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received July 12, 2004.

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

56663112 and NPDES Permit No. PA0606472. Reimer, Inc. (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), permit renewal for reclamation in

Stonycreek Township, **Somerset County**, affecting 431.3 acres. Receiving streams: unnamed tributary of and to Boone Run and Clear Run (CWF). The first downstream potable water supply intake from the point of discharge is the Hooversville Borough Municipal Authority Stonycreek Intake No. 1. Application received June 21, 2004.

07890101 and NPDES Permit No. PA0598381. Cooney Brothers Coal Company (Box 246, Cresson, PA 16630), SMP renewal in Logan Township, **Blair County**, affecting 112 acres. Receiving streams: unnamed tributary to Kittanning Run and unnamed tributary to Little Laurel Run (CWF). The first downstream potable water supply intake from the point of discharge is the Altoona City Authority Blair County Burgoon Run Glen White Surface Water Intake. Application received June 24, 2004.

56663069 and NPDES Permit No. PA0120944. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552-7228), permit revision for a stream variance in Elk Lick and Summit Townships, **Somerset County**, affecting 3,040 acres. Receiving streams: unnamed tributaries to Casselman River, Casselman River, unnamed tributary to Elk Lick Creek, Elk Lick Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2004.

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

17743165 and NPDES Permit No. PA0127574. Roy Coal Company (P. O. Box 12, Olanta, PA 16863), renewal of an existing bituminous surface mine permit in Boggs Township, **Clearfield County**, affecting 164.4 acres. Receiving streams: Little Clearfield Creek to Clearfield Creek and Clearfield Creek to West Branch Susquehanna River to Susquehanna River. Application received June 3, 2004.

14980101 and NPDES Permit No. PA0238007. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Snow Shoe Township, **Centre County**, affecting 207.4 acres. Receiving streams: Sandy Run to the West Branch of the Susquehanna River. Application received June 10, 2004.

17813084 and NPDES Permit No. PA0609994. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), renewal of an existing bituminous surface mine-coal refuse disposal permit in Lawrence Township, **Clearfield County**, affecting 407.3 acres. Receiving streams: Wolf Run to and an unnamed tributary to the West Branch of the Susquehanna River, to the Susquehanna River. Application received June 10, 2004.

17803150 and NPDES Permit No. PA0128295. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Penn Township, **Clearfield County**, affecting 434.5 acres. Receiving streams: unnamed tributary to Bell Run, unnamed tributary to Poplar Run, to Bell Run, to West Branch Susquehanna River to Susquehanna River. Application received June 10, 2004.

17793044 and NPDES Permit No. PA0119334. River Hill Coal Company (P. O. Box 141, Kylertown, PA 16857), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County**, affecting 112.0 acres. Receiving streams: unnamed tributary to Marks Run, to Marks Run to Upper Three Runs and Saltlick Run to West Branch Susquehanna River. Application received June 11, 2004.

17814033 and NPDES Permit No. PA0609501. Philip Reese Coal Company, Inc. (P. O. Box 67, 3515 Main Street, Karthaus, PA 16845), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County**, affecting 412.8 acres. Receiving streams: two unnamed tributaries to an unnamed tributary of Saltlick Run and Saltlick Run's unnamed tributary of Saltlick Run to Saltlick Run; Saltlick Run to West Branch Susquehanna River to the Susquehanna River. Application received June 17, 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.

7575SM1A1C6 and NPDES Permit No. PA0594296. Hempt Brothers, Inc. (205 Creek Road, P. O. Box 278, Camp Hill, PA 17001), correction and renewal of NPDES permit for discharge of treated mine drainage for an existing quarry operation in Silver Spring Township, **Cumberland County**, affecting 170.8 acres. Receiving streams: unnamed tributary of Hogestown Run (CWF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company. Application received July 8, 2004.

09870301C9. Warner Company (1121 Bordentown Road, Morrisville, PA 19067), depth correction for an existing quarry operation in Falls Township, **Bucks County**, affecting 501.1 acres. Receiving streams: Van Sciver Lake. Application received July 8, 2004.

09960301C2. Warner Company (1121 Bordentown Road, Morrisville, PA 19067), depth correction for an existing quarry operation in Falls Township, **Bucks County**, affecting 46.0 acres. Receiving streams: None. Application received July 8, 2004.

7475SM4C5 and NPDES Permit No. PA0121592. ESSROC Cement Corp. (Route 248 and Easton Road, Nazareth, PA 18064), renewal of NPDES permit for

discharge of treated mine drainage for an existing quarry operation in Upper Nazareth Township, **Northampton County**. Receiving streams: Monocacy Creek (CWF). Application received July 9, 2004.

8074SM1C and NPDES Permit No. PA0013722. Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038), renewal of NPDES permit for discharge of treated mine drainage for an existing quarry operation in Montgomery Township, **Montgomery County**. Receiving streams: Park Creek (WWF, MF). The first downstream potable water supply intake from the point of discharge is the Horsham Valley Golf Course. Application received July 12, 2004.

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

4274SM11 and NPDES Permit No. PA0212512. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664-0077), renewal of NPDES permit in Taylor Township, **Blair County**. Receiving streams: Halter Creek and Plum Creek (WWF). There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 21, 2004.

56920301 and NPDES Permit No. PA0599417. New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664-0077), renewal of NPDES permit in Ogle Township, **Somerset County**. Receiving streams: unnamed tributaries to Clear Shade Creek (EV). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stonycreek withdrawal. NPDES renewal application received June 21, 2004.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E50-223: McNaughton Services, Inc., 8521 Middle Ridge Road, Newport, PA 17074 in Carroll Township, **Perry County**, ACOE Baltimore District.

To place and maintain fill within the floodway of an unnamed tributary to the Sherman Creek (WWF), for the purpose of expanding parking facilities, on the southeastern side of Pisgah Road about 200 feet south of the Route 34 and Route 850 intersection (Shermans Dale, PA Quadrangle N: 12.5 inches; W: 5.7 inches) in Carroll Township, Perry County.

E67-765: Windsor Township, 1480 Windsor Road, Red Lion, PA 17356 in North Hopewell and Windsor Townships, **York County**, ACOE Baltimore District.

To remove a temporary structure authorized by EP-67-03-112, then to construct and maintain an 8-foot by

20-foot precast reinforced concrete box culvert with cast-in-place wingwalls upstream and a 5-foot tapered end section downstream at a location where Grove Road (T-685) crosses over the North Branch of Muddy Creek (CWF) (Stewartstown, PA Quadrangle N: 20.4 inches; W: 12.9) in Windsor and North Hopewell Townships, York County.

E01-251: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Menallen Township, **Adams County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single bridge with a centerline line span of 55 feet on a 62 degree skew with an underclearance of 6.83 feet across Opossum Creek on SR 4008, Section 013, Segment 000, Offset 000, 1.2 miles northwest of Bendersville Borough (Arendtsville, PA Quadrangle N: 21.65 inches; W: 2.56 inches) in Menallen Township, Adams County.

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

E02-1147-A1. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. Cochran Mills Road stream bank stabilization and outfall in Jefferson Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 9.9 inches; W: 13.9 inches) (Latitude: 40°18'29" and Longitude: 79°58'29"). The applicant proposes to amend Permit E02-1147 which authorized the construction and maintenance of a 140-foot long soldier beam and lagging wall and to replace an existing 24-inch CMP outfall pipe with a new 24-inch CMP outfall pipe along the left bank of Lick Run (TSF) for the purpose of improving the slope stability of Cochran Mill Road. The project is along the west side of Cochran Mills road approximately 100 feet south of its intersection with McElhaney Road in Jefferson Hills Borough, Allegheny County. This amendment will authorize the removal of existing structures, the construction and maintenance of various outfalls to Lick Run (TSF) and the construction and maintenance of an approximately 200-foot long soldier beam and lagging wall the R7 riprap along the face along the left bank of the same stream for the purpose of improving the slope stability of Cochran Mills Road. The project is along the west side of Cochran Mills Road approximately 1,500 feet south of its intersection with McElhaney Road.

E02-1474. Duquesne Light Company, 1800 Seymour Street, 2nd Floor, Pittsburgh, PA 15233. Woodville Substation Outfall Structure in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 1.7 inches; W: 13 inches) (Latitude: 40°23'03" and Longitude: 80°05'36"). The applicant proposes to construct and maintain an 18-inch diameter outfall structure along the left bank of Chartiers Creek (WWF) for the purpose of constructing a parking lot at the Duquesne Light Woodville Substation facility site, which is on the east side of SR 50 (Washington Pike) approximately 400 feet north from the intersection of SR 50 (Washington Pike) and Pittsburgh and Washington Pike. The project will impact approximately 5.0 feet of stream channel.

E26-319. Thomas Canigiani, 916 Fayette Avenue, Belle Vernon, PA 15012. Canigiani residential bridge in Washington Township, **Fayette County**, Pittsburgh ACOE District (Fayette City, PA Quadrangle N: 20.00 inches; W: 6.60 inches) (Latitude: 40°6'36" and Longitude: 79°41'49"). The applicant proposes to construct and

maintain a bridge having a clear span of 14 feet and an underclearance of 6.5 feet across Mill Run (WWF) on a proposed residential driveway. The project is along SR 4046 at a point approximately 2.1 miles from SR 51 South.

E32-463. Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. SR 2008 pipe replacement in West Wheatfield Township, **Indiana County**, Pittsburgh ACOE District (Rachelwood, PA Quadrangle N: 22.6 inches; W: 17.2 inches) (Latitude: 40°22'28" and Longitude: 79°7'25"). The applicant proposes to remove the existing structures and to: (1) construct and maintain dual 48-inch diameter, 40-foot long RCC pipes (6-inch depressed invert) in an unnamed tributary to the Conemaugh River (CWF); and (2) construct and maintain an R-7 rock-lined channel for a distance of 20 feet at the outlet end of the dual pipes. The project proposes to directly affect 60 linear feet of perennial stream; no vegetated wetlands will be impacted.

E56-332. David G. and Linda T. Assard, 425 Glenmeade Road, Greensburg, PA 15601. Water intake and discharge to Brush Creek in Northampton Township, **Somerset County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain: (1) a water intake structure along the left bank of Brush Creek (HQ-CWF), to provide gravity flow to a proposed pond (Berlin, PA Quadrangle N: 0.76 inch; W: 1.56 inches) (Latitude: 39°52'45" and Longitude: 78°53'10"); and (2) an outfall structure along the left bank of said stream to discharge water from the pond (Berlin, PA Quadrangle N: 0.71 inch; W: 1.29 inches) (Latitude: 39°52'44" and Longitude: 78°53'3"). The project is on the south side of SR 2017, 1.1 miles northeast of the intersection of Brush Creek Road (SR 2017) and School House Road (T-718).

E63-561. Don and Mary Beth Lawson, 1161 Greenbrier Drive, Bethel Park, PA 15102. Residential culvert installed in Nottingham Township, **Washington County**, ACOE Pittsburgh District (Hackett, PA Quadrangle N: 15.4 inches; W: 8.4 inches) (Latitude: 40°12'35" and Longitude: 80°3'37"). The applicant proposes to construct and maintain various utility line crossings across Sugar Run (HQ-TSF) to provide access to a proposed residence. The project is on the west side of Sugar Run Road in Nottingham Township, Washington County. The total proposed impact to Sugar Run is approximately 20 feet.

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

E25-674. Major Amendment, Erie-Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie-Western Pennsylvania Port Authority—East and West Canal Basin Docks in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 2.1 inches; W: 12.2 inches).

The applicant proposes to amend Permit E25-674 which authorizes the Erie-Western Pennsylvania Port Authority to conduct the following activities within the East and West Canal Basins, Presque Isle Bay (WWF, perennial), Lake Erie:

1. Construct a 52-foot long floating extension and maintain the existing Wolverine Park Marina Pier 2 dock in the West Canal Basin.

2. Remove three existing finger piers and construct and maintain floating header dock and finger piers along the east side of State Street in the East Canal Basin.

The proposed amendment is to:

1. Construct a 52-foot long floating extension and maintain the existing Wolverine Park Marina Pier 2 dock in the West Canal Basin.

2. Remove three existing finger piers and construct and maintain floating header dock and finger piers along the east side of State Street in the East Canal Basin.

3. Demolish the existing fishing pier within the West Canal Basin and to construct and maintain a fishing pier in the East Canal Basin having dimensions of 77 feet by 30 feet.

4. Construct and maintain two 40-foot long floating docks in the location of the existing fishing pier in the West Canal Basin.

The project includes dredging to an elevation of 568.5 feet in the area of the existing fishing pier in the West Canal Basin by removing the existing stone-filled wooden crib under the pier.

E37-156. Wayne Township Municipal Authority, 1418 Wampum Road, Ellwood City, PA 16117. Wayne Township Sewer Project 2004 in Wayne Township, **Lawrence County**, ACOE Pittsburgh District.

Contract 2004-01—To construct and maintain a conventional gravity sewage collection system having nine stream crossings of Squaw Run (WWF) beginning at latitude 40°52'45", longitude 80°15'37" and ending at latitude 40°53'27", longitude 80°15'24" and nine wetland crossings at latitude 40°53'02", longitude 80°15'33"; latitude 40°53'09", longitude 80°15'29"; latitude 40°53'08", longitude 80°15'29"; latitude 40°53'15", longitude 80°15'25"; latitude 40°53'18", longitude 80°15'23"; latitude 40°52'57", longitude 80°15'08"; latitude 40°53'18", longitude 80°15'39"; latitude 40°53'21", longitude 80°15'41"; latitude 40°52'44", longitude 80°15'17" (New Castle South, PA Quadrangle).

Contract 2004-02—To construct and maintain a conventional gravity sewage collection system having six stream crossings of Squaw Run (WWF) beginning at latitude 40°53'54", longitude 80°15'22" and ending at latitude 40°54'09", longitude 80°15'17" and ten wetland crossings at latitude 40°54'13", longitude 80°15'31"; latitude 40°54'18", longitude 80°15'37"; latitude 40°53'57", longitude 80°15'44"; latitude 40°53'51", longitude 80°15'08"; latitude 40°53'52", longitude 80°15'04"; latitude 40°53'56", longitude 80°15'21"; latitude 40°53'58", longitude 80°15'20"; latitude 40°54'07", longitude 80°15'18"; latitude 40°54'09", longitude 80°15'18"; latitude 40°54'20", longitude 80°15'18" (New Castle South, PA Quadrangle).

Contract 2004-03—To construct and maintain approximately 6,150 linear feet of sanitary force main with one crossing of Duck Run (WWF) and to construct and maintain an access road within the floodway of Duck Run to provide access to the existing pump station at latitude 40°52'35", longitude 80°15'51" (New Castle South, PA Quadrangle).

E37-162. Neshannock Township Supervisors, 3131 Mercer Road, New Castle, PA 16105, Catalina Drive Culverts in Neshannock Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 0.7 inch; W: 16.9 inches).

The applicant proposes to remove the existing structures and to construct and maintain two 52-foot long, 6.75-foot wide by 4.9-foot high pipe arch culvert in an unnamed tributary to the Shenango River (WWF, peren-

nial) adjacent to the intersection of Kings Chapel Road and Catalina Drive. The existing structures and associated roadway were damaged during flooding in 2003 and the township is working with FEMA/PEMA to receive funding for the project. Project includes embankment stabilization with rock riprap. The project proposes to directly affect approximately 70 linear feet of stream.

Cambria District: Environmental Program Manager, 286 Industrial Pk. Rd., Ebensburg, PA 15931-4119.

E03-09-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in West Franklin Township, **Armstrong County,** Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a 3,875-foot long dangerous highwall. The project will include the backfilling of: (1) 1.27 acres of PEM wetland; and (2) 1.27 acres of PEM replacement wetland will be constructed as part of the reclamation. The project will directly impact 1.27 acres of wetland. Wetland creation of 1.27 acres is proposed to compensate for wetland impacts (Worthington Quadrangle N: 16.5 inches, W: 7.4 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA63-003SW. Pristine Resources, Inc., 3250 Interstate Drive, 2nd Floor, Richfield, OH 44286-9000. Marianna Township, **Washington County,** ACOE District (Ellsworth, PA Quadrangle Western Bridge: N: 3.2 inches; W: 14.9 inches—Latitude: 40°1'3" and Longitude: 80°6'23"; Eastern Bridge: N: 3.2 inches; W: 13.9 inches—Latitude: 40°1'3" and Longitude: 80°6'57"). The applicant proposes to remove two abandoned railroad bridges that span Ten Mile Creek (TSF). The demolition of the western most bridge will include removal of both abutments, its center pier and restoration of the banks. Demolition of the eastern bridge will include removal of its center pier to its footer. The applicant is seeking a restoration waiver for the removal of the bridges. The western bridge is approximately 100 feet south of the confluence of Horn Run and Ten Mile Creek and the eastern bridge is approximately 0.85 mile further downstream.

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

D52-015EA. Department of Conservation and Natural Resources, RCSOB, P. O. Box 8552, Harrisburg, PA 17105-8552, Porter Township, **Pike County,**

ACOE Philadelphia District. Project proposes to mechanically remove 3-5 acres of aquatic vegetation with a hydrorake from a section of Pecks Pond for the purpose of creating more navigable water in the reservoir area. Pecks Pond Dam is across Bushkill Creek (HQ-CWF) and is off of SR 402 near the Town of Pecks Pond in Porter Township, Pike County (Pecks Pond, PA Quadrangle N: 6.75 inches; W: 12.30 inches).

D11-075EA. Highland Sewer and Water Authority, 120 Tank Drive, Johnstown, PA 15904, Portage Township, **Cambria County,** ACOE Pittsburgh District. Project proposes to breach and remove Bens Creek Intake Dam across Bens Creek (EV) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is approximately 1 mile southeast of the Town of Bens Creek (Cresson, PA Quadrangle N: 3.4 inches; W: 16.0 inches).

D11-019EA. Highland Sewer and Water Authority, 120 Tank Drive, Johnstown, PA 15904, Adams and Summerhill Townships, **Cambria County,** ACOE Pittsburgh District. Project proposes to breach and remove Lloydell Intake Dam across South Fork Little Conemaugh River (EV) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is approximately 3/4 mile southeast of the Town of Lloydell (Beaverdale, PA Quadrangle N: 10.10 inches; W: 8.15 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763 within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04011	Scott Dobrez Dober Group 14461 South Waverly Ave. Midlothian, IL 60445	Luzerne	Hazel Township	6 ASTs storing hazardous substances	43,200 gallons total

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0057517	Paul Chicos 1436 Monk Road Gladwyne, PA 19035	Montgomery County Lower Merion Township	UNT to Schuylkill River 3F	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113476 IW	Koppers Inc. P. O. Box 189 Montgomery, PA 17752	Clinton Township Lycoming County	UNT West Branch Susquehanna River 10-C	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>
PA0030929 Sewage	Torrance State Hospital Department of Public Welfare P. O. Box 111 Torrance, PA 15779-0111	Westmoreland County Derry Township	Tannery Hollow	Y
PA0218138 Sewage	Armstrong County Industrial Dev. Auth. 402 Market Street Kittanning, PA 16201	Armstrong County North Buffalo Township	Nicholson Run	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. PA0058831, Industrial Waste, **Queens Produce**, 554 Creek Road, Kennett Square, PA 19348. This proposed facility is in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval to discharge from the facility into the East Branch Red Clay Creek in Watershed 3I White Clay.

NPDES Permit No. PA0054402, Industrial Waste, **Brooks Instrument, Inc.**, 407 West Vine Street, Hatfield, PA 19440. This proposed facility is in Hatfield Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into West Branch Neshaminy Creek in Watershed 2F-Neshaminy.

NPDES Permit No. PA0051080, Industrial Waste, **Advanced Power Technology RF PA, Inc.**, 140 Commerce Drive, Montgomeryville, PA 18936. This proposed facility is in Montgomery Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into an unnamed tributary to Park Creek in Watershed 2F.

NPDES Permit No. PA0043974, Sewage, **Valley Forge Sewer Authority**, 333 Pawling Road Phoenixville, PA 19460-2656. This proposed facility is in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Schuylkill River in Watershed 3D.

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

NPDES Permit No. PA0247413, Sewage, **Rosemary Crayosky, Esther Goss Estate SFTF**, HCR 61, Box 28A, Allensville, PA 17002. This proposed facility is in Warrington Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Doe Run in Watershed 7-F.

NPDES Permit No. PA0086371, Sewage, **Richard and Carol Mack, Poor Richard's Historic Hereford Inn, Hereford Inn, Inc.**, 64 Star Road, P. O. Box 84, Hereford, PA 18056. This proposed facility is in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Perkiomen Creek in Watershed 3-E.

NPDES Permit No. PA0087700, Sewage, **South Londonderry Township Municipal Authority, Campbelltown East STP**, P. O. Box 3, Campbelltown, PA 17010-0003. This proposed facility is in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to the Killinger Creek in Watershed 7-D.

NPDES Permit No. PA0086118, Sewage, **Robert Conley, Bumper Bob's Restaurant**, 1875 Old Trail Road, Etters, PA 17319-9546. This proposed facility is in Newberry Township, **York County**.

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

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

NPDES Permit No. PAS216103, Industrial Waste, **Therm-O-Rock East, Inc.**, Pine Street, New Eagle, PA 15067. This proposed facility is in New Eagle Borough, **Washington County**.

Description of Proposed Action/Activity: Issuance of a permit to discharge stormwater from Therm-O-Rock East, Inc. to the Monongahela River.

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. 4603418, Sewerage, **Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444. This proposed facility is in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a low pressure force main and individual grinder pump units.

WQM Permit No. 4604408, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a pump station for adult community consisting of 120 townhouses.

WQM Permit No. 0904403, Sewerage, **Warminster Municipal Authority**, P. O. Box 2279, Warminster, PA 18974. This proposed facility is in Warminster Township, **Bucks County**.

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

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

WQM Permit No. 3504401, Sewerage, **The Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 19355. This proposed facility is in City of Scranton, **Lackawanna County**.

Description of Proposed Action/Activity: This project involves improvements and modifications with the Scranton Wastewater Treatment Plant to allow for greater treatment of wet weather flows.

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

WQM Permit No. 6703409, Sewerage, **Rosemary Crayosky**, HCR 61, Box 28A, Allensville, PA 17002. This proposed facility is in Warrington Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities in Watershed 7-F.

WQM Permit No. 2904401, Sewerage, **All Seasons Hospitality, LLC**, 9560 Old Route 126, Warfordsburg, PA 17267-7802. This proposed facility is in Brush Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Approval for the construction and operation of sewerage facilities of an extended aeration package sewage plant.

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

Description of Proposed Action/Activity: Approval for the construction, modifications and operation of sewers and appurtenances.

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

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

Description of Proposed Action/Activity: This permit authorizes modifications to CSO Outfall 002.

WQM Permit No. 1904401, Sewerage 4952, **David Ryman**, 15 Stony Brook Road, Orangeville, PA 17859. This proposed facility is in Orange Township, **Columbia County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment system.

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

WQM Permit No. 3704406, Sewerage, **Bessemer Municipal Authority**, P. O. Box 642, Bessemer, PA 16112. This proposed facility is in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a pump station/sewer extension to serve the Southbreeze Subdivision.

WQM Permit No. 2504411, Sewerage, **Gary L. Schell**, 2423 East Grandview Boulevard, Erie, PA 16510. This proposed facility is in Girard Township, **Erie County**.

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

WQM Permit No. 2504413, Sewerage, **Sandra E. Olsen**, 290 Avonia Road, Fairview, PA 16415. This proposed facility is in Fairview Township, **Erie County**.

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

WQM Permit No. 6204405, Sewerage, **Donald and Gloria A. Nolan**, 1548 Jackson Run Road, Warren, PA 16365. This proposed facility is in Conewango Township, **Warren County**.

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

WQM Permit No. 2504415, Sewerage, **Patrick C. Mellin, A. M. Mellin Estate**, 1837 Miles Grove Avenue, Lake City, PA 16423. This proposed facility is in Fairview Township, **Erie County**.

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

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>
PAI025204004 Issuance Retracted (published in error; application in process)	Nemanie Village, Inc. P. O. Box 77 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek HQ-CWF
PAI023904018	James H. Bennett and Claire Bennett 2300 Hanover Ave. Allentown, PA 18102	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904014	Barry R. Follweiler and William Markson 3372 Jordan Rd. Orefield, PA 18069	Lehigh	Weisenberg Township	Hassen Creek HQ-CWF
PAI024803034	LAM Contractors 125 Boro View Dr. Northampton, PA 18067	Northampton	Upper Nazareth Township	East Branch Monocacy Creek HQ-CWF
PAI024804016	Palmer Township 3 Weller Place P. O. Box 3039 Palmer, PA 18043-3039	Northampton	Bethlehem and Palmer Townships	Bushkill Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

NOTICES

4057

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>
Hilltown Township Bucks County	PAG2000904062	Patrick Malin Subdivision 705 Callowhill Road Perkasie, PA 18944	Unnamed tributary Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Quakertown Borough Bucks County	PAG2000904028	WXZ/Penn, LLC Advance Auto Parts 7055 Eagle Road Middleburg Heights, OH 44130	Beaver Run/Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG2000904098	Emil Jacoby Subdivision 1710 North Ridge Road Perkasie, PA 18944	Tributary Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG2000904054	Franklin Realty Dev. Corp. Centerpointe Office Building 405 Old Pennlyn Pike Suite 200 Pennlyn, PA 19422	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000903126	Second Baptist Church of Doylestown 1109 North Easton Road Doylestown, PA 18901	Unnamed tributary Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001504036	Charles Shreiner The Church Farm School P. O. Box 2000 Paoli, PA 19301	Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001504054	D'Agostino Builders 295 East Swedesford Road Suite 256 Wayne, PA 19087	Darby Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001503085	Wilmer Hostetter Guemsey Reserve a/k/a Hillford Terrace 481 Limestone Road Oxford, PA 19363	Middle Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG2002303032	S & S Development 1155 Lancaster Avenue Berwyn, PA 19312	Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002304011	Caldwell Development, Inc. 434 North Front Street Wormleysburg, PA 17043	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Chester Heights Borough Delaware County	PAG2002304015	Fox Valley Development, Inc. 139 School House Lane Glen Mills, PA 19342	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002304022	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063	Whetstone Run WWF, MF	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>
Lower Chichester Township Delaware County	PAG2002304030	CE Philadelphia Real Estate One Environmental Way Broomfield, CO 80021	Naaman's Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lansford Borough Carbon County	PAG2001304004	Panther Valley School District 11 E. Bertsch St. Lansford, PA 18232	Panther Creek CWF Little Schuylkill River CWF	Carbon County Conservation District (610) 377-4894
Palmerton Borough Carbon County	PAG2001304001	Luther Shrader 6 Cardinal Drive Moorestown, NJ 08057	Aquashicola Creek TSF, MF	Carbon County Conservation District (610) 377-4894
Mahoning Township Carbon County	PAG2001304005	Carbon County Airport Authority Attn: Paul Smith 2321 Mahoning Dr. East Lehighton, PA 18235	Mahoning Creek CWF	Carbon County Conservation District (610) 377-4894
Centre County Ferguson Township	PAR10F141	Carl Bankert S & A Custom Built Homes 501 Rolling Ridge Dr. Suite 200 State College, PA 16801	UNT Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Ferguson Township	PAG2001404004	Galen Dreibelbis 1535 N. Atherton St. State College, PA 16803	UNT Hollow Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Huston Township	PAG2001404007	Wetlands Habitat Management 213 Market St. Harrisburg, PA 17101	Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Fairfield Township	PAR103955	Lycy Triad Inc. Jason Jean Mt. View Dev. Phase II 358 Baldwin St. Lemont, PA 16851	Tules Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Fairfield Township	PAR103955	Lycy Triad Inc. Jason Jean River Valley Townhouses Phase II 358 Baldwin St. Lemont, PA 16851	Tules Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Washington County Union Township	PAG2006304017	Quaker Engineering Co. P. O. Box 459 Bridgeville, PA 15017	Peters Creek TSF	Washington County Conservation District (724) 228-6774
Lawrence County Neshannock Township	PAG2003704005	LCK Enterprises Attn: Joe Clavelli 310 Central Building 101 Mercer Street New Castle, PA 16101	UNT to Shenango River WWF	Lawrence County Conservation District (724) 652-4512

NOTICES

4059

<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>
McKean County Liberty Township	PAG2064204001	10 Point Hunting Club Howard Gearing 731 Frost Hollow Road Easton, PA 18040	Scaffold Lick Run CWF	NWRO (814) 332-6942
		Nassau Metals Corporation Gregory Galasso 101 Crawfords Corner Road Rm. 1D-101E Holmdel, NJ 07733		
		ERM, Inc. Gary Emmanuel 350 Eagleview Blvd. Suite 200 Exton, PA 19341		
Mercer County Pine and Liberty Townships	PAG2004304008(1)	Legends at Grove City 201 Grant Street Sewickley, PA 15143	Barmore and Black Run tributaries CWF	Mercer County Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bradford Township Clearfield County	PAR704815	Whitaker Roads Corporation P. O. Box 402 Clearfield, PA 16830	UNT to Roaring Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Harborcreek Township Erie County	PAR808380	Travel Centers of America 24601 Center Ridge Road Westlake, OH 44145	Unnamed tributary to Seven Mile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Berks County Hereford Township	PAG043604	Daniel McGuire 52 Hunter Forge Road Barto, PA 19504	NW Perkiomen Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Beaver County Franklin Township	PAG046185	Rani Schweiger 432 N. Camp Run Road Fombell, PA 16123-2306	Camp Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Forward Township	PAG046187	Cindy Strotman 7250 Fawn Run Lane Elizabeth, PA 15037	UNT of Becketts Run	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>
Washington County Jefferson Township	PAG046195	Dennis Dorman III Cheryl A Czap 115 Dam Road Burgettstown, PA 15021	UNT of Harmon Creek	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>Contact Office and Telephone No.</i>
East Providence Township Bedford County	PAG083539	East Providence Township Municipal Authority P. O. Box 83 Breezewood, PA 15533	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bush-Adams Farm Biosolids Site Rayne Township Indiana County	City of Johnstown WWTP 241 Asphalt Road Johnstown, PA 15906	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132273	Laurel Run Borough 2601 Pine Run Road Wilkes-Barre, PA 18702	Luzerne	Laurel Run Borough	Laurel Run CWF Pine Run CWF	Y
PAG132259	Penn State Hazleton The Commonwealth College High Acres/Office of Physical Plant Room 101P University Park, PA 16802	Luzerne	Hazleton City	Black Creek CWF	Y

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.

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

Permit No. 6846-T1-A3, Public Water Supply.

Applicant **Indian Creek Valley Water Authority**
 P. O. Box 486
 Indian Head, PA 15446-0486

Borough or Township Saltlick Township
 County **Fayette**

Type of Facility Grimm Spring

Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051

Permit to Construct Issued July 16, 2004

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Shirley Township	R. R. 1 Box 110 Shirleysburg, PA 17260	Huntingdon

Plan Description: The approved plan provides for the repair (replacement) of four malfunctioning onlot sewage disposal systems identified in Exhibit VI of the plan within the time frame in the implementation schedule (9 months from plan approval). The plan also provides for the repair (replacement) of malfunctioning onlot sewage disposal systems in the remaining areas of the Township within 36 months of plan approval. 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.

Permit No. 5046492, Public Water Supply.

Applicant **Creekside Springs**
 667 Merchant Street
 Ambridge, PA 15003

Borough or Township Ambridge Borough
 County **Beaver**

Type of Facility Bottled Water System—Amended Labels.

Permit to Construct Issued July 19, 2004

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Swatara Township	One Supervisor Drive Jonestown, PA	Lebanon

Plan Description: The approved plan provides for the construction of a collection, conveyance and a 0.1 mgd sewage treatment plant facilities with discharge to the Swatara Creek for the Monroe Valley area of Swatara Township. 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.

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

Permit No. 6188503-MA1, Minor Amendment.

Applicant **Cooperstown Water Company**

Borough or Township Cooperstown Borough
 County **Venango**

Type of Facility PWS

Permit to Construct Issued July 16 2004

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wayne Township	1418 Wampum Road Ellwood City, PA 16117	Lawrence

Plan Description: The approved plan provides for the extension of public sewers to serve area of existing development in the Squaw Run Watershed. 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.

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>
Windsor Township	P. O. Box 458 1480 Windsor Road Red Lion, PA 17356	York

Plan Description: Shadow Ridge, A3-67966-355-3: The approved plan provides a 162-lot single-family residential subdivision on 250 acres with 160 proposed building lots, 1 lot for a pump station and 1 open space lot. Total estimated sewage flows are 56,000 gpd, which will be tributary to the Springettsbury Township Wastewater Treatment Plant. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Prompt Interim Response and Proposed Interim Response

Boyertown TCE Site, Colebrookdale Township, Berks County and Douglass Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response and proposes an interim response at the Boyertown TCE Site (Site), Colebrookdale Township, Berks County and Douglass

Township, Montgomery County. The prompt interim response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)).

Groundwater serving a number of residential wells in the area of North Berks Street, East Fifth and East Sixth Streets and Montgomery Avenue are contaminated with trichloroethylene (TCE), a VOC. This residential area is on the eastern edge of Boyertown Borough, which is serviced by the Boyertown Municipal Water Authority public water supply. The public water supply also extends to areas to the south and east of this residential area.

Department considered four alternatives:

1. **Institutional Controls:** The Department would use institutional controls to limit the use of groundwater. Individuals would be notified of the health risks for continued use of contaminated private water supplies. Institutional controls such as ordinances or deed restrictions would be placed that would alert new property owners, during property transactions, of the contaminated groundwater. Deed restrictions placed on property deeds would restrict or limit future Site activities to prevent human contact with contaminated groundwater and place limitations on the use of groundwater without adequate treatment. This alternative would not remove the actual exposure of the residents to the hazardous substances in the groundwater and would not be protective of human health and the environment unless the individual property owners initiated measures to limit their exposure. This alternative would not comply with any applicable or relevant and appropriate requirements for the Site. The annual analytical cost for the groundwater monitoring in this alternative is \$4,000.

2. **Bottled Water:** This alternative provides for the Department to furnish commercial bottled water to the impacted residences. Bottled water would be delivered regularly to each residence that has a water supply contaminated in excess of the MCL for TCE. This would effectively remove the risk posed by ingestion, but would not remove the risk posed by inhalation and dermal contact. This alternative would reduce the negative health impact of using the contaminated groundwater for private water supplies and thus provide an increase in protection of human health and the environment. The present cost of this alternative for the known 18 residential supplies that exceed the MCL for TCE and do not have a treatment system, is approximately \$8,400 per year.

3. **Point of Use Water Treatment Units:** This alternative provides for the Department to install carbon treatment systems on the supply line of private wells that are contaminated. The Department will provide continuing laboratory monitoring of these systems and provide maintenance of these units as needed. This is not a permanent solution and would require continued actions by the Department to monitor and operate the units. The remedy would need to be continued until the contamination is no longer present in the influent water. This would effectively remove the risk posed by ingestion, inhalation and dermal contact as long as increases in contaminant concentration do not cause breakthrough of the carbon treatment systems. This alternative will be protective of human health and the environment. Initial installation of a carbon treatment system is estimated to cost \$3,670 per unit. Annual carbon change out and UV light replacement is estimated at \$1,415. Sampling and analytical monitoring costs are estimated at \$1,040 a year per system.

4. **Connection to a Public Water System:** The main public water distribution line is currently present throughout East Fifth Street, east of North Berks Street, and 143, 146 and 152 Montgomery Avenue. The Department's initial action (prompt interim response) will install a lateral water line from the curb stop into the water distribution system of each residence on East Fifth Street and 143, 146 and 152 Montgomery Avenue. The residences on East Sixth Street and 192 North Berks Street do not currently have the availability of the main public water distribution line. The Department's additional response (interim response) action will extend the public water distribution line into these areas and provide lateral connection into the water distribution system of the residences within the currently known area of groundwater contamination and areas that the contamination may migrate to. Any fees related to the initial connection to the system, the abandoning of affected wells and all necessary restoration work will be included in the response. This action will eliminate ingestion, inhalation and dermal contact. This alternative will provide maximum protection by removing all exposure to contaminated groundwater serving private water supply systems. The present cost of this alternative is not expected to exceed \$500,000.

The Department has selected Alternatives 2—4 as prompt interim responses and Alternative 4 as an interim response. Alternative 2, Bottled Water, was initiated on March 23, 2004, for residences with water supply contamination levels greater than 5 ppb of TCE and will continue until Alternatives 3 and 4 are implemented. Alternative 3, Point of Use Water Treatment Systems, will be provided for residences that have TCE levels greater than the inhalation risk numeric value of 64 ppb TCE in their water supply until Alternative 4 is implemented. Homeowners with existing carbon treatment units and whose groundwater supply has TCE contamination levels above 64 ppb before treatment will have those systems upgraded as necessary, monitored and maintained by the Department.

The Department has also selected Alternative 4 as a proposed interim response that will provide a new public water supply system to a Site service area encompassing the homes, businesses and institutions whose water supply wells have been contaminated or threatened with contamination by impacted Site groundwater. This will include residences on Sixth Street and North Berks Street. Future water connections may be needed if additional private water supplies are identified as contaminated. Newly identified contaminated water supplies will be provided bottled water when the ingestion threat is above 5 ppb and individual carbon treatment units when the inhalation threat is above 64 ppb.

The Department is providing this notice under section 505(b) of the HSCA and section 506(b) of the HSCA (35 P. S. § 6020.506(b)) and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under the HSCA. The Administrative Record which contains information about this Site and which supports the Department's decision to perform this action at the Site is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Crystal Snook, (717) 705-6645. The Administrative Record can also be reviewed at the Reading District Office, 1050 Crossroads Boulevard., Reading, PA from 8 a.m. to 4 p.m. by contacting Thomas Grubb, (610) 916-0100.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before November 1, 2004, by mailing them to Crystal Snook, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing scheduled for September 9, 2004, at 7 p.m. at the Boyertown High School, LGI Room. Persons wishing to present formal oral comment at the hearing should register before 4 p.m. on September 2, 2004, by calling Sandra Roderick, (717) 705-4703.

If no person registers to present oral comments by September 2, 2004, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if anyone has registered and if the hearing will be held should contact Sandra Roderick.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Sandra Roderick at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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.

McCandless Fuels, Narberth Borough, **Montgomery County**. Rodd Bender, Esq., Manko, Gold, Katcher & Fox LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX, PAH, solvents, Cumene and MTBE; and site groundwater contaminated with lead, BTEX, PAH, cumene and MTBE. The report is intended to document remediation of the site to meet the Site Specific Standard.

Gilbertsville CVS, New Hanover Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with lead and site groundwater contaminated with lead and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Michel's Pipeline Construction, Inc., West Hanover Township, **Dauphin County**. Advantage Engineering, LLC, 20 South 36th Street, Camp Hill, PA 17011, on behalf of Michel's Pipeline Construction, Inc., 817 West Main Street, P. O. Box 128, Brownsville, WI 53006, submitted a Final Report concerning remediation site soils and groundwater contaminated with diesel fuel and no. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

LTV Southside Works (Parcel B1A), City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and 2600 East Carson Street Associates LP, 400 Penn Centre Blvd., Suite 211, Pittsburgh, PA 15235) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

LTV Southside Works (Parcel F3), City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 and 3000 Sidney Street Associates LLC, c/o Colliers Penn, 223 Fourth Ave., Pittsburgh, PA 15222) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Hinterlieter Residence, Kennett Township, **Chester County**. Jason Plucinski, React Environmental Services, Inc., 6901 Kingessing Avenue, Philadelphia, PA 19142,

on behalf of Mr. and Mrs. Rich Hinterleiter, 830 Burrows Run Rd., Chadds Ford, PA 19317, has submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 15, 2004.

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

Former Envirotest Site, City of Lebanon, **Lebanon County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Environmental Systems Products, Inc., 11 Kripes Road, East Granby, CT 06026, submitted a combined Remedial Investigation Report/Cleanup Plan concerning remediation of site soils and groundwater contaminated with inorganics, lead and PAHs. The applicant proposes to remediate the site to a combination of the Statewide Health and Site-Specific Standards. The report and the plan were approved by the Department on July 19, 2004.

City of Altoona, Blair County. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of City of Altoona, submitted a nonuse aquifer designation certification request to the Department on July 9, 2004. The request was approved by the Department on July 15, 2004.

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

Former Robert Banks Scrapyard, City of Sunbury, **Northumberland County**. Veolia Water Systems, on behalf of Robert Bank Estate, P. O. Box 544, State College, PA 16804, has submitted a Final Report concerning soil contaminated with lead, metals, PAHs and PCBs. This Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 15, 2004.

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

Stackpole Center Industrial Site Northeast Area, City of St. Marys, **Elk County**. Edward B. Burkett, Burkett Env. Svc., 1218 Brusselles St., P. O. Box 1017, St. Marys, PA 15857 has submitted a Final Report on behalf of David Critchfield, Emsource St. Marys LLC, 1248 Brusselles St., St. Marys, PA 15857 concerning the remediation of site soil, groundwater and surface water contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The Final Report was approved by the Department on July 16, 2004.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

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

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

Registration under General Permit No. WMGR09R035. **Eastern Industries, Inc.**, 4401 Camp Meeting Road, Suite 200, Pittsburgh, PA 18034. General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as

a roadway construction material. The Central Office approved this registration for coverage under the general permit on July 14, 2004.

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

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

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

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

Severn Trent Pipeline Services, Inc., 3605 Hartzdale Dr., Camp Hill, PA 17011. Authorization No. WH6317. Effective June 25, 2004.

Rafael A. Munoz, 820 Karoly St., Bethlehem, PA 18017. Authorization No. WH6327. Effective June 29, 2004.

KLG Electrical, 313 Mail Route Rd., Sinking Spring, PA 19608. Authorization No. WH6329. Effective June 29, 2004.

Rodop Huseyin, 2665 Willits Rd., Philadelphia, PA 19114. Authorization No. WH6330. Effective June 29, 2004.

The Green Scene, 758 Village Road West, West Windsor, NJ 08550. Authorization No. WH6331. Effective June 29, 2004.

Northumberland Borough, 221 2nd St., Northumberland, PA 17857. Authorization No. WH6332. Effective June 29, 2004.

CWS Trucking, 11 Valnettas Ln., Oxcoola Mills, PA 16666-1732. Authorization No. WH6333. Effective June 29, 2004.

Hutchinson General Contracting, P. O. Box 987, Levittown, PA 19058. Authorization No. WH6335. Effective July 16, 2004.

Gursewak Singh, 33 Eagle Rock Village, Budd Lake, NJ 01828. Authorization No. WH6336. Effective June 29, 2004.

M. A. S. Businesses, Inc., 76 Oakbrook Rd., Levittown, PA 19057. Authorization No. WH6337. Effective June 29, 2004.

John Allen Excavating, Inc., R. R. 1 Box 193, Sugar Grove, PA 16350-9225. Authorization No. WH6338. Effective July 8, 2004.

Cason Construction, 2700 Ridge Rd., Sinleyville, PA 15332. Authorization No. WH6339. Effective June 29, 2004.

F & H Excavating, P. O. Box 362, Minersville, PA 17954. Authorization No. WH6340. Effective June 29, 2004.

Arvilla Oilfield Services, LLC, P. O. Box 432, Saint Marys, WV 26170. Authorization No. WH6341. Effective July 8, 2004.

PennOhio Corporation, 4813 Woodman Ave., Ashtabula, OH 44004. Authorization No. WH6342. Effective June 29, 2004.

Joan R. Joaquin, 192 Wilson Ave., Suite 259, Newark, NJ 07105. Authorization No. WH6343. Effective June 29, 2004.

Tomson's Scrap Metal, P. O. Box 102, Brackenridge, PA 15014-0102. Authorization No. WH6344. Effective June 29, 2004.

Guy R. Kline, 416 Lumber City Hwy., Mahaffey, PA 15757. Authorization No. WH6345. Effective July 1, 2004.

M & M Carting, 324 Washington Ave., Union, NJ 07083. Authorization No. WH6364. Effective July 1, 2004.

Black Gold Transport, Inc., 185 Deerfield Dr., Marion Center, PA 15759. Authorization No. WH6347. Effective July 7, 2004.

Michael D. Richardson, 4407 State Hwy. 41, Greene, NY 13778. Authorization No. WH6348. Effective July 7, 2004.

Stevenson Builders, Inc., 402c N. Mill Rd., Kenneth Square, PA 19348-2426. Authorization No. WH6349. Effective July 7, 2004.

Joseph D. Antidormi, R. R. 2, Box 2135, Lake Ariel, PA 18436. Authorization No. WH6350. Effective July 13, 2004.

Brian Mowry, 648 South Imler Valley Rd., Osterburg, PA 16667. Authorization No. WH6351. Effective July 8, 2004.

BBX, LLC, 203 Main St., PMB 264, Flemington, NJ 08822. Authorization No. WH6352. Effective July 7, 2004.

Vincent McGilvery, 1605 Cardiff Rd., Nanty Glo, PA 15943. Authorization No. WH6353. Effective July 8, 2004.

Jeffery S. Sargent, 960-A State Highway 173, Bloomsburg, NJ 08804. Authorization No. WH6354. Effective July 12, 2004.

Edward W. Kuhlman, 142 Valley View Ln., Butler, PA 16001. Authorization No. WH6355. Effective July 7, 2004.

American Recycling Services, 6200 Mount Zion Rd., Waynesboro, PA 17265. Authorization No. WH6356. Effective July 7, 2004.

Woody's, N. Front St., Enola, PA 17025. Authorization No. WH6357. Effective July 16, 2004.

Three Rams Trucking, Inc., 103-02 Ninety First Ave., Richmond, NY 11419. Authorization No. WH6358. Effective July 8, 2004.

Reuben D. Barner, 340 Wheatley Ave., Northumberland, PA 17857. Authorization No. WH6359. Effective July 8, 2004.

Ernest D. Miller, R. R. 3, Box 347, Middleburg, PA 17842. Authorization No. WH6360. Effective July 8, 2004.

Halvinder Singh, 47-31 Garden View Terrace, East Windsor, NJ 08520. Authorization No. WH6361. Effective July 12, 2004.

Exclusive Animal Service, P. O. Box 422, Hatfield, PA 19440. Authorization No. WH6362. Effective July 12, 2004.

Augusto Beltran, 748 N. Fourth St., Allentown, PA 18102. Authorization No. WH6363. Effective July 12, 2004.

Jason Gregg Trucking, P. O. Box 306, 650 Forest St., Coalport, PA 16627-0306. Authorization No. WH6365. Effective July 12, 2004.

Fred Smeal Trucking, 725 Market St., Coalport, PA 16627-4218. Authorization No. WH6366. Effective July 12, 2004.

Jesi-Al Corp., 107 Van Horne St., Jersey City, NJ 07304. Authorization No. WH6367. Effective July 12, 2004.

Carly R. Canton, 58 Madison Ave., No. 2, Jersey City, NJ 07304. Authorization No. WH6368. Effective July 12, 2004.

Kessel Transport, LLC, 316 Cambourne Dr., Toms River, NJ 08753. Authorization No. WH6369. Effective July 9, 2004.

James T. Sherry, 2675 Colver Rd., Ebensburg, PA 15931. Authorization No. WH6370. Effective July 13, 2004.

Beatty's Backhoe Service, 3447 Shamokin Trail, Luthersburg, PA 15848. Authorization No. WH6371. Effective July 13, 2004.

Marty Stofanaks Decorative Concrete Designs, Inc., 4 Front St., Easton, PA 18042. Authorization No. WH6372. Effective July 13, 2004.

Howard Brothers Excavating, Inc., 2105 Campbells Mill Rd., Blairsville, PA 15717. Authorization No. WH6373. Effective July 14, 2004.

A. E. R. C., Com, Inc., 2591 Mitchell Ave., Allentown, PA 18103-6609. Authorization No. WH6374. Effective July 13, 2004.

N. H. Buck Excavating, 215 Tower Rd., Mertztown, PA 19539-9154. Authorization No. WH6375. Effective July 16, 2004.

M. Painting Company, Inc., 89 Darcy St., Newark, NJ 07105. Authorization No. WH6376. Effective July 14, 2004.

3X Recovery, Inc., 107 Stangler Dr., Natrona Heights, PA 15065-3941. Authorization No. WH6377. Effective July 14, 2004.

Gill Sons Trucking, 13719 Wolf Ave., Garfield Heights, OH 44125. Authorization No. WH6379. Effective July 16, 2004.

APA, Inc., 9 Princeton St., Summit, NJ 07901. Authorization No. WH6380. Effective July 16, 2004.

Hawley Brothers, Inc., 192 Harrison Rd., Chesterfield, NJ 08562. Authorization No. WH6381. Effective July 16, 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.

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

GP1-21-03007A: Purina Mills, LLC (P. O. Box 66812, St. Louis, MO 63166) on July 14, 2004, for small gas and no. 2 oil fired combustion units under GP1 in Hampden Township, **Cumberland County**.

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

GP1-11-00090: Conemaugh Memorial Hospital (1086 Franklin Street, Johnstown, PA 15905) on July 15, 2004, to construct three Hurst 500 series 29.2 mmBtu/hr gas/oil boilers in **Cambria 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.

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

66-315-035B: The Procter and Gamble Paper Products Co. (P. O. Box 32, Route 87, Mehoopany, PA 18629) on June 30, 2004, to modify plan approval conditions for paper machines 7M and 8M at their facility in Washington Township, **Wyoming County**.

39-309-060: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on July 8, 2004, to construct a cement/slag blending operation and associated air cleaning devices at their facility in Whitehall Township, **Lehigh County**.

54-313-084: Air Products and Chemicals, Inc. (R. R. 1, Box 351, Tamaqua, PA 18252) on July 15, 2004, to modify the Nitrogen Trifluoride Production West Plant to increase production at their facility in Rush Township, **Schuylkill County**.

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

06-05002C: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) on July 12, 2004, to install a midkiln air injection system on Portland Cement kiln no. 2 at their facility in Maiden creek Township, **Berks County**.

36-05079C: Chester County Solid Waste Authority (P. O. Box 476, Honey Brook, PA 19344) on July 15, 2004, to expand the Lanchester landfill to accommodate approximately 3,598,542 cubic yards of additional municipal solid waste in Caernarvon Township, **Lancaster County**.

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

14-00002A: Graymont (PA), Inc. (P. O. Box 448, Bellefonte, PA 16823) on July 9, 2004, to construct two coal/petroleum coke fired lime kilns and associated lime, limestone and coal/coke manufacturing and handling equipment and associated air cleaning devices (fabric collectors and wet scrubber) in Spring Township, **Centre County**.

08-00003A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on July 2, 2004, to construct a trim surface coating operation (two spray booths and four ovens) and associated air cleaning devices (two upflow cyclonic separators and two fabric collectors) in Wysox Township, **Bradford County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

15-0039: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 18, 2004, to operate a dryer burner in East Caln Township, **Chester County**.

46-0108A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 18, 2004, to operate a cyclone and baghouse in Marlborough Township, **Montgomery County**.

46-0037G: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on July 19, 2004, to operate one boiler in Douglass Township, **Montgomery County**.

46-0037K: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on July 19, 2004, to operate a dust collector in Douglass Township, **Montgomery County**.

46-0037L: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on July 19, 2004, to operate a tantalum flake powder project in Douglass Township, **Montgomery County**.

46-0069A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 19, 2004, to operate two baghouses in Whitmarsh 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.

35-322-006: Alliance Sanitary Landfill, Inc. (398 South Keyser Avenue, Taylor, PA 18517) on June 30, 2004, to install and operate one 5,000 scfm capacity and two 4,000 cfm capacity enclosed flares for the combustion of landfill gas at their facility in Taylor and Old Forge Boroughs and Ransom Township, **Lackawanna County**. This action does not represent any additional waste being introduced into the landfill, or an expansion of the landfill, merely the installation of control devices. The Plan Approval has been extended.

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

67-05004D: P.H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on March 13, 2004, to install a new brownstock washing and screening system and an oxygen delignification system on the hardwood pulping line at their pulp and paper mill in Spring Grove Borough, **York County**. This plan approval was extended.

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

19-00006B: DLM Foods, LLC (6670 Low Street, Bloomsburg, PA 17815) on July 9, 2004, to operate two 26.6 million Btu per hour natural gas/no. 6 fuel oil-fired boilers on a temporary basis, until November 6, 2004, in South Centre Township, **Columbia County**. The plan approval has been extended.

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

04-00439B: Arrow Terminals LP (2701 Midland-Beaver Road, Industry, PA 15052) on July 19, 2004, to modify their ferroalloy crushing and screening operation in Industry Borough, **Beaver County**. This plan approval was extended.

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

42-197C: M and M Royalty, Ltd.—Irishtown Plant (Route 307, Lewis Run, PA 16738) on July 31, 2004, to install compressors and a reboiler in Lafayette Township, **McKean County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

14-00005: Department of Corrections—Rockview State Correctional Institution (P. O. Box A, Bellefonte, PA 16823) on May 14, 2004, issued a renewal Title V operating permit for their facility in Benner Township, **Centre County**. This issuance includes an administrative amendment for the addition of a natural gas/no. 2 fuel oil fired boiler. All applicable requirements including Federal and State regulations have been included in this operating permit. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included in this operating permit.

Operating Permits for Non-Title V Facilities Issued 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.

07-05024: Gulf Oil, LP (90 Everett Avenue, P. O. Box 9151, Chelsea, MA 02150-2337) on July 14, 2004, for a gasoline distribution facility at their Altoona Terminal in Allegheny Township, **Blair County**.

22-03052: Harman Stove Co. (352 Mountain House Road, Halifax, PA 17032) on July 16, 2004, for a stove coating operation in Jackson Township, **Dauphin County**.

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

49-00055: Jeff's Autobody and Recycling Center (R. R. 1 Box 318, Paxinos, PA 17860) on June 28, 2004, issued a State-only Operating Permit for their facility in Shamokin Township, **Northumberland County**. The facility's main sources include a secondary aluminum smelting furnace and automotive spray paint booth. The State-only Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

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

26-00020: Better Materials Corp. (2200 Springfield Pike, Connellsville, PA 15425) on July 14, 2004, to renew their operating permit for their Rich Hill Quarry in Bullsken Township, **Fayette County**. The permit includes revised existing conditions and previously applicable requirements.

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

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

01-03016: Dal Tile Corp. (2938 York Road, Gettysburg, PA 17325) on July 12, 2004, to operate their ceramic floor and wall tile products facility in Straban Township, **Adams County**. The State-only Operating Permit was administratively amended to incorporate the conditions of Plan Approval 01-03016A. This is Revision No. 2 of the operating permit.

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

49-00033: Watsontown Brick Co. (P. O. Box 68, Route 405, Watsontown, PA 17777) on June 11, 2004, issued a revised Title V Operating Permit, Revision No. 3, for their brick manufacturing facility in Delaware Township, **Northumberland County**. This revision is a minor operating permit modification that authorizes the discontinued use of lime and a reduction in the amount of sodium bicarbonate feed rate to the dry scrubber system controlling air contaminant emissions from brick kiln no. 2. The operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00008: Cerro Metal Products Co. (P. O. Box 388, Bellefonte, PA 16823) on June 18, 2004, issued a revised State-only (Synthetic Minor) Operating Permit, Revision No. 2, for their copper rolling and brass product facility in Spring Township, **Centre County**. This revision is a minor operating permit modification to include a new natural gas/no. 2 fuel oil fired burner with a rated heat input capacity of 14.7 mmBtu per hour in Source ID 033 of the operating permit. The revision also authorizes the facility to move the heat treat area from plant 1 to plant 4 and connect it with plant 4's fabric collector (ID C108). The operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

63-00016: Allegheny Energy Supply Co., LLC (4350 Northern Pike, Monroeville, PA 15146-2841) on July 14, 2004, to include the historically permitted practice of combusting waste oils in their Mitchell Power Station boilers in their Title V permit in Monongahela Township, **Washington County**. No waste oils with total halides greater than 1,000 parts per million will be burned.

03-00023: Allegheny Energy Supply Co., LLC (4350 Northern Pike, Monroeville, PA 15146-2841) on July 14, 2004, to include the historically permitted practice of combusting waste oils in their Armstrong Power Station boilers in their Title V permit in Washington Township,

Armstrong County. No waste oils with total halides greater than 1,000 parts per million will be burned.

30-00099: Allegheny Energy Supply Company, LLC (4350 Northern Pike, Monroeville, PA 15146-2841) on July 14, 2004, to include the historically permitted practice of combusting waste oils in the Hatfield's Ferry Power Station boilers in their Title V permit in Monongahela Township, **Greene County**. No waste oils with total halides greater than 1,000 parts per million will be burned.

26-00475: Amerikohl Mining, Inc. (P. O. Box 427, Acme, PA 15610) on July 14, 2004, for their Jim Mountain Quarry in Springfield Township, **Fayette County**. The operating permit will be amended to: change ownership, identify the new permit contact person, change the new responsible official, revise existing conditions and include previously applicable requirements.

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.

04971301 and NPDES Permit No. PA0215074. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to transfer the permit for the Beaver Valley Mine in Greene Township and Shippingport Borough, **Beaver County**, from MJ Mining Company and to change the operation name from MJ-Mine No. 1. No additional discharges. Permit issued July 15, 2004.

32971301 and NPDES Permit No. PA0215082. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to renew and revise the permit for the Josephine No. 3 Mine in Center Township, **Indiana County**, for renewal and revision to add permit and subsidence control plan acres. Underground Acres Proposed 863.6, SCP Acres Proposed 863.6. No additional discharges. Permit issued July 15, 2004.

03851301 and NPDES Permit No. PA0214086. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to renew the permit for the Rosebud No. 2 Mine in Perry Township, **Armstrong County** and related NPDES permit for reclamation only. No additional charges. Permit issued July 15, 2004.

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

37840102 and NPDES Permit No. PA0108227. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Shenango and Wayne Townships, **Lawrence County**, affecting 487.0 acres. Receiving streams: unnamed tributaries to Snake Run, two unnamed tributaries to Beaver River. This renewal is issued for reclamation only. Application received May 5, 2004. Permit issued July 7, 2004.

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

56980108 and NPDES Permit No. PA0234915. Fieg Brothers (3070 Stoystown Road, Stoystown, PA 15563), permit renewal for continued operation of a bituminous surface mine in Milford Township, **Somerset County**, affecting 160.7 acres. Receiving streams: unnamed tributaries to Coxes Creek (WWF). There are no potable water supply intakes within 10 miles downstream. Application received September 26, 2003. Permit issued July 13, 2004.

32663056 and NPDES Permit No. PA0606111. Beilchick Brothers (P. O. Box 7, Heilwood, PA 15746-007), surface mining permit renewal in Pine Township, **Indiana County**, affecting 748 acres. Receiving streams: unnamed tributaries to and Little Yellow Creek (HQ-CWF). The first downstream potable water supply intake from the point of discharge is the Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received April 30, 2004. Permit issued July 13, 2004.

56890101. Croner, Inc. (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), surface mining permit revision and permit renewal in Brothersvalley Township, **Somerset County**, affecting 226.6 acres. Receiving streams: unnamed tributary to Buffalo Creek and Buffalo Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 23, 2004. Permit issued July 15, 2004.

11940106 and NPDES Permit No. PA0212881. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849), permit renewal for reclamation only in White Township, **Cambria County**, affecting 142.4 acres. Receiving streams: unnamed tributaries to Dutch Run, Dutch Run to Beaver Dam Run to Clearfield Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received June 14, 2004. Permit issued July 14, 2004.

32940102 and NPDES Permit No. PA0212709. GLR Mining, Inc. (P. O. Box 105, Clymer, PA 15728), SMP renewal for reclamation only in Pine Township, **Indiana County**, affecting 150.4 acres. Receiving streams: unnamed tributaries to Leonard Run and Leonard Run (CWF). The first downstream potable water supply intake from the point of discharge is the Indiana County Water Authority Yellow Creek surface water intake. Application received May 4, 2004. Permit issued July 14, 2004.

56990104 and NPDES Permit No. PA0235181. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only in Jenner Township, **Somerset County**, affecting 140.0 acres. Receiving streams: unnamed tributaries to and Gum Run; unnamed tributaries to and Roaring Run (EV). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Quemahoning Dam withdrawal. Application received June 10, 2004. Permit issued July 14, 2004.

11990104 and NPDES Permit No. PA0235156. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only in Portage Township, **Cambria County**, affecting 280.1 acres. Receiving streams: unnamed tributaries to and Trout Run (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Little Conemaugh River Water Intake. Application received June 10, 2004. Permit issued July 14, 2004.

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

63880102 and NPDES Permit No. PA0591025. Robinson Coal Company (200 Neville Road, Pittsburgh, PA 15225), permit renewal issued for continued reclamation only of a bituminous surface mining site in Robinson Township, **Washington County**, affecting 55.0 acres. Receiving streams: unnamed tributary to Robinson Run to Chartiers Creek to Ohio River. Application received April 27, 2004. Renewal issued July 13, 2004.

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

17970112 and NPDES Permit No. PA0220680. Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651), transfer of an exiting bituminous surface mine-auger permit from Cougar Contracting, Inc. The permit is in Bigler Township, **Clearfield County** and affects 209 acres. Receiving streams: unnamed tributaries of Muddy Run to Muddy Run; Muddy Run to Clearfield Creek; Clearfield Creek to West Branch Susquehanna River. Application received October 17, 2003. Permit issued July 8, 2004.

17960108 and NPDES Permit No. PA0220337. Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651), transfer of an existing bituminous surface mine permit from Cougar Contracting, Inc. The permit is in Bigler Township, **Clearfield County** and affects 13.7 acres. Receiving streams: unnamed tributaries of Muddy Run to Muddy Run, Muddy Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received October 21, 2003. Permit issued July 8, 2004.

Noncoal Permit Actions

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

40042802. Don E. Bower, Inc. (7612 Columbia Boulevard, Berwick, PA 18603), commencement, operation and restoration of a quarry in Salem Township, **Luzerne County**, affecting 5.0 acres. Receiving streams: Susquehanna River. Application received April 26, 2004. Permit issued July 15, 2004.

06980301C and NPDES Permit No. PA0223883. Highway Materials, Inc. (P. O. Box 1650, Blue Bell, PA 19422), renewal of NPDES permit for discharge of treated mine drainage for an existing quarry in Alsace Township, **Berks County**. Receiving streams: unnamed tributary to Bernhart Creek. Application received May 26, 2004. Renewal issued July 15, 2004.

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 for an existing quarry in Antrim Township, **Franklin County**, receiving streams: Muddy Run. Application received June 1, 2004. Renewal issued July 15, 2004.

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

11040801. Greenley Energy Holdings of Pennsylvania (153 Wilson Street, Central City, PA 15926), small noncoal (industrial minerals) surface mining permit for topsoil removal in Richland Township, **Cambria County**, affecting 3.0 acres. Receiving streams: Little Paint Creek (CWF). There are no potable water intakes within 10 miles downstream. Application received February 13, 2004. Permit issued July 13, 2004.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

48044026. Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting at Pro-Logistics in Lower Nazareth Township, **Northampton County**, with an expiration date of July 23, 2005. Permit issued July 12, 2004.

09044017. Labrador Construction (P. O. Box 1379, Marshalls Creek, PA 18335) and **Austin Powder Company** (559 Nor-Bath Boulevard, Northampton, PA 18067), construction blasting at Beaver Run in Richland Township, **Bucks County**, with an expiration date of January 1, 2005. Permit issued July 12, 2004.

09044018. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at Reserve at Hilltown in Hilltown Township, **Bucks County**, with an expiration date of August 7, 2005. Permit issued July 12, 2004.

35044010. Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting at Glen Mara in Moosic Borough, **Lackawanna County**, with an expiration date of August 8, 2005. Permit issued July 12, 2004.

23044004. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380), construction blasting at Belmont Subdivision in Bethel Township, **Delaware County**, with an expiration date of August 8, 2005. Permit issued July 12, 2004.

64044007. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at The Wallflower in Canaan Township, **Wayne County**, with an expiration date of June 28, 2005. Permit issued July 12, 2004.

36044066. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Burkholder Paving in Earl Township, **Lancaster County**, with an expiration date of August 6, 2005. Permit issued July 12, 2004.

39044010. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Miller Street Project in Whitehall Township, **Lehigh County**, with an expiration date of August 11, 2005. Permit issued July 12, 2004.

38044012. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Horning's Roadside Market in Jackson Township, **Lebanon County**, with an expiration date of August 8, 2005. Permit issued July 13, 2004.

38044013. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Keystone Air Products in Jackson Township, **Lebanon County**, with an expiration date of August 8, 2005. Permit issued July 13, 2004.

38044013. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County**, with an expiration date of November 7, 2004. Permit issued July 13, 2004.

54044005. Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting at Wal-Mart High Ridge Park in Butler and Cass Townships, **Schuylkill County**, with an expiration date of June 30, 2005. Permit issued July 13, 2004.

13044002. Austin Powder Company (P. O. Box 289, Northampton, PA 18067), construction blasting at Stoney Mountain Road Project in Penn Forest Township, **Carbon County**, with an expiration date of August 14, 2005. Permit issued July 13, 2004.

46044023. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Merck Phase III Pipeline Projects Contract No. 530-04-07 in Upper and Lower Gwynedd Townships, **Montgomery County**, with an expiration date of April 7, 2005. Permit issued July 13, 2004.

06044027. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Sanitary Sewer Collection System Contract No. 2 in Ontelaunee Township, **Berks County**, with an expiration date of April 7, 2005. Permit issued July 13, 2004.

22044020. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting at Brynfield III A in West Hanover Township, **Dauphin County**, with an expiration date of December 31, 2004. Permit issued July 13, 2004.

38044015. Keystone Blasting Services (381 Reifsnyder Road, Lititz, PA 17543), construction blasting at Burkholder Motor Repairs in Jackson Township, **Lebanon County**, with an expiration date of September 7, 2004. Permit issued July 13, 2004.

38044014. Keystone Blasting Services (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in South Lebanon Township, **Lebanon County**, with an expiration date of November 7, 2004. Permit issued July 13, 2004.

06044030. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Green Valley Elementary School in Lower Heidelberg Township, **Berks County**, with an expiration date of July 30, 2005. Permit issued July 13, 2004.

67044035. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for W. Leshner Builder in Fairview Township, **York County**, with an expiration date of July 31, 2005. Permit issued July 15, 2004.

21044054. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Southampton Township, **Cumberland County**, with an expiration date of September 30, 2004. Permit issued July 15, 2004.

28044027. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Rolling Hills, Antrim Township, **Franklin County**, with an expiration date of July 31, 2005. Permit issued July 15, 2004.

28044028. David H. Martin, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting at Antrim Crossing in Antrim Township, **Franklin County**, with an expiration date of July 31, 2005. Permit issued July 15, 2004.

21044055. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for North Ridge Development in North Middleton Township, **Cumberland County**, with an expiration date of December 31, 2004. Permit issued July 15, 2004.

21044057. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Keystone Arms in North Middleton and Middlesex Townships, **Cumberland County**, with an expiration date of July 31, 2005. Permit issued July 15, 2004.

21044056. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Tyson Commons Subdivision in Silver Spring Township, **Cumberland County**, with an expiration date of July 31, 2005. Permit issued July 15, 2004.

06044028. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Keiser Ridge Condominium in Spring Township, **Berks County**, with an expiration date of August 12, 2005. Permit issued July 15, 2004.

06044029. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Inverness 2 Housing in Spring Township, **Berks County**, with an expiration date of August 12, 2005. Permit issued July 15, 2004.

39044011. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Spring Ridge Crossing in Lower Macungie Township, **Lehigh County**, with an expiration date of August 14, 2005. Permit issued July 15, 2004.

09044019. Schlouch Inc. (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Strothers Property Housing in Perkasio Borough, **Bucks County**, with an expiration date of August 14, 2005. Permit issued July 15, 2004.

22044021. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Capital Area Greenbelt Walking Path in Susquehanna Township, **Dauphin County**, with an expiration date of October 30, 2004. Permit issued July 15, 2004.

46044024. Allen A. Myers, L. P. (P. O. Box 98, Worcester, PA 19490), construction blasting at Cobblestone Crossing Development in Douglass Township, **Montgomery County**, with an expiration date of August 12, 2005. Permit issued July 15, 2004.

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

33044001. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16803), blasting activity permit for road construction in Washington Township, **Jefferson County** for 160 days. Application received July 12, 2004. Application issued July 13, 2004.

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

14044015. Dave Lingle (124 Limestone Lane, Spring Mills, PA 16875), for construction blasting in Gregg Township, **Centre County**, with an expected duration of 24 days. Permit issued July 6, 2004.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E39-432. North Whitehall Township, 3256 Levans Road, Coplay, PA 18037. North Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District. Subbasin 2C.

To fill a 0.3 acre manmade pond within the Coplay Creek Watershed (CWF, basin) for the purpose of converting it to a stormwater detention basin. The project is approximately 0.25 mile southeast of Meyersville Road and Sand Spring Road (Cementon, PA Quadrangle N: 7.5 inches; W: 10.25 inches).

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

E36-778: Lititz Borough, 7 South Broad Street, Lititz, PA 17543 in Lititz Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project within the channel and 100-year floodplain of Santo Domingo Creek (WWF) for the purposes of: streambank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat within New Street Community Park (Lititz, PA Quadrangle Latitude 40°09'36", Longitude 76°17'54") in Lititz Borough, Lancaster County. The stream restoration design consists of channel relocation, stream and floodway excavation and filling and installation of a log vane grade control structure.

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

E18-375. Jacob V. Heisey, 103 Vilas Road, Jersey Shore, PA 17740. Heisey Beef Farm in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 7.88 inches; W: 6.25 inches).

To construct and maintain three pole barn shed additions to an existing barn: (1) a 40-foot by 60-foot machinery storage shed with two of the three sides closed; (2) a 24-foot by 110-foot roofed barnyard with open sides; (3) a 44-foot by 70-foot roofed barnyard with open sides; (4) 48 cubic yards of clean earth and 2RC gravel fill for a level

access road around the barn; and (5) a 20-foot diameter by 60-foot high impervious concrete silo in the left 100-year floodway of the West Branch Susquehanna River 2,300 feet downriver from the T-437 and T-438 road intersection. This permit was issued under section 105.13(e) "Small Projects."

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

E02-1456. Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. Dual three-span bridge over Chartiers Creek in Collier Township, **Allegheny County**, Pittsburgh ACOE District. To operate and maintain a dual three-span bridge (Bridges 1 and 2) over Chartiers Creek (WWF). Bridge 1 has a span of approximately 228 feet and underclearance of approximately 27 feet. Bridge 2 has a span of approximately 253 feet and underclearance of approximately 27 feet. For Bridge 2, new pier jacket will be constructed and maintained with scour protection around Piers 1 and 2. The bridge deck and parapets for both bridges will be removed and a new one will be constructed and maintained (Bridgeville, PA Quadrangle N: 22.1 inches; W: 15.1 inches; Latitude: 40°22'18" and Longitude: 80°06'30"). To operate and maintain a six-span bridge (Bridge 12) across Robinson Run (WWF), the bridge (Ramp D) has a span of approximately 667 feet and underclearance of approximately 85 feet. Pier 3 will be replaced and maintained, the rest of the piers will be modified and maintained. The bridge deck and parapet will be removed and a new one will be constructed and maintained and the abutments will be modified and maintained (Pittsburgh West, PA Quadrangle N: 4.5 inches; W: 14.7 inches; Latitude: 40°23'59" and Longitude: 80°06'20"). To operate and maintain a dual five-span bridge (Bridges 13 and 14) across Robinson Run, the bridges are next to Bridge 12. Bridge 13 has a span of approximately 602 feet and an underclearance of approximately 80 feet. Bridge 14 has a span of approximately 582 feet and underclearance of approximately 80 feet. The bridge decks and parapets for both bridges will be removed and new ones constructed and maintained. Pier scour protection shall be placed and maintained around Pier 3 for both bridges. A temporary causeway approximately 440-foot long will be constructed under Bridges 12—14. Slope anchors will be constructed and maintained under these bridges. To construct and maintain an 18-inch diameter CMP outfall to a tributary to Robinson Run and various outfalls to Chartiers Creek. A temporary stream crossing will be constructed across Robinson Run and an 18-inch diameter CMP outfall in a tributary to Robinson Run. The work is part of the proposed SR 0079 Section A12 bridge rehabilitation and reconstruction project in Collier Township, Allegheny County.

E02-1461. Borough of Sewickley, 601 Thorn Street, Sewickley, PA 15143. Storm sewer line in Sewickley Borough, **Allegheny County**, Pittsburgh ACOE District (Ambridge, PA Quadrangle N: 6.25 inches; W: 8.25 inches—Latitude: 40° 32'03" and Longitude: 80°11'06"). To remove the existing structure and to construct and maintain a storm sewer line with a 60-inch by 38-inch elliptical RCP outfall structure on the right bank of the Ohio River (WWF) for the purpose of discharging stormwater from Chestnut Street to the Ohio River. The project is along Chestnut Street, approximately 1,023.0 feet southwest from the intersection of Chestnut Street and Ohio River Boulevard (SR 65).

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

E27-069, Forest School District, 210 Vine Street, Tionesta, PA 16353-9707. West Forest Elementary Secondary School in Hickory Township, **Forest County**, ACOE Pittsburgh District (Hickory, PA Quadrangle N: 7.7 inches; W: 8.25 inches).

The applicant proposes to construct building additions to the existing school, parking areas and other infrastructure improvements including a new sewage treatment plant approximately 1.8 miles southwest of the intersection of SR 3004 and Connelly Hill Road to: (1) construct and maintain a 0.5-foot diameter ductile iron sewage outfall pipe with headwall on the left bank of the Allegheny River and one utility line stream crossing of a UNT Allegheny River (the headwall shall be approximately 5.8 feet wide and shall be recessed into the bank and filled with large native river rock to provide a natural visual appearance); (2) widen an access drive for a length of approximately 344 feet within the floodway of a UNT Allegheny River; (3) construct and maintain a utility line stream crossing of a 1-inch diameter water line across a UNT Allegheny River; (4) construct and maintain a 1.5-foot diameter HDPE plastic stormwater outfall pipe with a concrete headwall and gabion basket energy dissipater and discharging to a UNT Allegheny River; (5) remove the existing structure and to construct and maintain a crossing consisting of two 28-foot long, 3-foot wide by 2.5-foot high corrugated metal pipe arch culverts in a UNT Allegheny River; and (6) to construct and maintain a 1.0-foot diameter HDPE plastic stormwater outfall pipe discharging to an UNT Allegheny River.

E33-211, John Depp, Hamilton, PA 15744. John Depp Foundry Run streambank stabilization in Perry Township, **Jefferson County**, ACOE Pittsburgh District (Valier, PA Quadrangle N: 8.75 inches; W: 12.25 inches).

To realign approximately 160 feet of the channel of Foundry Run and to install rock riprap bank protection along approximately 280 feet of the right bank and 55 feet along the left bank extending upstream from SR 3009 west of the Village of Hamilton to provide stabilization and flood protection for a private residence.

E42-306, Foster Township, 1185 East Main Street, Bradford, PA 16701-3220. Tuna Cross Road bridge replacement in Foster Township, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 21.15 inches; W: 16.85 inches).

To remove the existing reinforced concrete piers and to construct and maintain a composite beam bridge with reinforced concrete deck having two spans each at 98.75 feet with maximum underclearances of 15 feet and 13 feet across the Tunungwant Creek (WWF) and to place fill within a palustrine emergent wetland having a de minimis impact of 0.013 acre at a point approximately 1,000 feet west of SR 0219 along Tuna Crossroads.

E42-307, Bradford Area School District, 150 Lorana Avenue, Bradford, PA 16701. Floodwall extension project at the Bradford High School Athletic Field and Track in Bradford City, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 15.5 inches; W: 5.2 inches).

To construct and maintain approximately 510 linear feet of reinforced concrete floodwall to be connected to the existing floodwall behind the Bradford Area High School and along the eastern side of Bennett Brook (CWF), 460 linear feet of wall will be extended from the northern end and 50 linear feet of wall will be extended from the southern end and to install and maintain 290 feet of R-6

riprap protection along the west bank of Bennett Brook, opposite the existing floodwall.

WATER QUALITY CERTIFICATIONS

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

Final Actions under section 401 of the Federal Water Pollution Control Act

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

Project Description: The practice of "obstruction leveling" at the Marcus Hook Refinery facility's mooring area, as an interim maintenance practice, will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine-American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of the 401 Water Quality Certification are to be submitted to the Chief, Soils and Waterways Section, Water Management, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification Granted

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

Project Description: The practice of "obstruction leveling" at the Hog Island Wharf facility's mooring area, as an interim maintenance practice, will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine-American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of the 401 Water Quality Certification are to be submitted to the Chief, Soils and Waterways Section, Water Management, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

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

Project Description: The practice of "obstruction leveling" at the Point Breeze Wharves facility's mooring area, as an interim maintenance practice, will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine-American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of the 401 Water Quality Certification are to be submitted to the Chief, Soils and Waterways Section, Water Management, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

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

Project Description: The practice of “obstruction leveling” at the Girard Point Wharf facility’s mooring area, as an interim maintenance practice, will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine-American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of the 401 Water Quality Certification are to be submitted to the Chief, Soils and Waterways Section, Water Management, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

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

Project Description: The practice of “obstruction leveling” at the Fort Mifflin Terminal facility’s mooring area, as an interim maintenance practice, will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine-American Dredging Companies, Whites Basin Disposal Area, Logan Township, NJ will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of the 401 Water Quality Certification are to be submitted to the Chief, Soils and Waterways Section, Water Management, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

Northcentral Region: Regional Manager, Water Management Program, Northcentral Region, 208 West Third Street, Suite 101, Williamsport, PA 17701.

WQC55-001 Certification Request Initiated By: **James A. Kendter, P.E., District Executive, Engineering District 3-0, Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218.

Date of Initial Pennsylvania Bulletin Notice: October 6, 2003.

Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218, (570) 368-4281, Monroe Township, Snyder County, West Chillisquequa Township, Union County, Union Township, Union County, U. S. Army Corps of Engineers, Baltimore District.

Project Description: The proposed project is to construct approximately 12 to 13 miles of new four-lane divided, limited access highway on a new alignment in Snyder, Union and Northumberland Counties. Project is identified as SR 0015, Section 088 and is known as the Central Susquehanna Valley Transportation Project. The proposed new highway will extend from the existing Selinsgrove by pass stub of U. S. Routes 11/15 in Monroe Township, Snyder County, just north of Selinsgrove, crossing the West Branch of the Susquehanna River near Winfield, Union County and terminating at the interchange between SR 147 and SR 45 in West Chillisquequa Township, Northumberland County. The recommended preferred alternative (DAMA/RC5) for the project, presented in the July 2003 Final Environmental Impact Statement, proposes to impact a total of 7.77 acres of wetlands (4.82 acres PEM, 1.34 acres PSS, 0.91 acre PFO and 0.72 acre POW). The project will also impact the following streams: Rolling Green Run, West Branch Susquehanna River, Chillisquequa Creek and approximately 30 unnamed tributaries to Penns Creek, Susquehanna River, West Branch Susquehanna River and Chillisquequa Creek. Chapter 93 water use protection designations of these streams range from CWF to WWF. One unnamed tributary entering the east side of the West Branch Susquehanna River, northeast of Winfield, contains wild trout. All other streams proposed to be impacted, have neither wild trout nor are they stocked with trout (Northumberland Quadrangle N: 3.37 inches; W: 12.62 inches).

Applicable Conditions: Except as otherwise noted, the Department, under section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303 and 306 and 307 of the act and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

1. Water Obstruction and Encroachment permits must be obtained from the Soils and Waterways Section, Water Management, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701.

2. The proposed activity must comply with 25 Pa. Code Chapters 93, 95, 102 and 105 and all other applicable State regulations and other State requirements.

3. The Department of Transportation must continue to reduce project impacts, only site-specific level, throughout the final design process and include that information with the Chapter 105 Water Obstructions and Encroachment permit applications.

4. As part of the final design and Chapter 102 and 105 permit applications, the Department of Transportation must identify locations and discuss water resource impacts of waste disposal areas, borrow areas, service access roads, haul roads, staging areas, temporary stream and wetland crossings, causeways and cofferdams.

5. Details regarding post-construction stormwater runoff impacts resulting from the completed project and control measures that will be taken, must be described in the Chapter 105 permit applications. The discussion should include stream flow regime changes, increased thermal loading and highway runoff pollutants. The discussion should also include efforts that will be taken to preserve the integrity of stream channels and to protect the physical, biological and chemical qualities of the receiving streams. Furthermore, details regarding the avoidance of wetland and stream impact from construc-

tion of stormwater management facilities should be described.

6. The Chapter 105 Water Obstruction and Encroachment permit applications must include final wetland replacement and stream mitigation/compensation plans, including monitoring plans.

7. The Chapter 105 Water Obstruction and Encroachment permit applications must include documentation of final resolution of the yellow land mussel issue.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a U. S. Army Corps of Engineers individual permit or a Nationwide Permit 14, 18 or 26 will be published with Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

Final Action on Request: Approved.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
04-23-007	Ken L. Kerntke ConocoPhillips Company 4101 Post Road Trainer, PA 19061	Delaware	Borough of Trainer	1 AST storing sodium hydroxide	32,000 gallons

[Pa.B. Doc. No. 04-1395. Filed for public inspection July 30, 2004, 9:00 a.m.]

Facilities General Permit; Transfer, Storage, Composting and Processing of Nonliquid Spent Mushroom Substrate

The following permit is proposed 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), The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations implementing the laws.

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. WMGR100. The Department of Environmental Protection (Department) proposes to authorize, under General Permit WMGR100, the transfer, storage, composting and processing of nonliquid spent mushroom substrate (SMS) for beneficial use and, where applicable, the management of resulting wastewater through construction and operation of wastewater storage and land application. This will be a State-wide general permit.

The Department is authorized under the Solid Waste Management Act, The Clean Streams Law and 25 Pa. Code §§ 91.27 and 287.611 (relating to general water quality management permit; and authorization for general permit) to issue general permits when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the

public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined that transfer, storage, composting and processing of nonliquid SMS for beneficial use and the management of resulting wastewater through construction and operation of wastewater storage and land application can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to register with the appropriate Department regional office or the authorized county conservation district where the facility will be located. The following minimum information will be required on the application to obtain the registration:

- Name and street address of applicant.
- Name and location of facility.
- Name and street address of SMS generators that will use the site.
- A mushroom farm environmental management plan (MFEMP) approved by the Department or an authorized county conservation district which is fully executed and includes, at a minimum, the following: a detailed description of the design plan and operation of the SMS processing facility; a description of the maximum area in acres to be used and the maximum volume of SMS to be at the transfer and/or composting facility at any one time; a detailed description of how the SMS will be picked up, transported, stored, composted and used after processing

activities occur; a description of how precipitation coming into contact with the SMS will be collected and managed; and provisions for groundwater monitoring, where required. For existing facilities operating under an approved MFEMP as of the date of issuance of this general permit, a copy of the approved and executed MFEMP with documentation that the MFEMP is being fully implemented.

e. Proof that waste and waste management activities are consistent with the general permit.

f. Signed and notarized statement by the person who seeks approval to accept all conditions and operate under the terms and conditions of this general permit.

g. A nonrefundable application fee in the amount of \$250, payable to the "Commonwealth of Pennsylvania."

h. Proof that copies of the application information have been submitted to the county conservation district, each municipality, county, county planning agency and county health department, if one exists, in which the transfer and/or composting facility is or will be located.

i. Proof that the applicant has a legal right to enter the land and perform the transfer and/or composting facility activities approved under this permit.

j. A copy of the facility's Preparedness, Prevention and Contingency (PPC) plan, which is consistent with the Department's guidelines on the development and implementation of PPC plans.

k. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities.

l. Information that identifies the applicant (that is, individual, corporation, partnership, government agency, association, and the like) and related parties, including the names and addresses of every officer who has a financial interest in or controls the facility operation.

m. A list of all previous permits or licenses issued to the applicant or to any related parties by the Department or authorized county conservation district or Federal government under the environmental protection acts and the regulations implementing the environmental protection acts, the dates issued and the status of the permits and a description of the applicant's history of compliance with the environmental protection acts and the regulations implementing the environmental protection acts.

n. Proof that any independent contractors retained by the applicant to perform any activities authorized under this permit are in compliance with State and Federal laws and regulations relating to environmental protection.

o. Verification by a responsible official of the applicant with a statement that the information contained in the application is true and correct to the best of the official's information and belief, and attested to by a notary public or district justice.

p. Proof that a Pennsylvania Natural Diversity Inventory (PNDI) review for the facility has been completed. This review should be in accordance with the Department's policy no. 400-0200-001, "Policy for Pennsylvania Natural Diversity Inventory Coordination During Permit Review and Evaluation" (January 18, 2003), or any subsequent amendments or revisions of that policy, and all known occurrences must be resolved with the jurisdictional agency. If a PNDI review has been completed for the facility under another Department program, the

report of that review and approval may be submitted to the Department to satisfy this permit application requirement.

Comments concerning the application should be directed to Habib Sharifi, Ph.D., Solid Waste Program Specialist, 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. Persons interested in obtaining more information or obtaining copies of the proposed general permit should contact the Division of Municipal and Residual Waste at the previous telephone number. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice, by September 29, 2004, and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1396. Filed for public inspection July 30, 2004, 9:00 a.m.]

Laboratory Accreditation and Advisory Committee Meeting Cancellation

The Laboratory Accreditation Advisory Committee (Committee) meeting scheduled for Thursday, August 12, 2004, has been cancelled. The next meeting of the Committee is scheduled for Thursday, October 12, 2004.

Questions concerning this meeting should be directed to Richard Sheibley, (717) 705-2425, rsheibley@state.pa.us.

Persons with a disability who require accommodations to attend the October 12, 2004, meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania 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. 04-1397. Filed for public inspection July 30, 2004, 9:00 a.m.]

State Water Plan Statewide Water Resources Committee, Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the State Water Plan Statewide Water Resources Committee has scheduled a meeting at 10 a.m. on August 5, 2004, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105 to discuss the development of criteria/guidelines for designation of critical water planning areas.

Questions concerning this meeting should be directed to Susan K. Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, sueweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425

or through the Pennsylvania 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. 04-1398. Filed for public inspection July 30, 2004, 9:00 a.m.]

State Water Plan Water Resources Regional Committees Meeting Schedule for August 2004

The following is a list of August 2004 meetings of the six water resources regional committees associated with the Department of Environmental Protection (Department). Notice of these meetings is being given in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act).

These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website: www.dep.state.pa.us (DEP Keyword: Participate).

The six water resources regional committees were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The water resources regional committees' purpose is to develop the regional component of the overall plan, and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The August 2004 meeting dates of the six water resources regional committees are as follows.

Lower Susquehanna Water Resources Regional Committee

The August meeting of the Lower Susquehanna Water Resources Regional Committee will be held at 9:30 a.m. at the following location:

August 2, 2004 Department of Environmental Protection
Southcentral Regional Office
909 Elmerton Ave.
Harrisburg, PA 17110

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Ohio Water Resources Regional Committee

The August meeting of the Ohio Water Resources Regional Committee will be held at 10 a.m. at the following location:

August 9, 2004 Cambria Conservation District
401 Candlelight Drive, Suite 221
Ebensburg, PA 15931

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Great Lakes Water Resources Regional Committee

The August meeting of the Great Lakes Water Resources Regional Committee will be held at 10 a.m. at the following location:

August 10, 2004 First Citizens National Bank
Social Room
502 Main Street
Ulysses, PA 16948

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Delaware Water Resources Regional Committee

The August meeting of the Delaware Water Resources Regional Committee will be held at 9:30 a.m. at the following location:

August 13, 2004 Delaware Valley Regional Planning Commission
The Bourse Building
111 S. Independence Mall East
8th Floor
Philadelphia, PA 19106

Questions concerning this meeting should be directed to Derrick McDonald, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5619, emcdonald@state.pa.us.

Upper/Middle Susquehanna Water Resources Regional Committee

The August meeting of the Upper/Middle Susquehanna Water Resources Regional Committee will be held at 10 a.m. at the following location:

August 19, 2004 Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18711-0790

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Potomac Water Resources Regional Committee

The August meeting of the Potomac Water Resources Regional Committee will be held at 10 a.m. at the following location:

August 20, 2004 Adams County Agricultural Center
670 Old Harrisburg Road, Suite 201
Gettysburg, PA 17325

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend a meeting should contact the Department at (717) 705-2425 or through the Pennsylvania 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. 04-1399. Filed for public inspection July 30, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Clarion Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Clarion Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.64 and 117.30 (relating to administration of drugs; and emergency paramedic services).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number, 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. 04-1400. Filed for public inspection July 30, 2004, 9:00 a.m.]

Application of Community Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Community Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 51.22 and 138.1 (relating to cardiac catheterization; and principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number, 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. 04-1401. Filed for public inspection July 30, 2004, 9:00 a.m.]

Application of Sacred Heart Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sacred Heart Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.31 and 107.32 (relating to medical staff meetings; and meetings and attendance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number, 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. 04-1402. Filed for public inspection July 30, 2004, 9:00 a.m.]

Application of Troy Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Troy Community Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number, 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. 04-1403. Filed for public inspection July 30, 2004, 9:00 a.m.]

Application of UPMC Bryn Mawr Rehab Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bryn Mawr Rehab Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous address or phone number, 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. 04-1404. Filed for public inspection July 30, 2004, 9:00 a.m.]

Equipment and Procedures for Chemical Testing of Blood and Urine

Under 75 Pa.C.S. § 1547(c)(2)(ii) (relating to chemical testing to determine amount of alcohol or controlled substance), the Department of Health (Department) reviews procedures and equipment used by laboratories for testing to determine the alcohol and controlled substance content of blood and urine. As amended September 30, 2003, 75 Pa.C.S. § 1547(c)(2)(ii) requires the Department to review the procedures and equipment by May 31, 2004, giving consideration to scientific and technological advances to ensure that the testing is done in a manner that ensures that the test results are as accurate and reliable as science and technology permit. The Department completed its review within the prescribed time and

concluded that no change in science and technology required the Department to prescribe new procedures or equipment to ensure that test results are accurate and reliable.

Equipment and procedures utilized by laboratories for this purpose are reviewed three times annually to confirm that they are scientifically acceptable and capable of producing reliable results. When new technology becomes available, laboratories planning to utilize this technology must submit documentation describing in detail the procedures and equipment to be employed along with quality assurance data attesting to the reliability of the testing results. Verification of the efficacy of new technology as well as the continuing acceptability of existing methodologies is obtained through proficiency testing which is conducted three times annually in conjunction with the triannual equipment and procedure reviews.

The Department approves laboratories to perform chemical testing of blood and urine, rather than equipment and procedures alone, since approving laboratories provides assurance that not only are acceptable equipment and procedures being employed, but also they are being utilized properly and reliable results are being obtained. This is a more comprehensive process, which provides assurance that all aspects of a laboratory's operation are functioning properly.

Questions regarding this notice should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341, (610) 280-3464, Ext. 3229. Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Dr. Shoemaker at V/TT (717) 783-6514 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1405. Filed for public inspection July 30, 2004, 9:00 a.m.]

Preventive Health and Health Services (PHHS) Block Grant Advisory Committee Meeting

The Preventive Health and Health Services (PHHS) Block Grant Advisory Committee will hold a public meeting on Thursday, August 12, 2004, from 10 a.m. to 1 p.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

For additional information contact Leslie A. Best, Director, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

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

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1406. Filed for public inspection July 30, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Meadowcrest Nursing Center
1200 Braun Road
Bethel Park, PA 15102

Beaver Valley Nursing & Rehabilitation Center
257 Georgetown Road
Beaver Falls, PA 15010

Belair Health and Rehabilitation Center
100 Little Road
Lower Burrell, PA 15068

Eldercrest Nursing Center
2600 West Run Road
Munhall, PA 15120

Havencrest Nursing Center
1277 Country Club Road
Monongahela, PA 15063

Heritage Nursing Home, Inc.
200 South Main Street
Athens, PA 18810

Sugar Creek Station Skilled Nursing & Rehabilitation Complex
351 Causeway Drive
Franklin, PA 16323

Heatherbank
745 Chiques Hill Road
Columbia, PA 17512
FAC ID 084802

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

ManorCare Health Services—Bethel Park
60 Highland Road
Bethel Park, PA 15102

ManorCare Health Services—McMurray
113 West McMurray Road
McMurray, PA 15317

Manchester Presbyterian Lodge
6351 West Lake Road
Erie, PA 16505

Presbyterian Lodge
2628 Elmwood Avenue
Erie, PA 16508

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(f) (relating to resident bedrooms):

Meda Nipple Convalescent Home
R. R. 1 Box 109
Thompsontown, PA 17094-9722

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the address or phone number previously listed, 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. 04-1407. Filed for public inspection July 30, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Care Availability and Reduction of Error Fund Abatement

The purpose of this notice is to announce one of the Department of Public Welfare's (Department) proposals to address the Commonwealth's current medical malpractice crisis, which is creating a serious shortage of physicians in this Commonwealth. The high rate of medical malpractice payouts throughout this Commonwealth has led to ever-increasing private malpractice insurance premiums. In addition, since 1975, physicians and other health care professionals have been required to pay premiums to the Medical Care Availability and Reduction of Error Fund (fund), a Commonwealth-managed malpractice insurance fund. The fund currently provides coverage for malpractice awards between \$500,000 and \$1 million. Current law requires physicians to pay into the fund in each calendar year to cover all liability awards for that year.

The Commonwealth is committed to addressing and remedying the current medical malpractice crisis. In December 2003, the General Assembly passed legislation to abate the premiums that health care providers in this Commonwealth must pay to the fund. The abatement is 100% for qualified physicians practicing in high-risk specialties with the highest medical malpractice costs (specifically, obstetrics, general surgery, neurosurgery and orthopedic surgery) and 50% for all other qualified physicians.

It is appropriate that the Medical Assistance (MA) Program play a role in the fund abatement for providers enrolled in the MA Program, as approximately 75% of the providers who applied for the abatement in 2003 are enrolled in the MA Program and serving MA patients. The abatement costs borne by the MA Program for these physicians are necessary to help prevent these physicians from leaving this Commonwealth because of high malpractice costs, thus ensuring that these physicians (particularly high-risk specialists) remain available to serve the MA population.

Because the Commonwealth's current MA payment methodology does not include a specific element for malpractice costs, the Department proposes to establish a medical malpractice supplemental fee for each physician procedure. The supplemental fee will be established at a

level sufficient to cover MA's share of the fund's liabilities. The supplemental fee, in combination with the procedure fee on the MA Program Fee Schedule, will not exceed what Medicare would pay for the particular service. Each year the Department will make an aggregate payment on behalf of the physicians to the fund for the supplemental fees associated with the physicians' MA claims for the most recent calendar year. Supplemental payments will be made to coincide with the duration of the fund abatement.

Based on a preliminary analysis of MA claims for physicians' services, the Department estimates the supplemental fees to be contributed for calendar years 2003 and 2004 to be \$144 million per year.

Fiscal Impact

The supplemental fees should amount to \$144 million in total funds (\$65.146 million in State funds and \$78.854 million in Federal funds) for calendar year 2003 and \$144 million in total funds (\$66.47 million in State funds and \$77.53 million in Federal funds) for calendar year 2004.

Public Comment

A copy of this notice is available in each local county assistance office. Interested persons are invited to submit written comments to this notice within 10 days of publication in the *Pennsylvania Bulletin* to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-394. (1) General Fund; (2) Implementing Year 2003-04 is \$65.146 million; (3) 1st Succeeding Year 2004-05 is \$66.47 million; 2nd Succeeding Year 2005-06 is \$66.47 million; 3rd Succeeding Year 2006-07 is \$0; 4th Succeeding Year 2007-08 is \$0; 5th Succeeding Year 2008-09 is \$0; (4) 2002-03 Program—N/A (new program); 2001-02 Program—N/A; 2000-01 Program—N/A; (7) Health Care Provider Retention Account; (8) recommends adoption. Costs are the result of a medical malpractice supplemental fee for each physician procedure. Each year the Department will make an aggregate payment of approximately \$144 million, including the State and matching Federal funds, to the Medical Care Availability and Reduction of Error Fund (fund) to cover the Medical Assistance share of the fund's liabilities.

[Pa.B. Doc. No. 04-1408. Filed for public inspection July 30, 2004, 9:00 a.m.]

DEPARTMENT OF STATE

HAVA Organizational Grant Information

The administration of elections has drastically changed due to the passage of Federal and State legislation. The Federal Help America Vote Act of 2002 (HAVA) includes funding to assist states and their political subdivisions to accomplish many of HAVA's mandates. The Department of State (Department) applied for and received the Commonwealth's share of these funds. In accordance with its responsibility for the disbursement of these Federal subsidies, the Department has established a Federal HAVA grant administration process.

Under the State Plan the Commonwealth filed with the United States Election Assistance Commission, the funding received under HAVA may be used only for the purpose of ensuring compliance with HAVA and other activities authorized by HAVA. The State Plan expressed a commitment to consider funding entities other than counties, if sufficient funds were available. The Department has set aside a limited amount of its Title II HAVA funds for use by nonpartisan regional or local community based organizations that intend to establish new programs or enhance existing programs that fulfill the purposes of HAVA.

To facilitate the delivery of Federal funds to organizations, the Department has prepared a Title II organization grant application. Through this application, organizations will be able to apply for HAVA funding that it will use to support the efforts that it must describe in a Program Plan and Justification Narrative that should be designed to fulfill the purposes envisioned by HAVA. This application is accessible through a link at the Department's HAVA website: www.hava.state.pa.us.

PEDRO A. CORTES,
Secretary of the Commonwealth

[Pa.B. Doc. No. 04-1409. Filed for public inspection July 30, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Administrative Docket Filing Fee Schedule

The Department of Transportation (Department), acting through its Office of Chief Counsel under 67 Pa. Code § 491.5(a)(1) (relating to filing fee), establishes the schedule of fees for administrative filings until the next list is published.

The administrative docket filing fee schedule prescribes the filing fee not otherwise provided for by statute or regulation for administrative filings and requests for a hearing regarding Department actions under 2 Pa.C.S. §§ 501—508 and §§ 701—704 (relating to the Administrative Agency Law).

The Department has reviewed its existing filing fee schedule and has determined that amendment of the fee schedule is needed at this time.

Administrative Docket Filing Fee Schedule

1. *Basic filing fee—\$100*

Includes requests for hearing regarding the following matters:

- (a) Cancellation, denial or recall of occupational limited license privilege.
- (b) Cancellation, denial or recall of probationary license.
- (c) Denial of a request for record review under 75 Pa.C.S. § 1516 (relating to department records).
- (d) Denial of credit toward suspension of operating privilege or toward suspension of vehicle registration.
- (e) Minimum use driveway permits (25 vehicles, or less per day).
- (f) School bus/hazardous walking routes.

(g) Miscellaneous matters.

Also includes filing of the following:

(h) Petitions to intervene in permit application review process.¹

(i) Petitions to intervene in matters docketed for hearing.

(j) Formal and informal complaints.²

2. *Level II filing fee—\$150*

Includes requests for hearing regarding the following matters:

(a) Low volume driveway permits (25 to 750 vehicles per day).

(b) Municipal reimbursement matters.

(c) Overweight or oversize truck hauling permits.

(d) Private airport permits.

(e) Motorist information sign matters.

3. *Level III filing fee—\$250*

Includes requests for hearing regarding the following matters:

(a) Medium volume driveway permits (750 to 1,500 vehicles per day).

(b) Highway beautification/outdoor advertising matters.

(c) Utility highway occupancy permit matters.

4. *Level IV filing fee—\$500*

Includes requests for hearing regarding the following matters:

(a) High volume driveway permits (1,500 vehicles per day).

(b) Public airport permits.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1410. Filed for public inspection July 30, 2004, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Alcoa, Inc. v. DEP; EHB Doc. No. 2004-157-L

Alcoa, Inc. has appealed the issuance by the Department of Environmental Protection of NPDES General Permit No. PAG-3 for facilities throughout this Commonwealth.

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

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal

¹ Parties aggrieved by the decision on the permit application may request formal administrative hearing of the matter with remittal of the appropriate fee amount under the request for hearing provisions of this schedule, less the \$100 intervention fee already paid.

² Parties aggrieved by the decision on the formal or informal complaint may request formal administrative hearing of the matter with remittal of the appropriate fee amount under the request for hearing provisions of this schedule, less the \$100 intervention fee already paid.

business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 04-1411. Filed for public inspection July 30, 2004, 9:00 a.m.]

Keystone Profiles, Ltd. v. DEP; EHB Doc. No. 2004-160-L

Keystone Profiles, Ltd. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Beaver Falls, Beaver County.

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

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

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 04-1412. Filed for public inspection July 30, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 15, 2004, and announced the following:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective July 14, 2004

Insurance Department #11-220: Continuing Care Providers (amends 31 Pa. Code § 151.7)

State Board of Examiners of Nursing Home Administrators #16A-628: Deletion and Correction of Fees (amends 49 Pa. Code § 39.72)

Actions Taken—Regulations Approved

Department of Revenue #15-427: Lucky for Life Lotto (adds 61 Pa. Code Chapter 873)

State Board of Optometry #16A-5211: Continuing Education, Fees, Certification to Treat Glaucoma (amends 49 Pa. Code Chapter 23)

Insurance Department #11-217: Annual Audited Insurers' Financial Report Required (amends 31 Pa. Code Chapter 147)

State Board of Vehicle Manufacturers, Dealers and Salespersons #16A-603: Vehicle Auction License (adds 49 Pa. Code §§ 19.19 and 19.20)

State Board of Vehicle Manufacturers, Dealers and Salespersons #16A-607: Consignment Sales (adds 49 Pa. Code § 19.18a)

State Board of Vehicle Manufacturers, Dealers and Salespersons #16A-605: Branch Lots (amends 49 Pa. Code Chapter 19)

State Board of Landscape Architects #16A-617: Deletion of Examination Fees (amends 49 Pa. Code Chapter 15)

Department of Agriculture #2-142: Sheep and Lamb Marketing Program; Wine Marketing and Research Program (amends 7 Pa. Code Chapter 104)

Department of Agriculture #2-145: Food Employee Certification (amends 7 Pa. Code Chapter 76)

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Revenue—Lucky for Life Lotto; Regulation No. 15-427

On June 11, 2004, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rulemaking adds Chapter 873 to 61 Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation sets forth the rules and procedures that will apply to the operation and administration of the Lucky for Life Lotto game.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 3761-303) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Optometry—Continuing Education, Fees, Certification to Treat Glaucoma; Regulation No. 16A-5211

On August 26, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Optometry (Board). This rulemaking amends 49 Pa. Code Chapter 23. The proposed regulation was published in the September 6, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 26, 2004.

This regulation sets forth the requirements for obtaining therapeutic certification to treat glaucoma and updates continuing education requirements. These revisions were mandated by Act 225 of 2002. In addition to codifying the statutory mandates, the regulation preapproves continuing education courses offered by certain providers and establishes a \$25 application fee for certification to treat glaucoma.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 244.3) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Insurance Department—Annual Audited Insurers' Financial Report Required; Regulation No. 11-217

On February 2, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Insurance Department (Department). This rulemaking amends 31 Pa. Code Chapter 147. The proposed regulation was published in the February 14, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 11, 2004.

This regulation updates the requirements for annual audits of insurers' financial statements by certified public accountants. The amended requirements reflect the 2002 and 2003 model rules published by the National Association of Insurance Commissioners.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 186) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review

Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Vehicle Manufacturers, Dealers and Salespersons—Vehicle Auction License; Regulation No. 16A-603

On October 17, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking adds 49 Pa. Code §§ 19.19 and 19.20. The proposed regulation was published in the November 2, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The Board resubmitted the proposed regulation on February 4, 2003, under section 5(e) of the Regulatory Review Act, which was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on June 8, 2004.

The Board is establishing requirements for retail or public vehicle auctions and wholesale vehicle auctions. The regulation prescribes minimum vehicle display standards and mandates compliance with land-use ordinances and fire codes.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 818.4(a)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Vehicle Manufacturers, Dealers and Salespersons—Consignment Sales; Regulation No. 16A-607

On November 14, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking adds 49 Pa. Code § 19.18a. The proposed regulation was published in the December 14, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The Board resubmitted the proposed regulation on February 4, 2003, under section 5(e) of the Regulatory Review Act, which

was in effect at the time the regulation was proposed. The final-form regulation was submitted to the Commission on June 8, 2004.

This regulation implements section 5(f)(3) of the Board of Vehicles Act (63 P. S. § 818.5(f)(3)), which allows licensed dealers to sell vehicles on consignment without possessing a vehicle auction license. The regulation also includes safeguards for buyers, sellers and dealers involved in a consignment sale.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 818.4(a)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Vehicle Manufacturers, Dealers and Salespersons—Branch Lots; Regulation No. 16A-605

On February 12, 2003, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking amends 49 Pa. Code Chapter 19. The proposed regulation was published in the March 1, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 8, 2004.

This regulation permits a licensed vehicle dealer to store vehicles at an unlicensed location where no business activity takes place. The regulation also allows a licensed vehicle dealer to place a single vehicle at an unlicensed location as long as the placement of the vehicle is used only for advertising purposes.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 818.4(a)(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

State Board of Landscape Architects—Deletion of Examination Fees; Regulation No. 16A-617

On November 12, 2003, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Board of Landscape Architects (Board). This rulemaking amends 49 Pa. Code Chapter 15. The proposed regulation was published in the November 22, 2003, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 26, 2004.

This regulation deletes references to the licensing examination fees and specifies that the fees are set by the professional testing organization. The regulation also clarifies that applicants for examination should apply directly to the professional testing organization and not to the Board.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 904(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Agriculture—Sheep and Lamb Marketing Program; Wine Marketing and Research Program; Regulation No. 2-142

On January 16, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 104. The proposed regulation was published in the January 31, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 7, 2004.

This regulation makes two changes to the Department's marketing programs. First, it rescinds the defunct Sheep and Lamb Marketing Program. Second, it provides the Wine Marketing and Research Program a process and procedure by which to collect producer charges from holders of limited winery licenses.

We have determined this regulation is consistent with the statutory authority of the Department (3 Pa.C.S. § 4511) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
July 15, 2004

Commissioners Voting: John R. McGinley, Jr., Esq., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Department of Agriculture—Food Employee Certification; Regulation No. 2-145

On February 4, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 76. The proposed regulation was published in the February 14, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 2, 2004.

This regulation establishes rules mandated by the Food Employee Certification Act. The requirements include certification of at least one supervisory employee who is responsible for the storage, preparation, display or serving of food to the public in establishments regulated by the Department or local health organizations.

We have determined this regulation is consistent with the statutory authority of the Department (3 Pa.C.S. § 6504(g)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1413. Filed for public inspection July 30, 2004, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website: www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
4-72	Department of Community and Economic Development Industrial Housing	7/20/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1414. Filed for public inspection July 30, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Conseco Senior Health Insurance Company; Rate Increase Filing for Long Term Care Policy ATL-LTC-3; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 20% for the Long Term Care Series ATL-LTC-3 and the associated riders. The American Travelers Life Insurance Company originally issued these forms. The average premium will

increase from \$1,746 to \$2,100 and will affect 1,527 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to October 14, 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. 04-1415. Filed for public inspection July 30, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of David Merlo; file no. 04-267-02071; Capitol Insurance Company; doc. no. PH04-06-107; August 12, 2004, 12:30 p.m.

Appeal of Mary A. McQueen; file no. 04-267-02258; Rutgers Casualty Insurance Company; doc. no. PH04-07-007; September 13, 2004, 10 a.m.

Appeal of Sharon D. and Donald Coleman; file no. 04-267-02244; Erie Insurance Exchange; doc. no. PH04-07-010; September 13, 2004, 11 a.m.

Appeal of Michael and Kimberly Cannon; file no. 04-265-02182; Farmer's New Century Insurance Company; doc. no. PH04-07-009; September 13, 2004, 12:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's

case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1416. Filed for public inspection July 30, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Erie Insurance Exchange; file no. 04-181-05667; Charles L. Hickernell; doc. no. P04-06-109; August 18, 2004, 10 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Erie Insurance Exchange; file no. 04-308-71077; Sheila M. Powers; doc. no. P104-07-008; September 10, 2004, 11:30 a.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1417. Filed for public inspection July 30, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested hearings as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of W. Scott and Bernadette M. Henning; file no. 04-183-05705; Vigilant Insurance Company; doc. no. P04-06-108; August 19, 2004, 1:30 p.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of John J. Tracy, Jr. and Mary Cawlwy Tracy; file no. 04-267-02243; Metropolitan Insurance Group; doc. no. PH04-06-105; August 12, 2004, 2 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Mary M. McCurdy; file no. 04-183-06298; State Farm Fire and Casualty Insurance Company; doc. no. PI04-07-020; September 10, 2004, 12:30 p.m.

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

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

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1418. Filed for public inspection July 30, 2004, 9:00 a.m.]

Travelers Indemnity Company and Phoenix Insurance Company; Homeowners Insurance Rate Revision; Rate Filing

On July 15, 2004, the Insurance Department (Department) received from Travelers Indemnity Company and Phoenix Insurance Company a filing for a rate revision for homeowners insurance.

The Travelers Indemnity Company requests an overall 0.7% increase amounting to \$267,000 annually, to be effective October 24, 2004, for new business and renewal business.

The Phoenix Insurance Company requests an overall 1.3% increase amounting to \$437,000 annually, to be effective October 24, 2004, for new business and renewal business.

Unless formal administrative action is taken prior to September 13, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate filings published in the PA Bulletin."

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. 04-1419. Filed for public inspection July 30, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Carbon County, Wine & Spirits Shoppe #1303, 221 Delaware Avenue, Palmerton, PA 18071-1812.

Lease Expiration Date: August 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 3,000 net useable square feet of new or existing retail commercial space within Palmerton Borough.

Proposals due: August 27, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228
JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-1420. Filed for public inspection July 30, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 23, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

A-00120923. Robin J. Reimold t/d/b/a Funways Travel (733 Hamburg Road, Fredonia, Mercer County, PA 16124)—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1421. Filed for public inspection July 30, 2004, 9:00 a.m.]

Telecommunications

A-310518F7018. Frontier Communications of Breezewood, LLC and AT&T Wireless Services, Inc. Joint petition of Frontier Communications of Breezewood, LLC and AT&T Wireless Services, Inc. for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC and AT&T Wireless Services, Inc., by its counsel, filed on July 14, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Breezewood, LLC and AT&T Wireless Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1422. Filed for public inspection July 30, 2004, 9:00 a.m.]

Telecommunications

A-310518F7019. Frontier Communications of Canton, LLC and AT&T Wireless Services, Inc. Joint petition of Frontier Communications of Canton, LLC and AT&T Wireless Services, Inc. for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Canton, LLC and AT&T Wireless Services, Inc., by its counsel, filed on July 14, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Canton, LLC and AT&T Wireless Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1423. Filed for public inspection July 30, 2004, 9:00 a.m.]

Telecommunications

A-310518F7021. Frontier Communications of Lakewood, LLC and AT&T Wireless Services, Inc. Joint petition of Frontier Communications of Lakewood, LLC and AT&T Wireless Services, Inc. for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Lakewood, LLC and AT&T Wireless Services, Inc., by its counsel, filed on July 14, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Lakewood, LLC and AT&T Wireless Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1424. Filed for public inspection July 30, 2004, 9:00 a.m.]

Telecommunications

A-310518F7020. Frontier Communications of Oswayo River, LLC and AT&T Wireless Services, Inc. Joint petition of Frontier Communications of Oswayo River, LLC and AT&T Wireless Services, Inc. for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Oswayo River, LLC and AT&T Wireless Services, Inc., by its counsel, filed on July 14, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Oswayo River, LLC and AT&T Wireless Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1425. Filed for public inspection July 30, 2004, 9:00 a.m.]

Telecommunications

A-310518F7007. Frontier Communications of Pennsylvania, LLC and AT&T Wireless Services, Inc. Joint petition of Frontier Communications of Pennsylvania, LLC and AT&T Wireless Services, Inc. for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC and AT&T Wireless Services, Inc., by its counsel, filed on July 14, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection and traffic interchange agreement for commercial mobile radio services under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Pennsylvania, LLC and AT&T Wireless Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1426. Filed for public inspection July 30, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-086.S, Laboratory Services, Various PRPA Facilities, until 2 p.m. on Thursday, August 19, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available August 3, 2004. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is non-refundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-1427. Filed for public inspection July 30, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

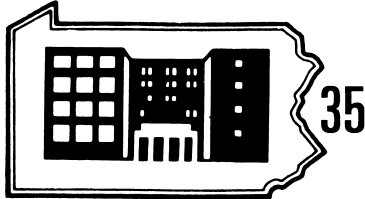
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

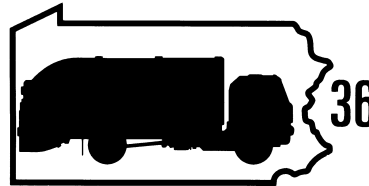
BARBARA HAFER,
State Treasurer



Real Estate Services

93731 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Labor and Industry with 1,560 useable square feet of office space within the City Limits of State College, Centre County, PA with a minimum parking requirement for 2 ADA vehicles. Downtown locations will be considered. For more information on SFP #93731 which is due on August 23, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-7412.

Department: Labor and Industry
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Jennings K. Ward, (717) 787-7412



Sanitation

788001 Provide licensed operator on site five (5) days per week to operate sewage treatment and drinking water plants at two (2) rest areas on Interstate 80 in Jefferson County. The contractor must provide all required chemicals, lubricates and laboratory testing to operate facilities in conjunction with State and Federal Laws and Permits. To request a bid package, please fax the following information to Diane Spence at (724) 357-2872: company name, company address, company phone #, company fax #, name of contact person, and SAP vendor #. Bidders must be registered as a vendor with the Commonwealth of PA prior to receiving a bid package.

Department: Transportation
Location: Rest Areas #25 and 26 on I-80 in Jefferson County.
Duration: One year (12 months) with four (4) one-year renewals, renewable by letter of mutual consent
Contact: Diane Spence, (724) 357-7987

[Pa.B. Doc. No. 04-1428. Filed for public inspection July 30, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Secretary