

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program

The Department of Agriculture (Department) gives notice of the procedures and requirements under which it will continue to award grants to owners of untended stone fruit orchards when these orchards are: (1) subject to a quarantine order issued by the Department under authority of the Plant Pest Act (act) (3 P. S. §§ 258.1—258.27); (2) destroyed by order of the Department as part of its ongoing Plum Pox Virus (PPV) containment and eradication effort; and (3) not otherwise eligible to be reimbursed for the removal, destruction and loss of these trees and the prevention of subsequent land erosion under existing reimbursement grant programs. This program will be known as the Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program (program).

PPV afflicts trees and shrubs in the genus *Prunus*. These trees include apricot, plum, peach, nectarine, cherry and other stone fruit trees used in commercial fruit production, various ornamental and fruit-bearing trees and shrubs that are in popular use in residential backyard planting and landscaping and trees in untended orchards that are no longer being maintained for commercial fruit production or other commercial purposes.

In summary, the program complements four other programs under which the Department provides partial indemnification for losses sustained by stone fruit tree owners:

1. The Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program, the procedures and requirements of which were originally published at 30 Pa.B. 4014 (August 5, 2000) and 30 Pa.B. 6608 (December 23, 2000) and recent amendments published at 34 Pa.B. 1258 (February 28, 2004).

2. The Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program, the procedures and requirements of which were published at 30 Pa.B. 4737 (September 9, 2000) and recent amendments published at 34 Pa.B. 1256 (February 28, 2004).

3. The Plum Pox Virus Noncommercial *Prunus* Tree and Landscape Nursery *Prunus* Tree Indemnity Program, the procedures and requirements of which were published at 31 Pa.B. 2936 (June 9, 2001).

4. The Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program, the procedures and requirements of which were originally published at 34 Pa.B. 2470 (May 8, 2004).

The program fills a gap that is not addressed in the four programs listed. Rather than focusing on stone fruit trees used for commercial orchard purposes, commercial nursery purposes, landscaping purposes or landscape nursery purposes (as do the various programs described previously), the program focuses on untended stone fruit orchards. These are typically orchards that were planted or used for commercial stone fruit production but that are no longer used for any commercial purpose. These untended orchards are sometimes referred to in the stone fruit production industry as “abandoned” orchards. An

untended orchard provides a reservoir for PPV and the aphids that carry it. In addition, untended stone fruit orchards are at higher risk of PPV infection since they are not actively managed. The program provides a framework within which the Department can compensate owners of untended orchards for the cost resulting from the destruction of the untended orchard by order of the Department.

#### *Authority*

There are two separate sources of authority and funding for the program. The first is section 207 of the General Appropriation Act of 2004, which appropriated the sum of \$500,000 to the Department for fruit tree indemnity payments related to PPV and costs related to disease eradication and other prevention and control measures. The second is the First Supplemental General Appropriation Act of 2003 (No. 9A), which appropriated \$1 million in nonlapsing funds to the Department for these same purposes.

#### *Background*

Under the authority and responsibility imparted it under the act, the Department has established PPV-related quarantines in parts of four counties. In Adams County, the Townships of Huntington and Latimore, the Borough of York Springs and portions of Butler, Menallen and Tyrone Townships are quarantined. In Cumberland County, the Borough of Mount Holly Springs and the Townships of South Middleton, Southampton and Dickinson are quarantined. In Franklin County, Quincy Township and the Borough of Mount Alto are quarantined. In York County, Conewago, Franklin, Monaghan and Washington Townships are quarantined. The areas covered by these quarantine orders—and any area designated in any subsequent PPV-related quarantine order issued by the Department—are referred to collectively as the “PPV quarantine area.”

PPV is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, cherries, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable. PPV has the potential to cause serious damage to the stone fruit production and stone fruit nursery industries within this Commonwealth. PPV is transmitted from infected trees by aphids and by budding or grafting with PPV-infected plant material. There is no known control for PPV other than the destruction of infected trees.

Untended stone fruit orchards present a particularly serious problem to the Department’s PPV containment and eradication effort. An untended orchard contains trees and shrubs that are susceptible to PPV and provides an excellent environment for the aphids that transmit the disease from tree to tree. Untended stone fruit orchards are not monitored by the owner for signs of plant disease, are not subject to applications of pesticides that reduce the chance of aphid-borne PPV transmission and are frequently overgrown with other plants that make the untended orchard difficult to access. All of these factors combine to make untended stone fruit orchards more likely to become infected with PPV, thus serving as a continuous virus reservoir.

It is the intention of the Department to issue (as funding is available) a series of quarantine orders covering untended stone fruit orchards in an increasingly

widening circle having the current quarantine area as its center. An owner of an untended stone fruit orchard in this expanded quarantine area will be issued a treatment order by the Department under authority of the act. The treatment order will direct the removal of all stone fruit trees from the untended stone fruit orchard and prescribe other measures necessary to address the PPV threat in that untended orchard. The Department will also provide the owner instructions as to the process through which the Department may award the owner a grant under the program to compensate the owner for the costs of destruction and soil erosion prevention required under the treatment order.

#### *Obtaining an Application*

A person seeking a grant under the program shall apply for the grant using a reimbursement grant application/agreement form provided by the Department. The forms may be obtained through the following contact person.

#### *Contents of Application*

An application for a grant under the program will require the following information from an applicant:

1. The name and address of the applicant.
2. Verification that the applicant is an owner of an untended stone fruit orchard.
3. A description of the location of the untended stone fruit orchard with respect to which a grant is sought.
4. Verification that the untended stone fruit orchard with respect to which a grant is sought is the subject of a treatment order issued by the Department, directing that stone fruit trees in that untended orchard be destroyed, removed or otherwise disposed of for purposes of controlling or containing PPV.
5. Verification that prior to the destruction of the stone fruit trees the applicant and the Department personnel conducted a physical inspection of the untended orchard to assess the approximate number of stone fruit trees and the approximate acreage affected by the treatment order and had agreed upon the accuracy of this information in writing.
6. The stone fruit tree number and acreage figures described in paragraph (5).
7. Verification that the measures required under the treatment order have been carried out, and that the stone fruit trees in the untended orchard have been removed, destroyed or otherwise disposed of in accordance with that treatment order.
8. Verification of the costs incurred by the applicant in carrying out the treatment order.
9. Verification that the applicant is not entitled to reimbursement for destruction or replacement of the untended stone fruit trees under: (a) the Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program; (b) the Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program; (c) the Plum Pox Virus Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program; or (d) the Plum Pox Virus Voluntary Commercial Orchard Fruit Tree Indemnity Program.
10. A signature acknowledging that representations made in the application are true, and further acknowledging that the criminal punishments and penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) apply to any false statement made in the application.

#### *Grant Amount*

A portion of the grant amount shall address the cost of removal and destruction of the untended stone fruit trees and any other PPV abatement measure required under the treatment order. The amount of a grant to be applied to these removal, destruction and PPV abatement costs shall not exceed \$1,000 per acre. A portion of the grant amount may also address the cost of implementing reasonable erosion measures (such as planting a conservation-type grass cover crop) on the land from which the untended stone fruit trees are removed—if those erosion measures are necessary. In calculating the appropriate grant amount, the Department will consider the number of untended stone fruit trees on the affected acreage.

#### *Review of Applications*

The Department will review and approve or disapprove complete, timely grant applications within 30 days of receipt. The Department will stamp or otherwise identify each grant application to record the date and the order in which the application was received. The Department will consider grant applications in the order they are received. The Department will approve a grant application if all of the following criteria are met:

1. The application is complete and provides the Department all the information necessary to a reasoned review of the document.
2. There are sufficient unencumbered funds available from the \$500,000 appropriation contained in the Appropriation Act of 2004 and \$1 million nonlapsing appropriation contained in the Appropriation Act of 2003 to fund the grant amount sought in the reimbursement grant application.

#### *Notice of Decision*

The Department will, within 10 days of completing its review, inform (whether by mail or other means) a grant applicant of whether the grant application is approved or disapproved. If the application is disapproved, the written notice will specify the basis for disapproval.

#### *No Right or Entitlement to Funds*

The appropriation of funds for the purposes previously described does not create in a person a right or entitlement to a grant from these funds. Departmental approval of a grant application is the event that establishes entitlement of the applicant to the grant funds sought, provided appropriated funds are available in an amount adequate to fund the grant.

#### *Additional Information/Contact Person*

Applications and further information can be obtained by contacting the Department of Agriculture, Attn.: Karl Valley, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5226.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 04-1643. Filed for public inspection September 3, 2004, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 24, 2004.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-24-04	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Philadelphia	Effective
Represents reorganization into a mutual holding company to be known as Beneficial Savings Bank MHC, Philadelphia, PA, parent company of Beneficial Mutual Bancorp, Inc. Beneficial Mutual Savings Bank will be a wholly-owned subsidiary of Beneficial Mutual Bancorp, Inc., a newly formed Federally-chartered stock holding company, which in turn is a subsidiary of Beneficial Savings Bank MHC, a newly formed Federally-chartered mutual holding company.			

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-18-04	S & T Bancorp, Inc., Indiana, to acquire 24.99% of the outstanding shares of Allegheny Valley Bancorp, Inc., Pittsburgh	Indiana	Filed
8-24-04	F. N. B. Corporation, Hermitage, to acquire 100% of the voting shares of Slippery Rock Financial Corporation, Slippery Rock	Hermitage	Filed

#### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
8-20-04	Prudential Savings Association (d/b/a Prudential Savings Bank, PaSA) Philadelphia Philadelphia County	1834 Oregon Avenue Philadelphia Philadelphia County	Effective

*To:*

Prudential Savings Bank  
Philadelphia  
Philadelphia County

Represents conversion from State-chartered mutual savings association to a State-chartered mutual savings bank.

*Branches Acquired by Means of  
Conversion:*

601 Morgan Avenue  
Drexel Hill  
Delaware County

2101 South 19th Street  
Philadelphia  
Philadelphia County

112 South 9th Street  
Philadelphia  
Philadelphia County

238a Moore Street  
Philadelphia  
Philadelphia County

1722 South Broad Street  
Philadelphia  
Philadelphia County

8-24-04	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Philadelphia	Effective
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Represents conversion from a State-chartered mutual savings bank to a State-chartered stock savings bank in conjunction with the reorganization into a mutual holding company form of ownership.

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-24-04	First Financial Bank Downingtown Chester County	Downingtown	Approved
	Purchase of certain deposits of a branch office of Firsttrust Savings Bank, Conshohocken,		
	Located at: 125 East Swedesford Road Exton Chester		
	<i>Note:</i> This transaction does not involve any real estate. The subject branch office will be closed by Firsttrust Savings Bank; approval for discontinuance issued by the Department of Banking on July 26, 2004.		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-20-04	Mid Penn Bank Millersburg Dauphin County	17 North Second Street Harrisburg Dauphin County	Filed
8-20-04	Mid Penn Bank Millersburg Dauphin County	550 Allentown Boulevard Harrisburg Dauphin County	Filed
8-20-04	Integrity Bank Camp Hill Cumberland County	One Marketway South York York County	Filed
8-24-04	S & T Bank Indiana Indiana County	208 West Plank Road Altoona Blair County	Approved
8-24-04	S & T Bank Indiana Indiana County	Messenger service branch to operate within a 20-mile radius of the 208 West Plank Road, Altoona, office	Approved
8-24-04	Beneficial Savings Bank Philadelphia Philadelphia County	1305-11 Bethlehem Pike Flourtown Montgomery County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-19-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 12 Chestnut Road Paoli Chester County	Filed
		<i>From:</i> 10 East Lancaster Avenue Paoli Chester County	Filed
8-20-04	S & T Bank Indiana Indiana County	<i>To:</i> 12900 Frankstown Road Pittsburgh Allegheny County	Filed
		<i>From:</i> 12262 Frankstown Road Pittsburgh Allegheny County	

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A.WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1644. Filed for public inspection September 3, 2004, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## County Application for Homestead Exemption

In accordance with section 8587 of the act of May 5, 1998 (P. L. 301, No. 50) (act), the Department of Community and Economic Development gives notice of the development of the County Application for Homestead Exemption for use by assessors under section 8584(A) of the act. The application and instructions for completion of the application follow as Annex A. Electronic copies of the application are available at [www.inventpa.com](http://www.inventpa.com). The form will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

Further information can be obtained from the Department of Community and Economic Development, Customer Service Center, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (800) 379-7448, [ra-dcedcs@state.pa.us](mailto:ra-dcedcs@state.pa.us).

DENNIS YABLONSKY,  
*Secretary*

### Annex A

#### County Application for Homestead Exemption

*Please read instructions before completing application.  
Applications must be filed with the  
County Assessors Office by March 1st.*

1. Parcel Number (and/or Map Number if different) \_\_\_\_\_
2. Property Address \_\_\_\_\_
3. Municipality \_\_\_\_\_ School District \_\_\_\_\_
4. Applicant Owner(s) \_\_\_\_\_
5. Mailing Address of Applicant (if different than property address) \_\_\_\_\_
6. Phone Number of Applicant:  
Daytime \_\_\_\_\_ Evening \_\_\_\_\_
7. Do you use this property as your primary residence?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
8. Do you claim anywhere else as your primary residence, or do you or your spouse receive a homestead tax abatement or other homestead benefit from any other county or state?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
9. Is your residence part of a cooperative or a condominium where some or all of the property taxes are paid jointly?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
- If yes, do you pay a portion of the jointly paid taxes?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
10. Is your property used for other purposes besides your primary residence, such as a business or rental property?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
- If yes, what portion of the property is used for your primary residence? \_\_\_\_\_ %

11. Do you wish to seek a farmstead exclusion for the buildings or structures on this property?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, do any farm buildings or structures receive an abatement of property tax under another law?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Please read before signing: Any person who knowingly files an application which is false to any material matter shall be subject to payment of taxes due, plus interest, plus penalty and shall be subject to prosecution as a misdemeanor of the third degree and fine of up to \$2,500.

I hereby certify that all the above information is true and correct

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

**OFFICIAL USE ONLY**

Date Filed \_\_\_\_\_

Reviewed by \_\_\_\_\_

Date Reviewed \_\_\_\_\_

Applicable Years \_\_\_\_\_

[ ] Approved

[ ] Denied

Homestead Value \_\_\_\_\_

Farmstead Value \_\_\_\_\_

Assessment Information:

Land \_\_\_\_\_

Improvements \_\_\_\_\_

TOTAL \_\_\_\_\_

**You must file this form in order to receive  
PROPERTY TAX RELIEF  
under the Homeowner Tax Relief Act of 2004**

### Instructions

#### Application for Homestead & Farmstead Exclusions

The Homeowner Tax Relief Act, Act 72 of 2004, was signed into law by Governor Rendell on July 5, 2004, to allow school districts to reduce property taxes through a homestead exclusion. Property tax relief will be funded by a combination of state revenue from gaming and dedicated local income taxes. Under a homestead property tax exclusion, the assessed value of each home is reduced by the same amount before the property tax is computed. Most likely, initial property tax reductions will not take effect until July 1, 2006; however, the changes may occur as early as July 1, 2005 or as late as July 1, 2007. In addition, some school boards may choose not to adopt the homestead exclusion.

1. Fill in the parcel number and the map number (if two different numbers) of the property for which you are seeking a homestead exclusion. You can find the parcel number and map number on your real property tax bill. If you do not have a real property tax bill, call your local tax collector or county assessment office (555-555-5555).

2. Fill in the address of the property for which you are seeking a homestead exclusion.

3. Fill in your municipality and school district. If you are not sure what your municipality or school district is, contact your local tax collector or county assessment office (555-555-5555).

4. Fill in your name and the name of other owners of record, such as your spouse or a co-owner of the property. All recorded owners must apply for the exclusion.

5. If your mailing address differs from the address of the property for which you are seeking a homestead exemption, fill in your mailing address.

6. Please list phone number where you can be reached during the day, and the evening, if you are unavailable during the day.

7. Only a primary residence may receive the homestead exclusion. You may not claim this property as your primary residence if you claim another property as a homestead or if you or your spouse receives a homestead tax abatement or other homestead benefit from any other county or state.

The Homestead Exclusion can only be claimed once, for a place of primary residence. This is the fixed place of abode where the owner intends to reside permanently, not temporarily; the place where a person makes their home, until something happens that the person adopts another home. You may be asked to provide proof that this property is your primary residence, such as your driver's license, your voter registration card, your personal income tax form or your local earned income tax form.

8. Do you have another residence which you claim as your primary residence? For instance, do you claim another state as your primary residence, or another county in Pennsylvania?

9. If you live in a unit of a cooperative or a condominium and you pay all or a portion of your real property taxes jointly through a management agent or association, rather than paying your taxes separately from other units, check yes. If so, please provide the percentage of overall tax you pay. You may be asked to provide a contact to confirm this information.

10. Check yes if the property for which you are seeking a homestead exclusion is used for other purposes, such as a business or rental property. If so, please indicate what portion of the property is used as your private residence.

12. Check yes if you believe your property qualifies for the farmstead exclusion. If yes, please indicate what buildings or structures are exempted, excluded or abated from real property taxation under any other law. You may be asked to provide proof that buildings and structures are used for commercial agricultural activity, such as the net income or loss schedule from your state or federal income tax forms.

Only buildings and structures on farms which are at least ten contiguous acres in area and used as the primary residence of the owner are eligible for a farmstead exclusion. The buildings and structures must be used for commercial agricultural production, i.e., to store farm products produced on the farm, to house animals maintained on the farm, or to store agricultural supplies or machinery and equipment used on the farm.

**Change in Use**

When the use of a property approved as homestead or farmstead property changes so that the property no longer qualifies for the homestead or farmstead exclusion, property owners must notify the assessor within 45 days of the change in use. If the use of your property changes and you are not sure if it still qualifies for the homestead or farmstead exemption, you should contact the assessor.

**False or Fraudulent Applications**

The assessor may select, randomly or otherwise, applications to review for false or fraudulent information. Any person who files an application which contains false information, or who does not notify the assessor of a change in use which no longer qualifies as homestead or farmstead property, will be required to:

- Pay the taxes which would have been due but for the false application, plus interest.
- Pay a penalty equal 10% of the unpaid taxes.
- If convicted of filing a false application, be guilty of a misdemeanor of the third degree and be sentenced to pay a fine not exceeding \$2,500.

By signing and dating this form, the applicant is affirming or swearing that all information contained in the form is true and correct.

Applications must be filed before March 1 of each year. Please return to:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For Questions on the Homestead or Farmstead Exclusion, please contact your local tax collector or the \_\_\_\_\_ County Assessment office at 555-555-5555, office hours X:00 to X:00, Monday through Friday.

[Pa.B. Doc. No. 04-1645. Filed for public inspection September 3, 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**

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0020052	Eldred Borough Municipal Authority 3 Bennett Street Eldred, PA 16731-0270	Eldred Borough McKean County	Allegheny River 16-C	Y

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

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

**PA0228877**, SIC 4952, **David Ryman**, 15 Stony Brook Road, Orangeville, PA 17859. This proposed action is for a new NPDES permit for discharge of treated sewage to Stony Brook in Orange Township, **Columbia County**.

The receiving stream is in the Fishing Watershed (5-C) and classified for EV, and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply considered during the evaluation is United Water PA Bloomsburg, approximately 1.1 miles below the discharge on Fishing Creek.

*Outfall 001:* The proposed effluent limits, based on a design flow of 0.0004 MGD, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	20
Suspended Solids	10	20
Free Chlorine Residual	Monitor	

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

The EPA waiver is in effect.

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

**PA0204862**, Industrial Waste, SIC 3211, **Guardian Industries Corporation**, 1000 Glasshouse Road, Jefferson Hills, PA 15025. This application is for renewal of an NPDES permit to discharge untreated cooling tower blowdown and stormwater from the Floreffa Plant in Jefferson Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company, 410 Cook Lane, Pittsburgh, PA 15234, 20.5 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.0087 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Temperature (°F)					
Total Residual Chlorine (1st Month to 12th Month)					
(13th Month to Expiration)				0.5	1.25
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Outfall 001 discharges stormwater runoff in addition to noncontact cooling water. Outfall 002 is abandoned.

*Outfalls 003—011*: existing discharge, design flow of varied MGD.

The discharge from these outfalls shall consist solely of uncontaminated stormwater runoff only.

The EPA waiver is in effect.

**PA0252662**, Industrial Waste, SIC 4941, **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748. This application is for issuance of an NPDES permit to discharge treated backwash water from the Central Indiana Water Treatment Plant in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Yellow Creek, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Authority at Saltsburg, PA, 35 miles below the discharge point.

*Outfall 001*: new discharge, design flow of 0.062 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30		
Total Iron			2		
Aluminum (T)			4		
Manganese (T)			1		
Total Residual Chlorine			0.5		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096164**, Sewage, **Thomas Guiher**, P. O. Box 346, Donegal, PA 15628. This application is for renewal of an NPDES permit to discharge treated sewage from the Living Treasures II Sewage Treatment Plant in Donegal Township, **Westmoreland County**.

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



Outfall 001: existing discharge, design flow of 0.014 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0110663**, Sewage, **Municipal Authority of the Borough of Cresson**, P. O. Box 172, Cresson, PA 16630. This application is for renewal of an NPDES permit to discharge treated sewage from the Cresson Sewage Treatment Plant in Cresson Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Conemaugh River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority Freeport.

Outfall 001: existing discharge, design flow of 1.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9	2.9		3.8
(11-1 to 4-30)	2.5	3.8		5.0
Copper	10 ug/l		25 ug/l	
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

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

**PA0239534**, Sewage, **Michael A. Hecei**, 2553 PA Avenue West Extension, Warren, PA 16365. This proposed facility is in Glade Township, **Warren County**.

Description of Proposed Activity: Discharge of treated sewage from a small flow treatment facility.

The receiving water, an unnamed tributary to Page Hollow, is in State Water Plan 16-B and classified for CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, the Emlenton Water Company, is on the Allegheny River, approximately 105 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
BOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine	XX		
pH	6.0 to 9.0 standard units at all times		

XX—Monitor and Report

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. 1304401, Nesquehoning Borough**, 114 W. Catawissa Street, Nesquehoning Borough, PA 18240-1499. This proposed facility is in Nesquehoning Borough, **Carbon County**.

Description of Proposed Action/Activity: This project consists of construction of a pump station to serve the Maple Shade Meadows and Hauto Valley Lakes Developments.

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

**WQM Permit No. 0804404, Sewerage, Lowell Patton**, R. R. 1, Box 196A, Towanda, PA 18848. This proposed facility will be in Sheshequin Township, **Bradford County**.

Description of Proposed Action/Activity: Applicant seeks a WQM permit to authorize the construction and operation of a small flow treatment facility to serve a residence. Discharge will be to an unnamed tributary to the Susquehanna River (WWF).

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

**WQM Permit No. 6104404, Sewerage, Cranberry Venango County General Authority**, 3726 SR 257, Seneca, PA 16346. This proposed facility is in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: This project is for the construction of a pressure sewer system and sewer extension along Route 322, through Victory Heights and ending west of Astral Road.

**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.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504059	Welcome Homes Builders, Inc. ArtisanWay 1 Wheelock Lane Malvern, PA 19355	Chester	East Nantmeal Township	French Creek EV
PAI011504060	Richard Dougherty 3050 Chestnut Hill Road Subdivision 977 East Schuylkill Road Suite 200 Pottstown, PA 19465	Chester	South Coventry Township	French Creek EV
PAI012304005	Tinicum Industrial Partners, LP Airport Business Complex Dev. 230 Bala Avenue Bala Cynwyd, PA 19004	Delaware	Tinicum Township	Delaware River WWF

*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.*

*NPDES*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504014	Cramer's Cashway, Inc. 320 N. Courtland St. E. Stroudsburg, PA 18301	Monroe	Tobyhanna Township	Indian Run HQ-CWF
PAI024504021	Glenn Detrick 1411 Chipperfield Dr. Stroudsburg, PA 18360	Monroe	Hamilton Township	UNT McMichaels Creek HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024804030	Turkey Hill Minit Markets Attn: Bill Weisser 257 Centerville Rd. Lancaster, PA 17603-4079	Northampton	Moore Township	Bushkill Creek HQ-CWF
PAI024804031	Plainfield Township Attn: William Schmauder 6292 Sullivan Trail Nazareth, PA 18064	Northampton	Plainfield Township	Bushkill Creek HQ-CWF

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

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI2032104003	The Breeches at Allenberry, LLC P. O. Box 7 Boiling Springs, PA 17007	Cumberland	Monroe Township	Yellow Breeches HQ-CWF
PAI033604006	SOCO Enterprises 1330 Charlestown Road Phoenixville, PA 19460	Lancaster	Earl and East Earl Townships	Mill Creek HQ-CWF
PAI2033604007	Stephen J. Barr and John D. Byler P. O. Box 7 Gap, PA 17527	Lancaster	Salisbury Township	UNT to Pequea Creek HQ-WWF
PAI030603011	Anthony Forino 555 Mountain Home Road Sinking Spring, PA 19608	Berks	Cumru Township	Wyomissing Creek HQ-CWF

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

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

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI041404012	Opequon Hill Subdiv. Tom Kulakowski P. O. Box 726 Lemont, PA 6851	Centre	Benner Township	Buffalo Run and UNT to Spring Creek HQ-CWF

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

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

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI056503008	Department of Transportation P. O. Box 459 Uniontown, PA 15401	Westmoreland	New Alexandria Borough Derry Township	Loyalhanna Creek WWF Boatyard Run CWF Spruce Run HQ-CWF

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

*Conservation District: Erie Conservation District, 1927 Wager Road, Erie, PA 16509, (814) 825-6403.*

## NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAS10K022(1)	Steven Rapp 4132 Stone Creek Drive Erie, PA 16506	Erie	Millcreek Township	Walnut Creek CWF and MF Thomas Run HQ-CWF and MF

Central Office: Environmental Cleanup Program Manager; P. O. Box 8417, Harrisburg, PA 17105-8471.

NPDES

Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI124604001	Lehigh Valley Industrial Park, Inc. 100 Brodhead Rd. Bethlehem, PA 18017	Northampton	Bethlehem City	East Saucon Creek CWF

**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 include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 4504503**, Public Water Supply.

Applicant	<b>Stroudsburg Municipal Authority</b>
Township or Borough	Stroud Township
County	<b>Monroe</b>
Responsible Official	Kenneth Brown 410 Stokes Avenue East Stroudsburg, PA 18301

Type of Facility	PWS
Consulting Engineer	John Edward Spitko, Jr., P. E. Boucher & James, Inc. P. O. Box 904 Doylestown, PA 18901
Application Received Date	August 11, 2004
Description of Action	The proposed project involves the construction of a water main extension at the intersection of Wigwam Park Road (SR 2018) and Route 611 (situated in the shoulder of Route 611) and a new water booster pumping station.
<b>Permit No. 4504501</b>	Public Water Supply.
Applicant	<b>Pocono Manor Inn</b>
Township or Borough	Pocono Township
County	<b>Monroe</b>
Responsible Official	James M. Ireland
Type of Facility	PWS
Consulting Engineer	Austin James Associates P. O. Box U Pocono Pines, PA 18350
Application Received Date	August 11, 2004
Description of Action	Construct new well, hydropneumatic tank, disinfection and water stabilization facilities as a secondary source of potable water for the Inn and Conference Center at Pocono Manor.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996217**, Public Water Supply.

Applicant	<b>Nestle Waters North America, Inc.</b>
Township or Borough	Poland Spring, ME
Responsible Official	Pamela Fischer, Quality Assurance Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	August 16, 2004

Description of Action Applicant requesting a major permit amendment to use the Spruce Spring source in Pierce Pond Township, ME. Bottled water to be sold in this Commonwealth under the brand names Poland Spring Natural Spring Water, Poland Spring Sparkling Spring Water, Deer Park Spring Water, Deer Park Distilled Water, Ice Mountain Spring Water, Great Bear Natural Spring Water and Poland Spring Distilled Water.

#### MINOR AMENDMENT

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

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

##### Application No. Minor Amendment.

Applicant	<b>Jackson Perry</b>
Township or Borough	Wayne Township, <b>Schuylkill County</b>
Responsible Official	Jackson Perry, Owner 1703 Panther Valley Road Pine Grove, PA 17963
Type of Facility	Bulk Water Hauling System
Consulting Engineer	Edward Davis, Sr., P. E. WJP Engineers 1406 Laurel Boulevard Pottsville, PA 17901
Application Received Date	August 6, 2004
Description of Action	This application proposes modification to an existing, permitted, bulk water hauling facility. Modifications include: adding an ultraviolet system on the load out side of the facility; adding a booster pump and 200-gallon stainless steel temperature tank to better control the flow rate through the facility and provide additional pressure; adding an alternate cartridge filtration system; and changing flow meters.

## 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.*

**Vacant Lot**, City of Philadelphia, **Philadelphia County**. Nancy Repetto, Powell-Harpstead, Inc., 800 East Washington Street, West Chester, PA 19380 on behalf of Donald Smith, PresbyHomes & Services, 2000 Joshua Rd., Lafayette Hills, PA 19444-2430 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by lead and PAH. All sites less than 0.1 acre on a property of 1 acre. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on August 13, 2004.

**Dreshertown Plaza**, Upper Dublin Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Rd., King of Prussia, PA 19406 on behalf of Roger Bucchianeri, Brandolini Co.,

1301 Lancaster Ave., Berwyn, PA 19312, has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by a dry cleaning operation. The primary contaminants are PCE and TCE. The use of the property will remain nonresidential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Ambler Gazette* on June 16, 2004.

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

**ENCO Realty Facility**, City of Reading, **Berks County**. Whittemore & Haigh Engineering, Inc., 200 Bethlehem Drive, Suite 201, Morgantown, PA 19543, on behalf of ENCO Realty, 650 Morgantown Road, Reading, PA 19611, submitted a Notice of Intent to Remediate site soils contaminated with lead, arsenic, iron and tetrachloroethylene. Site contamination is due to historical industrial use of the property dating back to the 1920s. The intended future use of the site will be a production facility for frozen foods.

**Corning Frequency Control Plant 1**, Mount Holly Springs Borough, **Cumberland County**. Weston Solutions, Inc., P. O. Box 2653, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-02-50, Corning, NY 14831, submitted a Notice of Intent to Remediate site soils and groundwater. Historic releases of industrial materials, including solvents and solid wastes, have reportedly occurred at locations near the Plant 1 building. The site is expected to be used in the future for industrial/commercial purposes. The site will be remediated to a Statewide Health Standard.

**Corning Frequency Control Plant 2**, Mount Holly Springs Borough, **Cumberland County**. Weston Solutions, Inc., P. O. Box 2653, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-02-50, Corning, NY 14831, submitted a Notice of Intent to Remediate site soils and groundwater. Historic releases of industrial materials, including solvents, have reportedly occurred in a localized area on the north side of the Plant 2 building. The future use of the site is expected to remain industrial. The site will be remediated to a Statewide Health Standard.

**Thompson Road Property**, Fawn Grove Borough, **York County**. Laboratory, Analytical & Biological Services, Inc., P. O. Box 836, East Berlin, PA 17316, on behalf of Southeastern School District, 104 East Main Street, Fawn Grove, PA 17321, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with heating oil. The future use of the property is unknown at this time, but could include residential, agricultural, commercial or industrial use.

**Lebanon Plaza Mall**, North Cornwall Township, **Lebanon County**. Geoquest, Inc., 3 Barnard Lane, Bloomfield, CT 06002, on behalf of Lebanon Plaza Associates, LLC, Quentin Road, Lebanon, PA 17042, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents from a former dry cleaning facility. The site will continue to be used as a retail mall.

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

**Frankstown-Sterrett Plan of Lots—Lot No. 1**, City of Pittsburgh, **Allegheny County**. Susan R. Frund, P. G., Michael Baker Jr., Inc., 100 Airside Drive, Moon Township, PA 15108 (on behalf of John Coyne, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Notice of Intent to

Remediate soil contaminated with VOCs, SVOCs, PCBs and metals. 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 be published in the *Pittsburgh Post Gazette*.

**Motiva Pittsburgh Terminal (Former)**, Moon Township, **Allegheny County**. Kent V. Littlefield, P. G., Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112 (on behalf of John M. Arnold, Pittsburgh Terminals Corporation, P. O. Box 2621, Harrisburg, PA 17105) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, PAHs, other organics and lead. The applicant proposes to remediate the site to meet the Site-Specific and Statewide Health Standards.

**Johnstown Cambria Iron Works**, City of Johnstown, **Cambria County**. Harry Trout, L. Robert Kimball, & Associates, 415 Moon Clinton Road, Coraopolis, PA 15108 (on behalf of Deborah M. Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901) has submitted a Notice of Intent to Remediate soil contaminated with fuel oil and lead. The applicant proposes to remediate the site to meet the Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Democrat* on July 23, 2004.

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

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

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

**Permit ID No. 301246. Innovative Supply, Inc.**, R. R. 9, Box 320, Latrobe, PA 15650-9028. Innovative Supply, Inc., Plant, R. D. 5, Route 130, Greensburg, PA 15601. A permit renewal application for a residual waste processing facility in Unity Township, **Westmoreland County**, was received in the regional office on August 20, 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.**

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

**20-175B: Cardinal Home Products—Tel-O-Post Division** (205 North Pymatuning Street, Linesville, PA 16424) a plan approval for installation of a flow coating line at their Linesville Plant in the Borough of Linesville, **Crawford County**.

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

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

**45-310-035: Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231) for installation of a replacement baghouse on the horizontal impact crusher (CR2) at their company's Stroudsburg Quarry in Hamilton Township, **Monroe County**. This facility is a non-Title V facility. Resulting particulate emissions from the replacement of the baghouse will be less than 1 ton per year. The plan

approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source 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.*

**36-03141A: Kellogg USA, Inc.** (2050 State Road, Lancaster, PA 17604) for modifications of an existing coating line in their facility in East Hempfield Township, **Lancaster County**. These changes will result in an actual increase in PM emissions of 2 tons per year. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**17-305-020A: Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866) for reactivation of their coal processing plant (Leslie Tipple) in Decatur Township, **Clearfield County**.

The coal processing plant incorporates a feed bin, rotary breaker, various conveyors and stockpiles and truck and railcar loading operations. It will process up to 437,500 tons of coal per year. Fugitive PM emission control will be provided by the use of a water truck, the use of breaker and feed bin enclosures, the use of partial conveyor covers and material transfer point enclosures and the implementation of various work practices (truck tarping, vehicle speed limits minimizing the front end loader bucket-to-truck bed and bucket-to-railcar free fall height, and the like).

Junior Coal Contracting, Inc. has additionally requested plan approval to construct a 375 horsepower diesel engine. This engine will emit up to 5.66 tons of NOx, 5.53 tons of CO, .81 ton of VOCs, .58 ton of PM and .34 ton of SOx per year.

The Department's review of the information submitted by Junior Coal Contracting, Inc. indicates that the coal processing plant and diesel engine will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart Y of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250—60.254. Based on this finding, the Department proposes to issue plan approval for the reactivation of the coal processing plant and the construction of the diesel engine.

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

1. The facility shall not process more than 437,500 tons of coal in any 12 consecutive month period.
2. An operable water truck equipped with a pressurized spray bar and pressurized spray nozzle or hose connection shall be kept onsite at all times and shall be used, as needed, for the control of fugitive dust emissions from plant roadways, stockpile areas, and the like.
3. The rotary breaker shall be completely enclosed accept for the coal entrance and exit points.

4. The feed bin shall be enclosed on three sides and shall be equipped with a roof.

5. All conveyors shall be partially or fully enclosed and all material transfer points shall be enclosed.

6. All trucks entering or exiting the site from a public roadway shall have their truck beds completely tarped or otherwise covered unless empty.

7. The entrance road and internal plant roadways shall have posted speed limits of 5 miles per hour.

8. The facility's entrance roadway shall be paved for the first 300 feet and the remainder shall be covered with 1B limestone up to the tipple area.

9. Front end loader bucket-to-truck bed and bucket-to-railcar height shall be kept to a minimum during all truck and railcar loading operations.

10. The height of the radial stacking conveyor shall be adjusted to maintain a maximum coal free fall distance of less than 5 feet at all times.

11. The maximum height of any coal stockpile shall be 30 feet above grade.

12. The diesel engine shall not be operated more than 2,500 hours in any 12 consecutive month period and shall not emit more than 5.66 tons of NO<sub>x</sub>, 5.53 tons of CO, .81 ton of VOCs, .58 ton of PM and .34 ton of SO<sub>x</sub> in any 12 consecutive month period. Additionally, the sulfur content of the diesel fuel used in the diesel engine shall not exceed .3% (by weight).

13. This plan approval does not authorize the reactivation of the wet coal preparation plant which also physically exists onsite nor does it authorize the construction, installation or operation of any gasoline, natural gas, propane or diesel-fired stationary engines, generators or engine-generator sets other than the 375 horsepower diesel engine specifically approved herein.

14. Records shall be maintained of the number of tons of coal loaded out each month as well as the number of hours the diesel engine operates each month. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

**17-00037A: King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866) for construction of a coal processing operation at their Cunard Tipple site in Morris Township, **Clearfield County**.

The coal processing operation will consist of a feed bin, rotary breaker, various conveyors and stockpiles, a truck loading operation and a stationary diesel engine. The respective operation will process up to 448,000 tons of coal per year. Fugitive PM emission control will be provided by the use of a water truck and water-assisted broom-type street sweeper, the use of breaker and feed bin enclosures, the use of conveyor enclosures, the application of water and the implementation of various work practices (truck tarping, vehicle speed limits, minimizing the front end loader bucket-to-truck bed free fall height, and the like).

The 233 horsepower stationary diesel engine incorporated in the coal processing operation will emit up to 5.66 tons of NO<sub>x</sub>, 3.01 tons of CO, 46 tons of VOCs, .29 ton of PM and .15 ton of SO<sub>x</sub> per year.

The Department's review of the information submitted by King Coal Sales, Inc. indicates that the proposed coal processing operation will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including

the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2, the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart Y of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250—60.254. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed coal processing operation.

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

1. The facility shall not process more than 448,000 tons of coal in any 12 consecutive month period.

2. An operable water truck equipped with a pressurized spray bar and pressurized spray nozzle or hose connection shall be kept onsite at all times and shall be used, as needed, for the control of fugitive dust emissions from roadways, stockpile areas, and the like.

3. An operable water-assisted broom-type street sweeper with a pressurized spray bar shall be maintained onsite at all times and shall be used, as needed, for the control of fugitive dust emissions from the paved access road leading from SR 53 to the facility gate as well as from those portions of SR 53 adjacent to the junction of the plant access road and SR 53.

4. The rotary breaker shall be completely enclosed except for the coal entrance and exit points.

5. The feed bin shall be enclosed on three sides and equipped with a roof.

6. All conveyors shall be fully enclosed.

7. All trucks entering or exiting the site from a public roadway shall have their truck beds completely tarped or other covered unless empty.

8. The entrance road and internal plant roadways shall have posted speed limits of 10 miles per hour.

9. The access road from SR 53 to the facility gate shall be paved and the remainder of the facility roadways shall be composed of stone.

10. Front end loader bucket-to-truck bed height shall be kept to a minimum during all truck loading.

11. The discharge of the radial stacking conveyor shall be equipped with at least two water spray nozzles and the height of the radial stacking conveyor shall be adjusted to maintain a maximum coal free fall distance of less than 5 feet at all times.

12. The maximum height of any coal stockpile shall be 30 feet above grade.

13. The rotary breaker shall not operate concurrently with the rotary breaker already existing onsite.

14. The diesel engine shall not be operated more than 2,240 hours in any 12 consecutive month period and shall not emit more than 5.66 tons of NO<sub>x</sub>, 3.01 tons of CO, .46 ton of VOCs, .29 ton of PM and .15 ton of SO<sub>x</sub> in any 12 consecutive month period. Additionally, the sulfur content of the diesel fuel used in the diesel engine shall not exceed .3% (by weight).

15. This plan approval does not authorize the construction, installation or operation of any gasoline, natural gas, propane or diesel-fired stationary engines, generators or engine-generator sets other than the 233 horsepower diesel engine specifically approved herein.



16. Records shall be maintained of the number of tons of coal loaded out from this coal processing operation each month as well as the number of hours the diesel engine operates each month. Records shall be retained for at least 5 years and shall be made available to the Department upon request.

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

**AMS 03075: Defense Energy Support Center** (8725 John J. Kingman Road, Suite 2833, Fort Belvoir, VA 22060) for installation of a vacuum-enhanced skimming remediation system with two thermal oxidizers at 2800 South 20th Street, Philadelphia, PA. The permitted VOC emissions are 24.1 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act 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) 327-0512.*

**55-00002: Department of Public Welfare** (1401 North 7th Street, Harrisburg, PA 17105) for renewal of the Title V Operating Permit for their Selinsgrove Center facility in Penn Township, **Snyder County**. The facility's sources include 3 coal-fired boilers, 2 parts washers, 12 auxiliary generators, 3 furnaces and 1 ash collection system, which have the potential to emit major quantities of PM/PM10 and SOx. The facility has the potential to emit NOx, VOCs, CO and HAPs below the major emission thresholds. The three coal-fired boilers are subject to Compliance Assurance Monitoring requirements in 40 CFR 64.1—64.10. The proposed Title V 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.*

**20-00145: PPG Industries, Inc.** (Kebert Industrial Park, Meadville, PA 16335) for reissuance of a Title V Permit to operate their flat glass manufacturing facility in Greenwood Township, **Crawford County**. The facility's major emission sources include four boilers, two glass melting furnaces, two warehouse packers, two Cullet Drop-O lines, two batch house mixer scale lines, three diesel generators, two diesel pumps, diesel fire pump, emergency water pump, two passivation lines, soda ash silo, sand silo, cullet silo, lime stone silo, gypsum silo, dolomite silo, two W line systems, two batch line mixers and a parts cleaner. PPG is a major facility due to NOx and SOx emissions more than 100 tons per year.

**62-00136: Berenfield Containers, Inc.** (31 Railroad Street, Clarendon, PA 16313) for reissuance of a Title V Permit to operate their metal barrels, drums and pails manufacturing facility in Clarendon Borough, **Warren County**. The facility's major emission sources include space and water heaters, spray booths, paint roller coater, equipment clean up, ovens, weld-seam strip coater, silk screening and cold cleaning degreasers. The facility is major facility for Title V due to its potential to emit of VOCs.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00102: Soil Technologies, Inc.** (7 Steel Road, East P. O. Box 847, Morrisville, PA 19067) for operation of their facility that uses thermal remediation to clean contaminated soils/aggregates of hydrocarbon contamination in Falls Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The major sources of air emissions are the rotary kiln dryer, a storage building where the contaminated soil/aggregate is handled, a pugmill mixer and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00056: Hale Products, Inc.** (700 Spring Mill Avenue, Conshohocken, PA 19428) for operation of their facility that tests pumps and operates two paint booths in the Borough of Conshohocken, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The major sources of air emissions are three pump test engines, two emergency generators and two paint booths and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00086: Engineered Systems Co.** (2250 Market Street, Aston, PA 19014) for operation of their assembly facility in Upper Chichester Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include two spray paint booths and a natural gas-fired curing oven. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**65-00802: Beckwith Machinery Company—Delmont Plant** (P. O. Box 140, Delmont, PA 15626) in Salem Township, **Westmoreland County**. The facility's source of emissions is a waste oil boiler.

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

**25-00192: Reed Manufacturing Co.** (1425 West 8th Street, Erie, PA 16502) for a Natural Minor Operating Permit to operate their tool manufacturing facility in the City of Erie, **Erie County**. The facility's primary emission sources include machining, heat treating, degreasing and surface coating operations. The emissions from this facility are well below major source levels.

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

**S04-013: Baum Printing Co.** (9985 Gantry Road, Philadelphia, PA 19115) for operation of an offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are six nonheatset offset sheetfed lithographic printing presses.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the operating permit must submit the protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**S04-006: Degussa Flavors and Fruit Systems, LLC** (1741 Tomlinson Road, Philadelphia, PA 19116) for operation of a flavor manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers. The facility's air pollution control devices include one cyclone.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the operating permit must submit the protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**S04-008: Riverside Materials, Inc.** (2870 East Allegheny Avenue, Philadelphia, PA 19134) for operation of their asphalt paving mixture manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a hot mix asphalt drum controlled by a knockout box/baghouse in addition to a crushing plant and a hot oil heater.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at the AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener, (215) 685-9426.

Persons wishing to file protests or comments on the operating permit must submit the protests or comments within 30 days from the date of this notice. Protests or comments filed with the AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, the AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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 Returned*

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

**24020104. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Revision to an existing bituminous strip operation to add coal ash placement in Fox Township, **Elk County**. Receiving streams: unnamed tributary to Little Toby Creek. Application received January 14, 2004. Application returned: August 17, 2004.

*Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**03020103 and NPDES Permit No. PA0250074. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Application received for transfer of permit currently issued to Alverda Enterprises, Inc. for continued operation and reclamation of a bituminous surface mining site in South Bend Township, **Armstrong County**, affecting 20.3 acres. Receiving streams: unnamed tributaries to Big Run and Whiskey Run (CWF). The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the proposed site. Transfer application received August 19, 2004.

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

**56703107 and NPDES Permit No. PA0605956. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal and/or continued operation of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 863.0 acres. Receiving streams: unnamed tributary to Paint Creek; to Kaufman Run; to unnamed tributaries to Kaufman Run; to Stony Creek; and to Shade Creek (CWF and WWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stoneycreek Surface Water Intake. Application received August 6, 2004.

**56990101 and NPDES Permit No. PA0235008. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, surface mining permit renewal for reclamation only in Paint Township, **Somerset County**, affecting 54.3 acres. Receiving streams: unnamed tributary to Kaufman Run and Kaufman Run (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Stoneycreek Surface Water Withdrawal. Application received August 4, 2004.

**32820134 and NPDES Permit No. PA0606154. The Arcadia Company, Inc.**, 250 Airport Road, P. O. Box

1319, Indiana, PA 15701, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Grant, Montgomery, Banks and Canoe Townships, **Indiana County**, affecting 1,166.0 acres. Receiving streams: unnamed tributaries to Little Mahoning Creek, Little Mahoning Creek, unnamed tributary to Cush Creek (HQ-CWF and CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2004.

**32990111 and NPDES Permit No. PA0235199. Mears Enterprises, Inc.**, P. O. Box 157, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Cherryhill Township, **Indiana County**, affecting 71.5 acres. Receiving streams: Two Lick Creek (TSF). The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company Two Lick Creek Surface Water Withdrawal. Application received August 5, 2004.

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

**33890113 and NPDES Permit No. PA0207438. Original Fuels, Inc.** (P. O. Box 232, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip, auger mine, tippie refuse disposal and limestone and sandstone removal operation in Perry Township, **Jefferson County** affecting 508.8 acres. Receiving Streams: five unnamed tributaries to Pine Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received August 13, 2004.

**33030108 and NPDES Permit No. PA0242420. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in Beaver Township, **Jefferson County** affecting 107.7 acres. Receiving streams: unnamed tributaries to Little Sandy Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Hawthorn Area Water Authority and the Reynoldsville Municipal Authority. Revision to add an additional 18.6 acres to the permit area. Application received August 16, 2004.

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

**17040107 and NPDES Permit No. PA0243817. Moravian Run Reclamation Co., Inc.** (605 Sheridan Drive, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine-auger per-

mit in Girard Township, **Clearfield County** affecting 147.5 acres. Receiving streams: unnamed tributaries to Deer Creek and Deer Creek (CWF). There are no potable water supply intakes from the point of discharge. Application received August 6, 2004.

**14040101 and NPDES Permit No. PA0243833. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Commencement, operation and restoration of a bituminous surface mine-auger-coal refuse reprocessing permit in Rush Township, **Centre County** affecting 559 acres. Receiving streams: tributaries to Trout Run to Moshannon Creek and tributaries to Moshannon Creek (CWF). There are no potable water supply intakes from the point of discharge. Application received August 13, 2004.

**17020107 and NPDES Permit No. PA0243281. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing surface mine permit application from Moravian Run Reclamation Co., Inc. The site is in Lawrence Township, **Clearfield County** and affects 112 acres. Receiving streams: West Branch Susquehanna River; unnamed tributaries to West Branch Susquehanna River (CWF). Application received July 27, 2004.

**17950119 and NPDES Permit No. PA0220221. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Pike Township, **Clearfield County** and affects 168 acres. Receiving streams: unnamed tributaries to Little Clearfield Creek (HQ-CWF). Application received July 27, 2004.

**17020106 and NPDES Permit No. PA0243264. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Girard Township, **Clearfield County** and affects 169 acres. Receiving streams: Deer Creek, unnamed tributaries to Deer Creek; unnamed tributaries to Bald Hill Run (CWF). Application received July 27, 2004.

**17940116 and NPDES Permit No. PA0219908. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Penn Township, **Clearfield County** and affects 247 acres. Receiving streams: Poplar Run; unnamed tributaries to Poplar Run (CWF). Application received July 27, 2004.

**17990120 and NPDES Permit No. PA0242756. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Penn Township, **Clearfield County** and affects 37.5 acres. Receiving streams: unnamed tributary to Bell Run (CWF). Application received July 27, 2004.

**17930128 and NPDES Permit No. PA0242756. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Penn Township, **Clearfield County** and affects 106.2 acres. Receiving streams: unnamed tributaries to Bell Run (CWF). Application received July 27, 2004.

**17930125 and NPDES Permit No. PA0219665. EnerCorp, Inc.** (1686 Allport Cutoff, Morrisdale, PA

16858). Renewal of an existing bituminous surface mine permit in Morris Township, **Clearfield County**. The permit affects 130 acres. The application includes a revision to the existing permit for a change in land use from forestland to pastureland. Receiving streams: unnamed tributary to Moshannon Creek. Application received July 27, 2004.

**17980115 and NPDES Permit No. PA0238074. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine-auger permit in Decatur and Woodward Townships, **Clearfield County** affecting 60.5 acres. Receiving streams: unnamed tributary to Beaver Run; Beaver Run. Application received August 6, 2004.

**17010113 and NPDES Permit No. PA0243167. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is in Girard Township, **Clearfield County** and affects 90 acres. Receiving streams: Bald Hill Run, unnamed tributaries to Bald Hill Run (CWF). Application received August 10, 2004.

**17040108 and NPDES Permit No. PA0243825. Larry D. Baumgardner Coal Co., Inc.** (P. O. Box 186, Lanse, PA 16849). Commencement, operation and restoration of a bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 62.1 acres. Receiving streams: unnamed tributaries to Laurel Run (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received August 17, 2004.

*Noncoal Permit Applications Received*

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

**4773SM4 and NPDES Permit No. PA0115461. Hanson Aggregates (PA), Inc.** (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044). Renewal of an existing large industrial minerals NPDES Permit in Liberty Township, **Tioga County** affecting 145.7 acres. Receiving streams: Bellman Run, Cowanesque River. Application received July 28, 2004.

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

**43040302. New Castle Lime and Stone Company** (P. O. Box 422, Edinburg, PA 16116). Commencement, operation and restoration of a sand and gravel operation in Shenango Township, **Mercer County** affecting 48.3 acres. Receiving streams: unnamed tributary to the Shenango River and the Shenango River (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received August 12, 2004.

**15359-43040302-E-1. New Castle Lime and Stone Company** (P. O. Box 422, Edinburg, PA 16116). Application for a stream encroachment to upgrade and maintain a portion of the existing access road which is within 100 feet of the unnamed tributary no. 1 to the Shenango River in Shenango Township, **Mercer County** affecting 48.3 acres. Receiving streams: unnamed tributary to the Shenango River and the Shenango River (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received August 12, 2004.

*Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901-2454.*

**5273SM1T2 and NPDES Permit No. PA0594261. Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack,

PA 19474), transfer of an existing quarry operation from Pyramid Land Development, Inc. and renewal of NPDES Permit for discharge of treated mine drainage in Aston Township, **Delaware County** affecting 50.02 acres, receiving stream: Chester Creek. Application received August 11, 2004.

**67870301C6 and NPDES Permit No. PA0010235. York Building Products, Inc.** (P. O. Box 1708, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**, receiving stream: Willis Run (WWF). Application received August 16, 2004.

**21960801. Valley-View Henry Farms** (4756 Enola Road, Newville, PA 17241), Stage I and II bond release for a quarry operation in Lower Mifflin Township, **Cumberland County** affecting 2.0 acres on property owned by Eugene Henry. Application received August 16, 2004.

**49040301. Central Builders Supply Company** (125 Bridge Avenue, Sunbury, PA 17801), commencement, operation and restoration of a quarry operation in Point Township, **Northumberland County** affecting 58.6 acres, receiving stream: none. Application received August 16, 2004.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-722. Robert Bruce Homes, Inc.**, 1223 West Chester Pike, West Chester, PA 19380, Caln Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a triple span arch bridge, each span having a 20-foot clear span and 6-foot rise over an unnamed tributary to Beaver Creek (TSF-MF) to accommodate a cul-de-sac access road associated with the proposed Clarelyn Subdivision.

Proposed activities will impact approximately 65 linear feet of watercourse and 0.09 acre of adjacent wetlands (PEM). The site is on the west side of Lloyd Avenue approximately 3,000 feet southwest of the intersection of Lloyd Avenue and Route 322 (Downingtown, PA USGS Quadrangle N: 0.7 inch; W: 13.5 inches).

The applicant proposes to construct 0.56 acre of wetland replacement with this project.

**E46-940. Mason's Mill Partners, L. P.**, 1800 Byberry Road, Suite 1410, Huntingdon Valley, PA 19006-3526, Bryn Athyn Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 14-foot wide single span reinforced concrete bridge and appurtenant structures having an approximate 40-foot span and 4.4-foot underclearance over the Southampton Creek, a tributary of the Pennypack Creek (TSF-MF). Work will include incidental grading in the floodway to accommodate bridge construction and to facilitate pavement of the roadway approaches.

The project proposes to temporarily impact 20 and permanently impact a total of 14 linear feet of watercourse. The site is approximately 940 feet south of the intersection of Byberry and Mason Mill Roads (Hatboro, PA USGS Quadrangle N: 5.84 inches; W: 10.63 inches).

**E46-964. Spring Mill Realty**, 528 Main Street, Suite 200, Harleysville, PA 19438, Upper Salford Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the Shelly Road Commercial Site:

1. To construct and maintain two 60-inch RCP culvert crossings across a tributary to the East Branch of the Perkiomen Creek (TSF) to provide ingress and egress to this commercial facility. These crossings were previously authorized by General Permits GP074600311 and GP074600312 and later updated and consolidated by GP074602334. These activities will become further consolidated into this encroachment permit and the previously mentioned general permits will be dissolved upon issuance of this permit.

2. To relocate approximately 85 linear feet of unnamed tributary of the East Branch of the Perkiomen Creek and to redirect stream flows through 74 linear feet of 60-inch RCP culvert to accommodate the widening of Shelly Road.

3. To place fill within approximately 0.025 acre of wetland to facilitate an access road for a proposed package sewage treatment plant serving this commercial site.

4. To install and maintain approximately 50 linear feet of conduit and an associated outfall structure from the proposed package sewage treatment plant within the floodway of the Perkiomen Creek and abutting wetlands. This outfall was previously authorized by General Permits GP044600305 and GP044600311 and later updated and consolidated by GP044602338. These activities will become further consolidated into this encroachment permit and the previously mentioned general permits will be dissolved upon issuance of this permit.

Permanent stream impacts will total approximately 200 linear feet. The site is just south of the intersection of Sumneytown Pike (SR 0063) and Shelly Road (Perkiomenville USGS Quadrangle N: 9.0 inches; W: 5.5 inches).

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

**E48-353. City of Easton/Hugh Moore Park Commission**, City Hall, One South Third Street, Easton, PA 18042 in City of Easton, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 80-foot by 120-foot museum building in the 100-year floodplain of the Lehigh River (WWF). The project is in Hugh Moore Park, approximately 0.8 mile upstream from SR 2012 (Easton, PA-NJ Quadrangle N: 6.7 inches; W: 15.9 inches).

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

**E67-767: James B. Yelton**, P. O. Box 153, Glen Rock, PA 17327 in Springfield Township, **York County**, ACOE Baltimore District.

To construct and maintain a 20-foot wide bridge having a span of 14 feet for a driveway to cross an unnamed tributary of the South Branch Codorus Creek (WWF) (Glen Rock, PA Quadrangle N: 11.9 inches; W: 16.8 inches) Springfield Township, York County.

**E67-711: York Township**, 25 Oak Street, York, PA 17402 in York Township, **York County**, ACOE Baltimore District.

To remove an existing 8-inch sanitary sewer line, then construct and maintain 1,016 feet of 8-inch and 227 feet of 10-inch sanitary sewer line in and along an unnamed tributary to Tyler Run, Tyler Run and associated wetlands at a point between Tyler Run Road and Powdermill Road (York, PA Quadrangle N: 10.49 inches; W: 11.48 inches) in York Township, York County. The project includes two utility line stream crossings, one utility line stream/wetland crossing and three areas of gabion basket installation for bank stabilization for a total impact of 197 feet.

**E21-365: Insite Development, LLC**, 4216 Little Run Road, Harrisburg, PA 17110, in Hampden Township, **Cumberland County**, ACOE Baltimore District.

To: (1) construct and maintain one 54-foot wide, 36-foot span by 10-foot 6-inch high open bottom arch structure across an unnamed tributary to the Conodoguinet Creek (WWF); (2) construct and maintain five separate roadway crossings resulting in the filling of 0.76 acre of wetlands tributary to the unnamed tributary of the Conodoguinet Creek; (3) installation of sanitary sewer, storm sewer, water, cable, electric and telephone utilities, all within the proposed footprints of the roadways, for the purpose of constructing the 48-lot residential subdivision on 43.5 acres, known as Hawks Landing, between Lamb's Gap Road (SR 1011) and Hunter's Drive, to the south side of

Wertzville Road (SR 0944) (Wertzville, PA Quadrangle N: 6.35 inches; W: 0.92 inch) in Hampden Township, Cumberland County. The permittee is required to provide a minimum of 0.97 acre of replacement wetlands.

**E07-387: The Pennsylvania State University**, 101P Office of Physical Plant, University Park, PA 16802.

To construct and maintain a pedestrian bridge with a 6-foot wide by 38-foot long span and a minimum underclearance of 7 feet to be at a point along an unnamed tributary to Spring Run (WWF) (Altoona, PA Quadrangle N: 7.05 inches; W: 4.73 inches) within the City of Altoona, **Blair County**.

**E21-364: James H. and Mary C. Snyder**, 429 Chestnut Street, Mt. Holly Springs, PA 17065 in Mount Holly Springs Borough, **Cumberland County**.

To construct and maintain four duplex housing units on 0.9 acre of land within the detailed floodway of Mountain Creek (TSF), approximately 200 feet upstream of the Mill Street Bridge (Mt. Holly Springs, PA Quadrangle N: 22.05 inches; W: 8.75 inches) in Mount Holly Springs Borough, Cumberland County.

**E36-786: Paradise Sportsmen's Association**, 339 South Belmont Road, Paradise, PA 17652 in Salisbury Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project spanning approximately 6,500 feet on Pequea Creek (HQ-CWF) on the Honey Brook, PA Quadrangle (Latitude: 40°03'40"; W: 75°57'42") in Salisbury Township, Lancaster County.

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

**E08-415. Department of Transportation**, P. O. Box 218, 715 Jordan Avenue, Montoursville, PA 17754-0218. Box culvert, SR 1055, Section 004 in Rome Township, **Bradford County**, ACOE Baltimore District (Windham, PA Quadrangle N: 3.35 inches; W: 12.4 inches).

To: (1) remove the existing steel I-beam bridge which has timber decking with a clear span of 10 feet, a curb-to-curb width of 22.5 feet on an 83 degree skew with a minimum underclearance of 3.8 feet and a hydraulic opening of approximately 40 square feet; (2) construct and maintain a precast reinforced concrete box culvert with a 12-foot by 4.5-foot opening with concrete wingwalls surrounded by R-6 riprap for scour protection on an 83 degree skew submerged 1 foot in the streambed. The project is in the Branch of Parks Creek (CWF) on SR 1055, Section 004 approximately 1 mile north of the intersection of SR 1055 with SR 1044. The project will not impact wetlands, disturbing approximately 0.1 acre of earth and approximately 20 feet of waterway.

**E47-079. Valley Township Municipal Authority**, P. O. Box 307, Danville, PA 17821. Valley Township sewer extension in Valley Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 21.4 inches; W: 16.4 inches).

This application is an after-the-fact application for the sewer line crossings. The permit is submitted under a violation notice stemming from onsite violations. The original crossing authorization was conducted under General Permit authorization. The crossings include 17 stream crossings associated with the Mahoning Creek Watershed and 4 wetland crossings. Six of the crossings are on Mahoning Creek (TSF), seven crossings on un-

named tributaries to Mahoning Creek (TSF) and six crossings on unnamed tributaries to Mauses Creek (CWF).

**E53-403. Hebron Township**, 786 Baker Creek Road, Coudersport, PA 16915. Prosser Hollow Road bridge replacement project in Hebron Township, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 12.25 inches; W: 15.125 inches).

To remove an existing structure and construct, operate and maintain a single cell, open-bottom, precast arch culvert to carry Prosser Hollow Road across the Allegheny River (HQ-CWF). The precast arch culvert shall be constructed with a minimum span of 47 feet, underclearance of 10 feet and roadway width of 26 feet. All construction and future maintenance work shall be completed during stream low flow and dry work conditions by dams and pumping or fluming stream flow around work areas. Since the Allegheny River is a wild trout fishery, no maintenance work shall be conducted in or along the unnamed tributary channel between October 1 and December 31 without prior written permission from the Fish and Boat Commission. The project will impact 0.47 acre of wetland, while impacting 82 feet of waterway that is along the eastern right-of-way of SR 0244, approximately at the intersection of Depot Street and SR 0244.

**E60-166. White Deer Watershed Association**, P. O. Box 102, White Deer, PA 17887. White Deer Creek

Stream restoration project in White Deer Township, **Union County**, ACOE Baltimore District (Milton, PA Quadrangle N: 13.8 inches; W: 16.8 inches).

The applicant is proposing to revitalize 1,950 linear feet of White Deer Creek (HQ-CWF). The applicant proposes to install four cross vane rock structures, rock toe stabilization treatments, boulder/soil stabilization matrix, boulder bank revetment, boulder wall stabilization treatments and to remove an abandon water line below the Harbeson Road Bridge. The streams natural pattern will be maintained with some minor augmentation to the proposed channels cross-section to allow for a more stable form.

#### DAM SAFETY

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

**D46-342. Skippack Golf Course Dam, Department of Conservation and Natural Resources, Bureau of State Parks**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct, operate and maintain the Skippack Golf Course Dam across Zacharias Creek (TSF), impacting 0 acre of wetlands and 20 feet of stream for the purpose of irrigation of the Skippack Golf Course in Ebensburg State Park. Work includes the removal and replacement of an existing dam and dredging of the impoundment area (Collegeville, PA Quadrangle N: 14.85 inches; W: 1.6 inches) in Skippack Township, **Montgomery County**.

## 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.

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### I. NPDES Renewal Permit Actions

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*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>
PA0218031 Sewage	Alan A. Axelson 2370 Morrow Road Pittsburgh, PA 15241	Washington County Morris Township	Short Creek	Y

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

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

**NPDES Permit No. PA0011070**, Industrial Waste, **Knoll Inc.**, 1235 Water Street, P. O. Box 157, East Greenville, PA 18041. This proposed facility is in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Perkiomen Creek in Watershed 3E.

**NPDES Permit No. PA0042641**, Sewage, **Department of Conservation and Natural Resources**, 2808 Three Mile Road, Perkasio, PA 18944-2065. This proposed facility is in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the Nockamixon State Park STP into Tohickon Creek in Watershed 3D.

**NPDES Permit No. PA0026964**, Sewage, **Lower Perkiomen Valley Regional Sewer Authority**, P. O. Box 613, 5 River Road, Oaks, PA 19456. This proposed facility is in Upper Providence Township, **Montgomery County**.

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

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

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

**WQM Permit No. 5604401**, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. This proposed facility is in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: 47 million gallon recovery impoundment.

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

**WQM Permit No. WQG018306**, Sewerage, **Donald G. Jr. and Stacey L. Mulson**, P. O. Box 2, Mill Village, PA 16427. This proposed facility is in Mill Village Borough, **Erie County**.

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

**WQM Permit No. WQG018313**, Sewerage, **Barry Walk, Jr.**, 10972 Station Road, North East, PA 16428. This proposed facility is in Greenfield Township, **Erie County**.

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

**WQM Permit No. WQG018305**, Sewerage, **William Evans**, 8835 Parson Road, Erie, PA 16509. This proposed facility is in Summit Township, **Erie County**.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G427-1	Lutheran Senior Services of Southern Chester County Route 796 and Baltimore Pike West Grove, PA 19390	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF-MF
PAI011504020	Stephen Cushman Hillvellyn Subdivision 403 West Lincoln Highway Exton, PA 19341	Chester	West Caln Township	Two Log Run HQ-TSF-MF
PAI011504033	Camp Hill Village Kimberton Hills, Inc. P. O. Box 1045 Kimberton, PA 19442	Chester	West Vincent Township	French Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041803006	Art Condo NCAC Dev. Co., LLC P. O. Box 462 Lamar, PA 16848-0462	Clinton	Porter Township	Fishing Creek HQ-CWF
PAI041404002	L. S. I. Inc. Lindsey H. Kiefer 2990 Ernest Lane State College, PA 16801	Centre	Ferguson Township	UNT Spruce Run HQ-CWF
PAI041804001	William R. Bastian Wag-Myr Woodlands Inc. 236 Wag Myr Lane Loganton, PA 17747	Clinton	Green Township	UNT Fishing Creek HQ-EV

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

*Somerset County Conservation District: North Ridge Building, 1590 North Center Avenue, Suite 103, Somerset, PA 15501-7000, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055604003	Seven Springs Municipal Authority 290 Lagoon Lane Champion, PA 15622	Somerset	Middlecreek Township	Unnamed tributary to Allen Creek and Laurel Hill Creek HQ-CWF

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

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

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

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

PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Hilltown Township Bucks County	PAG2000904115	Hilltown Township Forest Road Park 13 West Creamery Road P. O. Box 260 Hilltown, PA 18927	Morris Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG2000904069	William Dimmler The Dimmler Tract P. O. Box 213 Wycombe, PA 18980-0214	Mill Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000904043	Shelly Enterprises 64 Highland Avenue Soudertown, PA 18969	Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ridley Township Delaware County	PAG2002304010	Macboulevard Associates, LP 1288 Valley Forge Road Valley Forge, PA 19482	Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Delaware County	PAG2002304018	Visionary Land Development, LLP 27 Wallingford Avenue Wallingford, PA 19086	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002304034	Villanova University 800 Lancaster Avenue Villanova, PA 19085	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004603213	Stewart and Conti Development Secret Hollow Estates 3801 Germantown Pike Collegetown, PA 19426	Schuylkill River and Doe Run WWF, TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604087	Kane Core, Inc. Landis Farms Estates 4365 Skippack Pike Schwenksville, PA 19473	Schuylkill River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004604063	Pottstown Hospital, LLC Pottstown Memorial Medical Center 1600 East High Street Pottstown, PA 19464	Sprogles Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004603135	Peace Evangelical Lutheran Church 200 East Beidler Road King of Prussia, PA 19406	Schuylkill River WWF	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>
Worcester Township Montgomery County	PAG2004603144	Sparango Construction Company Applewood Estates of Worcester 506 Bethlehem Pike Fort Washington, PA 19034	Zacharias Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG2004603250	Wilmer Hallman Sanatoga Ridge Community—Phase II 2461 East High Street Pottstown, PA 19464	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004604066	Oak Restaurant PA Taco Bell Inc. Land Development 14 Balligomingo Road P. O. Box 429 Conshohocken, PA 19428	Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004603038	Dunn Noble Development Company Walgreens Pharmacy 107 North Commerce Way Suite 107 Bethlehem, PA 18017	Stoney Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004604082	City Suburban Developers 515 Centennial Street Development 152 Garrett Road Upper Darby, PA 19082	Tributary Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Mayfield Borough Lackawanna County	PAG2003504023	Daniel Swirdovich 800 Laurel Road Mayfield, PA 18433	Unnamed tributary to Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
South Abington Township Lackawanna County	PAG2003504025	Edward Bush, Sr. Clarks Summit Development, LLC 820 Northern Blvd. Clarks Summit, PA 18411-2229	Unnamed tributary to Leggetts Creek CWF	Lackawanna County Conservation District (570) 281-9495
Forest City Borough Susquehanna County	PAG2005804007	Greater Forest City Industries 636 Main St. Forest City, PA 18421	Unnamed tributary to Lackawanna River CWF	Susquehanna County Conservation District (570) 278-4600
Clearfield County City of DuBois	PAG2001704001	Joseph Korb 15 East Ave. DuBois, PA 15801	UNT Sandy Lick Creek CWF	Department of Environmental Protection Water Management 208 W. 3rd St. Suite 101 Williamsport, PA 17701 (570) 327-3574
Allegheny County Richland Township	PAR10A429-1	Richland Properties, Inc. 7805 McKnight Road Pittsburgh, PA 15237	Deer Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Fayette Township	PAR10A558-1	MHM Development Co., Inc. 409 Broad Street Sewickley, PA 15143	Millers Run WWF Coal Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Bethel Park South Park Township	PAG2000203027	Wadwell Group 122 Cedar Lane McMurray, PA 15317	Lick Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000204046	HGD Associates, LP 1009 Beaver Grade Rd. Coraopolis, PA 15108	Trout Run TSF	Allegheny County Conservation District (412) 241-7645

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Monroeville	PAG2000204059	St. Bernadette Catholic Church 245 Azalea Drive Monroeville, PA 15146	Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Robinson Township	PAG2000204060	Robinson Township Municipal Authority P. O. Box 15539 Pittsburgh, PA 15244-0539	Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pittsburgh	PAG2000204062	Rivertech Associates LP 1046 Pittsburgh Street Springdale, PA 15144  Prudential Realty Management Company 3700 South Water Street Pittsburgh, PA 15203	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County North Fayette Township	PAG2000204065	Charles Dinardo 200 Patton Drive Coraopolis, PA 15108	Pinkerton Run WWF Robinson Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Marshall Township	PAG2000204071	Tech 21 Development Corporation LP 600 Grant Street Suite 1400 Pittsburgh, PA 15219-2703	Brush Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000204072	Upper St. Clair Township 1820 McLaughlin Run Road Pittsburgh, PA 15241	McLaughlin Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Penn Hills	PAG2000204079	Penn Hills Properties LP One Atlantic Avenue Pittsburgh, PA 15202-1707	Thompson Run WWF	Allegheny County Conservation District (412) 241-7645
Armstrong County Washington Township	PAG2000304006	Allegheny Energy Supply Co., LLC 4350 Northern Pike Monroeville, PA 15146-2841	Allegheny River WWF	Armstrong County Conservation District (724) 548-3425
Indiana County Center Township	PAG2003204010	Department of Transportation District 10 2550 Oakland Avenue Indiana, PA 15701	Yellow Creek CWF	Indiana County Conservation District (724) 463-8547
Washington County North Franklin Township	PAG2006304025	Trinity Area School District 231 Park Avenue Washington, PA 15301	Unnamed tributary to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Washington Township	PAG2006504029	Municipal Authority of Washington Township 383 Pine Run Church Road Apollo, PA 15613	Unnamed tributary to Beaver Run TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County South Huntingdon Township	PAG2006504033	Yough School District 99 Lowber Road Herminie, PA 15637	Unnamed tributary to Sewickley Creek WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006504034	F & L Group, Inc. 350 Bethel Road North Huntingdon, PA 15642	Tributary to Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon Township	PAG2006504035	Westmoreland County Industrial Development Corporation Suite 601 Courthouse Square 2 North Main Street Greensburg, PA 15601	Unnamed Tributary to Buffalo Run WWF	Westmoreland County Conservation District (724) 837-5271

<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>
Westmoreland County Unity Township	PAG2006504037	DeMill Development, LLC Rt. 2, Box 181 New Alexandria, PA 15670	Unnamed tributary of the Loyalhanna CWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006504038	Greensburg Thermal 755 Opossum Lake Rd. Carlisle, PA 17013	Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006504039	William Scalise 8340 Pennsylvania Ave. North Huntingdon, PA 15642	Andrews Run TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006504040	Mark Cuomo 27 Barri Drive Irwin, PA 15642	Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Butler County Cranberry Township	PAG200100408	David Rodgers Madison Heights Lake & Subdivision 215 Executive Drive Cranberry Township, PA 16066	UNT Brush Creek WWF	Butler Conservation District (724) 284-5270
Butler County Cranberry Township	PAG2001004017	FMZ Construction & Development Inc. Washington Farms Subdivision 125 Gracie Lane Mars, PA 16046	UNT Wolfe Creek WWF	Butler Conservation District (724) 284-5270
<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>
Macungie Borough Lehigh County	PAR202218	Tyler Pipe Company Division of McWane, Inc. 101 North Church Street Macungie, PA 18062	Swabia Creek CWF	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Wilkes-Barre City Luzerne County	PAR202238	Inter Metro Industries Corp. 651 North Washington St. Wilkes-Barre, PA 18705	Mill Creek CWF	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Plains Township Luzerne County	PAR202239	Inter Metro Industries Corp. 651 North Washington St. Wilkes-Barre, PA 18705	Mill Creek CWF	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Allegheny County South Fayette Township	PAR206140	Ionics Incorporated 3039 Washington Pike Bridgeville, PA 15017-1403	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Somerset County Upper Turkeyfoot Township	PAR226111	King & Bungard Lumber Co. Inc. 668 Casselman Road Markletown, PA 15551	Casselman River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Koppel Borough	PAR606114	Philip Metals Inc. P. O. Box N Rt. 18N Big Beaver Blvd. Koppel, PA 16136	Stockman Run to Beaver River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset County Jenner Township	PAR606146	Hemminger Auto & Truck Inc. 185 Ridge Road Somerset, PA 15501	UNT to Quemahoning Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene County Perry Township	PAR606148	Burnside's Auto Salvage P. O. Box 429 Mt. Morris, PA 15349	Unnamed feeder to Dunkard Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Indiana County Rayne Township	PAG046289	Christ Our Savior Orthodox Church 6768 Tanoma Road Indiana, PA 15701	Crooked Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
West Salem Township Mercer County	PAG048641	Chris Kirkland 15 Carisle Road Transfer, PA 16154	Unnamed tributary of Big Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jefferson Township Mercer County	PAG048631	Renee E. Titus 494 McCullough Road Sharpsville, PA 16150	Unnamed tributary of Daley Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG048353	Nicholas Barbosa, Jr. 371 Fredonia Road Greenville, PA 16125-9755	Unnamed tributary of Mathay Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<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>
Mill Village Borough Erie County	PAG048995	Donald G. Jr. and Stacey L. Mulson P. O. Box 2 Mill Village, PA 16427	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenfield Township Erie County	PAG048992	Barry Walk, Jr. 10972 Station Road North East, PA 16428	Unnamed tributary to West Branch of French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG048994	William Evans 8835 Parson Road Erie, PA 16509	Unnamed tributary to LeBoeuf Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Springfield Township Montgomery County	PAG050011	BP Amoco Corporation 1 West Pennsylvania Ave. Suite 915 Towson, MD 21204-5031	Wissahickon Creek 3F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Hanover Township Luzerne County	PAG052218	Sunoco, Inc. 2345 Sans Souci Parkway Hanover Township, PA 19040	Susquehanna River CWF	NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Lake City Borough Erie County	PAG088310	Lake City Borough 2350 Main Street Lake City, PA 16423	Lake City Municipal Authority Maple Avenue Lake City, PA 16423	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Independence Township Beaver County	Vanport Township Municipal Authority 285 River Avenue Vanport, PA 15009	Jodikinos Farm Biosolids Site	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>
PAG132272	Wilkes-Barre City 40 East Market Street Wilkes-Barre, PA 18711	Luzerne	Wilkes-Barre City	Unnamed tributary to Susquehanna River CWF Solomon Creek CWF Susquehanna River WWF	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.**

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

<b>Permit No. 1504504</b> , Public Water Supply.	
Applicant	<b>Pennsylvania American Water Company</b> 100 Cheshire Court, Suite 104 Coatesville, PA 19320
Township	West Sadsbury
County	<b>Chester</b>
Type of Facility	PWS

Consulting Engineer Bohler Engineering, Inc.  
1120 Welsh Road, Suite 200  
North Wales, PA 19454

Permit to Construct Issued August 23, 2004

**Permit No. 5104501**, Public Water Supply.

Applicant	<b>Philadelphia Water Department</b> Aramark Tower 1101 Market Street, 2nd Floor Philadelphia, PA 19107 City of Philadelphia
County	<b>Philadelphia</b>
Type of Facility	PWS
Consulting Engineer	Vahe Hovsepian Philadelphia Water Department Aramark Tower 1101 Market Street, 2nd Floor Philadelphia, PA 19107
Permit to Construct Issued	August 23, 2004

**Operations Permit** issued to **Pennsylvania American Water Company**, 800 W. Hersheypark Drive, Hershey, PA 17033, PWS ID 1150166, Royersford Borough, **Montgomery County** on August 23, 2004, for the operation of facilities approved under Construction Permit No. 4603506.

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

**Operations Permit** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2400012, Jackson Township, **Luzerne County**, on August 5, 2004, for the operation of facilities approved under Construction Permit N/A.

**Operations Permit** issued to **Victoria Arms Townhouses/Condos Association**, P. O. Box 1574, Brodheadsville, PA 18322, PWS ID 2450117, Polk Township, **Monroe County**, on August 6, 2004, for the operation of facilities approved under Construction Permit No. 4594507.

**Operations Permit** issued to **Clarks Mobile Home Park**, R. R. 1, Box 514, Olyphant, PA 18447, PWS ID 2350064, Scott Township, **Lackawanna County**, on August 17, 2004, for the operation of facilities approved under Construction Permit No. 3591505.

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



**Operations Permit** issued to **Shady Grove Menno-nite School**, Antrim Township, **Franklin County** on August 11, 2004, for the operation of facilities approved under Construction Permit No. 2803508.

The following permit reflects a change from the notice published at 34 Pa.B. 2947 (June 5, 2004). The permit to construct issue date was incorrect. The correct version is as follows.

**Permit No. 6704508 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Pennsylvania American Water</b>
Municipality	Fairview Township
County	<b>York</b>
Type of Facility	This permit approves the installation of a pressure reducing valve vault for the entire water distribution system for the Fairfield Development in York County.
Consulting Engineer	James C. Elliot, P. E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued	May 21, 2004

The following permit reflects a change from the notice published at 34 Pa.B. 2947 (June 5, 2004). The permit to construct issue date was incorrect. The correct version is as follows.

**Permit No. 0603520**, Public Water Supply.

Applicant	<b>Reading Area Water Authority</b>
Municipality	Ontelaunee Township
County	<b>Berks</b>
Type of Facility	Water main extension to Ontelaunee Township and construction of a chlorine booster pump station.
Consulting Engineer	Thomas L. Weld Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Permit to Construct Issued	May 21, 2004

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

**Permit No. 2603502**, Public Water Supply.

Applicant	<b>Seven Springs Municipal Authority</b> 290 Lagoon Lane Champion, PA 15622
Borough or Township	Saltlick Township
County	<b>Fayette</b>
Type of Facility	Innovative Technology Permit for bag filtration plant for Trout Run No. 4 Spring.

Consulting Engineer	Widmer Engineering, Inc. 225 West Crawford Avenue Connellsville, PA 15425
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Permit to Construct Issued	August 20, 2004
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**Operations Permit** issued to **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001, PWS ID 5040006, Center Township, **Beaver County** on August 10, 2004, for the operation of facilities approved under Construction Permit No. 0402503.

**Operations Permit** issued to **Addison Area Water Authority**, P. O. Box 13, Addison, PA 15411, PWS ID 4560028, Addison Borough, **Somerset County** on August 10, 2004, for the operation of facilities approved under Construction Permit No. 5696506-A1.

**Operations Permit** issued to **Reade Township Municipal Authority**, 1032 Skyline Drive, Blandburg, PA 16619-0506, PWS ID 4110297, Reade Township, **Cambria County** on August 13, 2004, for the operation of facilities approved under Construction Permit No. 1102503.

**Permit No. 0288509-A1-C2, Minor Amendment**, Public Water Supply.

Applicant	<b>Borough of Sharpsburg</b> 1611 Main Street Pittsburgh, PA 15215
Borough or Township	Sharpsburg Borough
County	<b>Allegheny</b>
Type of Facility	Designation of water quality parameter performance requirements.
Permit to Operate Issued	August 20, 2004

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

**Permit No. 364W14-MA2**, Minor Amendment.

Applicant	<b>Hawthorn Area Water Authority</b>
Borough or Township	Hawthorn Borough
County	<b>Clarion</b>
Type of Facility	PWS
Permit to Construct Issued	August 19, 2004

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Orange Township	2028 SR 487 Orangeville, PA 17859	Columbia
Orangeville Borough	301 Mill Street Orangeville, PA 17859	Columbia

Plan Description: The plan proposes to extend a small diameter pressure sewer approximately 1,750 feet to serve five existing residential properties and a commer-

cial market. Each of the dwellings and commercial properties will purchase and maintain an individual grinder pump. This sewage will be conveyed and treated at the existing Orangeville Borough Sewage Treatment Plant. The Department's review of the Sewage Facilities Update Revision has not identified any significant negative environmental impacts resulting from this proposal.

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

**Plan Location:**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Chillisquaque Township	P. O. Box 252 Montandon, PA 17850	Northumberland

**Plan Description:** The approved plan provides for two distinct projects. The first is construction of a new sewer line in the area of Jones Road and Carpenter Road to serve an additional five EDUs. This is a realignment of the proposed sewer line in the September 2002 Act 537 Plan. This project will not significantly change the funding proposed in the September 2002 Plan. The second project is construction of approximately 2,100 linear feet of sanitary sewer line east along Route 45. This Route 45 extension will serve an additional 13 EDUs. This second project is an extension of the sanitary sewer line proposed in the September 2002 Plan. The project cost for the Route 45 extension is estimated to be \$127,194 and is expected to be funded by contingency funds from the Milton Regional Sewer Authority. The sewage from both projects will be conveyed to and treated at the Milton Regional Sewage Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

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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:

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

**Trussell Residence**, Warwick Township, **Lancaster County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of The Trussells, 854 Furnace Hills Pike, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils contaminated with used motor oil and diesel fuel. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

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

**Equimeter Plant No. 2**, City of DuBois, **Clearfield County**. Blasland, Bouck & Lee, Inc., on behalf of DuBois Area Economic Development Corporation, 238 First Commonwealth Bank Building, P. O. Box 606, DuBois, PA 15801 has submitted a Final Report concerning soil and groundwater contaminated with chlorinated solvents and metals. This Final Report is intended to demonstrate attainment of the Site-Specific Standard.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 3**

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

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Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), 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.*

**Proposed Wendy's Site**, Upper Darby Township, **Delaware County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington St., Norristown, PA 19401 on behalf of Benjamin Willner, Willner Realty and Dev., Co., 140 S. 69th St., 2nd Floor, Upper Darby, PA 19082 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 12, 2004.

**McLeod Ford**, Oxford Borough, **Chester County**. John Kollmeier, Brownfield Assoc., Inc., P. O. Box 703, Mendenhall, PA 19357 on behalf of Patrick Curran and Joseph Chamberlain, Investment Guild, Inc., 29 N. Third St., Oxford, PA 19363 has submitted a Low Risk Property Final Report that was approved by the Department on August 12, 2004.

*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 Final Report demonstrated attainment

of the Statewide Health Standard and was approved by the Department on August 9, 2004.

**West Shore Office Center**, East Pennsboro Township, **Cumberland County**. Marshall Miller and Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Senate Avenue Associates, 4601 Presidents Drive, Suite 140, Lanham, MD 20706, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 16, 2004.

**Former BOC Gases**, East Petersburg Borough, **Lancaster County**. ENSR International, Suite 100, 2005 Cabot Boulevard West, Langhorne, PA 19047, on behalf of Auto-Metrics of Lancaster, 1800 West State Street, East Petersburg, PA 17520, submitted a final report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 20, 2004.

**Defense Distribution Depot Susquehanna PA SWMU 2**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soils contaminated with chlorinated solvents, PAHs, PCBs, pesticides and inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standards. The Remedial Investigation and Cleanup Plan were approved by the Department on August 20, 2004.

**Defense Distribution Depot Susquehanna PA SWMU 4**, Fairview Township, **York County**. Defense Logistics Agency, Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of site soils contaminated with chlorinated solvents, PAHs, PCBs, pesticides and inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standards. The Remedial Investigation and Cleanup Plan were approved by the Department on August 20, 2004.

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

**Former Sunoco, Inc., Retail Gasoline Facility (a/k/a Tissue's Auto Parts, now Eckerd Store)**, Cheswick Borough, **Allegheny County**. Douglas S. Byers, P. G., GeoEnvironmental Consortium, Inc., 701 Freeport Road, Pittsburgh, PA 15238 (on behalf of Rhonda Giovannitti, Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with MTBE, PAH and unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 19, 2004.

**C. E. Kelly Support Facility/Neville Island Maintenance Facility**, Neville Island, **Allegheny County**. John Mason, CH2MHILL, 1700 Market Street, Suite 1600, Philadelphia, PA 19103 (on behalf of Steven R. Lenney, Charles E. Kelly Support Facility, 6 Loubaugh

Street, Oakdale, PA 15701) has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Final Report did not demonstrate attainment of the Statewide Health Standard and was Disapproved by the Department on July 2, 2004.

#### MUNICIPAL WASTE GENERAL PERMITS

**Applications Withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.**

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

**General Permit Application No. WMGM012. Valley Forge Land Clearing and Wood Recycling,** 1330 Charlestown Road, Phoenixville, PA 19460. The applicant has requested that their application for the processing and beneficial use of wood and timber waste (that is, tree stumps, roots, grubbing material, and the like) to create mulch for commercial purposes be withdrawn. The withdrawal of this application was effective August 18, 2004.

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

**Permits modified under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 301224. United Environment Group, Inc.,** 241 McAleer Road, Sewickley, PA 15143. Operation of a residual waste processing and transfer facility in Ohio Township, **Allegheny County**. Permit modified in the regional office to approve a radiation protection action plan operational changes and management of additional types of petroleum contaminated waste on August 18, 2004.

**Permits terminated under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

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

**Permit ID No. 101669. Imperial Processing Facility, Practical Environmental Solutions, Inc.,** 208 Overlook Drive, McMurray, PA 15317. Operation of a municipal waste processing facility in Findlay Township, **Allegheny County**. Permit terminated in the regional office on August 23, 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.**

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

**AQ-SE-0016: Allan A. Myers, LP** (1805 Berks Road, P. O. Box 98, Worcester, PA 19490) on August 11, 2004, to operate and relocate two mobile portable nonmetallic mineral crushing units in Bethel and Aston Townships, **Delaware County**.

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

**GP1-67-03026: Precision Custom Components, LLC** (P. O. Box 15101, York, PA 17405-7101) on August 16, 2004, for small gas and no. 2 oil fired combustion units under GP1 in the City of York, **York County**.

**GP1-67-03072: Coyne Textile Services** (140 Cortland Avenue, Syracuse, NY 13221) on August 17, 2004, for small gas and no. 2 oil fired combustions units under GP1 in West Manchester Township, **York County**.

**GP3-10-07-03014: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on August 17, 2004, for portable nonmetallic mineral processing plants under GP3 in Taylor Township, **Blair County**.

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

**61-012: OMG Americas** (270 Two Mile Run Road, Franklin, PA 16323) on August 18, 2004, to install a natural gas fired boiler in Sugar creek Borough, **Venango County**.

**37-237: Essroc McQuiston Quarry** (Smalls Ferry Road, Bessemer, PA 16112) on August 18, 2004, to install a VOC storage tank in Bessemer Borough, **Lawrence County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**23-0074: GS Roofing Products Co., Inc.** (800 W. Front Street, Chester, PA 19013) on August 11, 2004, to operate a thermal oxidizer in City of Chester, **Delaware County**.

**09-0127A: Bracalente Manufacturing Co., Inc.** (20 West Creamery Road, Trumbauersville, PA 18970) on August 20, 2004, to operate eight degreasers in Trumbauersville Borough, **Bucks County**.

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

**39-316-004: North American Container Corp.** (2027 South 12th Street, Building 3, Allentown, PA 18103) on August 17, 2004, to construct a wood sawing operation and associated air cleaning device at their facility in the City of Allentown, **Lehigh County**.

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

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

**09-0087B: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on August 15, 2004, to operate an SiF<sub>4</sub> process scrubber in Falls Township, **Bucks County**.

**15-0115: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on August 6, 2004, to operate two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

**23-0006D: Foamex LP** (1500 East Second Street, Eddystone, PA 19022) on August 12, 2004, to operate a thermal reticulater in Eddystone Borough, **Delaware County**.

**46-0018C: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041) on August 16, 2004, to operate a lithographic printing press in Upper Hanover Township, **Montgomery County**.

**15-0060B: SECCRA LDFL** (P. O. Box 221, Kennett Square, PA 19348) on August 17, 2004, to operate a landfill gas open flare in London Grove Township, **Chester County**.

**46-0005W: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on August 22, 2004, to operate a 770 bhp emergency generator in Upper Gwynedd Township, **Montgomery County**.

**46-0033B: Waste Management Disposal Services of PA Inc.** (1425 Sell Road, Pottstown, PA 19464) on August 22, 2004, to operate a landfill gas collection system in West Pottsgrove Township, **Montgomery County**.

**46-0036H: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on August 20, 2004, to operate selective soldering machine no. 11 in Worcester Township, **Montgomery County**.

**46-0108B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on August 22, 2004, to operate a crusher and screen in Marlborough Township, **Montgomery County**.

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

**01-05029: Reliant Energy Hunterstown, LLC** (121 Champion Way, Canonsburg, PA 15317) on August 19, 2004, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

**06-03112B: Birdsboro Alloying, Inc.** (200 C Furnace Street, Birdsboro, PA 19508) on June 15, 2004, to construct an aluminum scrap dryer controlled by an afterburner in Birdsboro Borough, **Berks County**. This plan approval was extended.

**31-05011C: US Silica Co.** (P. O. Box 187, Berkeley Springs, WV 25411) on August 23, 2004, to modify an

existing fluid bed dryer to use additional fuels of no. 4 oil, no. 6 oil and recycled oil at their Mapleton Depot Plant in Brady Township, **Huntingdon County**. This plan approval was extended.

**36-05104A: Ephrata Manufacturing Co.** (104 West Pine Street, Ephrata, PA 17522) on July 31, 2004, to construct a baghouse to control emissions from a sand muller and a sand conveying system in Ephrata Borough, **Lancaster County**. This plan approval was extended.

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

**65-00792A: AMI Doduco, Inc.** (1003 Corporate Drive, Export, PA 15632) on August 17, 2004, to construct a powder metal operation at plant no. 5 in Murrysville, **Westmoreland County**. This plan approval was extended.

**11-00509A: RNS Services, Inc.** (7 Riverside Plaza, Blossburg, PA 16912) on August 17, 2004, to construct a coal processing plant in Cambria Township, **Cambria County**. This plan approval was extended.

**11-00508A: Johnstown Crematory** (146 Chandler Avenue, Johnstown, PA 15906) on August 17, 2004, to construct a crematory in Lower Yoder Township, **Cambria County**. This plan approval was extended.

**26-00534A: Fayette Thermal, LLC** (755 Opossum Lake Road, Carlisle, PA 17013) on August 17, 2004, to install of boilers at their East Millsboro Steam Plant in Luzerne Township, **Fayette County**. This plan approval was extended.

**04-00034A: Engineered Polymer Solutions** (Valspar Coatings, 372 Cleveland Avenue, Rochester, PA 15074) on August 18, 2004, to install a packed bed scrubber at their Rochester Plant in Rochester Township, **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.*

**37-322A: Joseph A. Tomon Funeral Home** (Grim Avenue, Ellport, PA 16117) on August 17, 2004, to install a crematory in Ellport, **Lawrence County**.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00013: Hatfield Quality Meats, Inc.—sub Clemens Family Corp.** (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on August 4, 2004, a renewal to operate a facility Title V Operating Permit in Hatfield Township, **Montgomery County**.

**15-00029: Dopaco, Inc.** (100 Arrandale Boulevard, Exton, PA 19341) on August 5, 2004, to amend the operation of a Title V Operating Permit in Downingtown Borough, **Chester County**.

**46-00027: Ortho McNeil Pharmaceutical** (Welsh and McKean Roads, Spring House, PA 19477) on August 18, 2004, to amend the operation of a facility Title V Operating Permit in Lower Gwynedd Township, **Montgomery County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**23-00055: Cheyney University** (1837 University Circle, Cheyney, PA 19319) on August 12, 2004, to operate a synthetic minor operating permit in Thornbury Township, **Delaware County**.

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

**07-03038: Amerway, Inc.** (3701 Beale Avenue, Altoona, PA 16601) on August 12, 2004, to operate their solder wire manufacturing facility in the City of Altoona, **Blair County**.

**36-03137: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on August 18, 2004, to operate their limestone crushing facility in Earl Township, **Lancaster County**.

**67-05100: Cummins Power Systems, Inc.** (2727 Ford Road, Bristol, PA 19007-6895) on August 17, 2004, to operate their Zions View Substation in East Manchester Township, **York County**.

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**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.**

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

**21-05038: Holy Spirit Hospital** (503 North 21st Street, Camp Hill, PA 17011) on August 16, 2004, to operate a medical waste incinerator in East Pennsboro Township, **Cumberland County**. The Title V Operating Permit was administratively modified to include the reinstatement of no. 6 fuel oil in boiler no. 2, the incorporation of boiler no. 3 currently operating under General Permit GP1-21-03060, inclusion of a new emergency generator and removal of a sterilizer that was previously listed. This is Revision No. 1.

**36-03108: North American Bristol Corp.** (88 Newport Road, Leola, PA 17540) on August 19, 2004, to operate a plastic pipe manufacturing facility in Upper Leacock Township, **Lancaster County**. The State-only operating permit was administratively amended to reflect a transfer of ownership from Bristolpipe Corporation. This is Revision No. 1.

**44-05002: CNH America LLC** (P. O. Box 868, Belleville, PA 17004) on August 18, 2004, to operate a farm equipment manufacturing facility in Union Township, **Mifflin County**. The Title V Operating Permit was administratively amended to incorporate Plan Approvals 44-05002A, 44-05002B and 44-05002C and also to include an ownership change. This is Revision No. 1.

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

**26-00177: Golden Eagle Construction Co.** (P. O. Box 945, Uniontown, PA 15401) on July 16, 2004, for their Uniontown Asphalt Plant in North Union Township,

**Fayette County**. The Department has revised the State-only Operating Permit to incorporate the name of the new permit contact person.

**26-00288: Better Materials Corp.** (220 Springfield Pike, Connellsville, PA 15425) for their Springfield Pike Asphalt Plant and Continuous Limestone Processing Plant in Connellsville Township, **Fayette County**. This Department initiated action incorporated the Plan Approval conditions from PA-26-288C into the operating permit.

**26-00288: Better Materials Corp.** (220 Springfield Pike, Connellsville, PA 15425) for their Springfield Pike Asphalt Plant and Continuous Limestone Processing Plant in Connellsville Township, **Fayette County**. This Department initiated action incorporated the Plan Approval conditions from PA-26-288D into the operating permit.

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

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

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*Coal Permits Actions*

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

**03803044 and NPDES Permit No. PA0126375. C. H. Snyder Company** (P. O. Box 1022, Kittanning, PA 16201). NPDES renewal of an existing surface mine in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving stream: unnamed tributary to Limestone Run. Renewal application received March 8, 2004. Renewal permit issued August 20, 2004.

**03920103 and NPDES Permit No. PA0200484. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site in West Franklin Township and Worthington Borough, **Armstrong County**, affecting 284.7 acres. Receiving streams: Buffalo Creek and Claypoole Run. Application received June 7, 2004. Renewal issued August 24, 2004.

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

**56961302. NPDES Permit No. PA0214639, Rox COAL, Inc.** (P. O. Box 149, Friedens, PA 15541), to transfer the permit for the Miller Deep Mine in Jenner and Lincoln Townships, **Somerset County** and related NPDES permit from K. B. Coal, Inc. No additional discharges. Permit issued August 17, 2004.

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

**24030102 and NPDES Permit No. PA0242322. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Commencement, operation and restoration of a bituminous strip operation in Fox Township, **Elk County** affecting 83.2 acres. Receiving streams: unnamed tributary no. 1 to Mill Run. Application received February 11, 2003. Permit issued August 11, 2004.

#### *Noncoal Permits Actions*

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

**4873SM3T2 and NPDES Permit No. PA0595021. Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405), transfer of an existing quarry operation in Springettsbury Township, **York County** affecting 66.58 acres, receiving stream: unnamed tributary to Codorus Creek. Application received February 9, 2004. Transfer issued August 17, 2004.

**67990301C and NPDES Permit No. PA0223999. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County**, receiving stream: unnamed tributary to Fox Run. Application received June 8, 2004. Renewal issued August 18, 2004.

**06040801. Charles B. Wagner & Sons, LLC** (P. O. Box 26, Strausstown, PA 19559), commencement, operation and restoration of a quarry operation in Upper Tulpehocken Township, **Berks County** affecting 5.0 acres, receiving stream: none. Application received April 2, 2004. Permit issued August 20, 2004.

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

**42040803. William N. Chittester** (7166 Rt. 6, Kane, PA 16735). Commencement, operation and restoration of a small noncoal shale and sandstone permit in Wetmore Township, **McKean County** affecting 4.0 acres. Receiving streams: Wilson Run. Application received June 7, 2004. Permit issued August 11, 2004.

**62042802. Sweeney Resources, LLC** (c/o Conrad J. Wilson, 20 Forest Street, Sugar Grove, PA 16350). Commencement, operation and restoration of a small noncoal sand and gravel operation in Sugar Grove Borough, **Warren County** affecting 5.0 acres. Receiving streams: N/A. Application received May 24, 2004. Permit issued August 11, 2004.

#### *Small Noncoal Permit—Final Bond Release*

**08930801. Chet Ostrosky** (R. D. 1, Box 91, Wyalusing, PA 18853). Final bond release for a small noncoal mining operation in Herrick Township, **Bradford County**. Restoration of 1 acre completed. Application for final bond

release received July 20, 2004. Final bond release approved August 18, 2004.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**14044021. Forest Homes** (P. O. Box 436, State College, PA 16804), for construction blasting in Gregg Township, **Centre County**, with an expected duration of 141 days. Permit issued August 13, 2004.

### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E51-193. Fairmount Park Commission**, 4231 North Concourse Drive, Philadelphia, PA 19131, City and County of Philadelphia, ACOE Philadelphia District.

1. To perform minor grading within the 100-year floodplain of the Schuylkill River (WWF-MF) to accommodate approximately 1 mile of riverfront park development extending from the terminus of Race Street to the terminus of Locust Street. Work will consist of recreational rails, landscaping features and other amenities along with various public waterfront access elements to facilitate recreational use of the river.

2. To construct and maintain an approximately 40-foot by 12-foot boat ramp and associated amenities within a breached area of the existing concrete bulkhead to facilitate the ingress and egress of canoes and other small vessels. This structure will be in the same general vicinity of the sculptural landscape structure, which was never constructed and is no longer part of this project.

The property lies between the Schuylkill River's eastern bank and the CSX rail line from Race Street terminus to the Locust Street terminus (Philadelphia, PA Quadrangle N: 13.5 inches; W: 6.9 inches).

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

**E46-956. Good Mac Realty Partners, LP**, 636 Old York Road, Jenkintown, PA 19045, Upper Moreland Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the proposed 3900 Welsh Road Center (Allegro Tract) Development, which will impact a total of 0.06 acre of wetlands and 215 linear feet of stream channel. The site is on Welsh Road between Blair Mill Road and Computer Avenue (Ambler, PA Quadrangle N: 5.7 inches; W: 2.0 inches) in Upper Moreland Township, Montgomery County.

Work involves the following:

1. To remove approximately 80 linear feet of an existing 36-inch by 58-inch CMP culvert and restoration of approximately 151 feet of an unnamed tributary to the Pennypack Creek (TSF, MF).

2. To extend an existing 22-inch by 34-inch stormwater pipe and Outfall FES-1 by approximately 27 linear feet in an unnamed tributary to Pennypack Creek (TSF, MF). In addition, approximately 15 linear feet of R-4 riprap protection will be placed in the channel below Outfall FES-1.

3. To modify and extend Stormwater pipe and Endwall No. 1 (EW-1) in an unnamed tributary to Pennypack

Creek (TSF, MF). In addition, approximately 20 linear feet of R-5 riprap protection will be placed in the channel below EW-1.

4. To place fill within approximately 165 linear feet of an unnamed tributary to Pennypack Creek (TSF, MF) associated with the modification and extension of the stormwater pipes and Outfalls EW-1 and FES-1.

5. To fill approximately 0.06 acre of wetlands (PFO) adjacent to an unnamed tributary to Pennypack Creek.

The permittee agrees to construct 0.06 acre of replacement wetland (PFO).

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

**E51-210. City of Philadelphia**, Capital Program Office, Fairmount Park Commission, 11th Floor, One Parkway Building, Philadelphia, PA 19102.

To perform the following activities associated with the Fairmount Park Bikeway Enhancement Project. This permit authorizes work for Section 3 (Wissahickon Creek) only. Section 1 (Kelly Drive) and Section 2 (Manayunk Canal) will be submitted at a future date and will require separate authorization.

1. To rehabilitate and maintain Section 3 of the existing Fairmount Park Bikeway Trail System (Wissahickon Creek Trail) situated in and along the 100-year floodplain of the Wissahickon Creek (TSF). Work will include repaving the existing trail, reconstruction of the existing retaining walls, stabilizing slopes, improving existing stormwater conveyance systems and installing various amenities.

2. To install 625 linear feet of R-8 riprap slope protection along the banks of the Wissahickon Creek at five locations along the noted trail.

The work will extend from Ridge Avenue (Germantown, PA USGS Quadrangle N: 2.80 inches; W: 11.4 inches) to Rittenhouse Street at Lincoln Drive (Germantown, PA USGS Quadrangle N: 5.20 inches; W: 9.2 inches).

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

**E09-859. Department of Transportation**, 700 Geerdes Boulevard, King of Prussia, PA 19406-1525, Newtown Township, **Bucks County**, ACOE Philadelphia District.

To improve and widen Stoopville Road (SR 2028) associated with the proposed Toll Brothers McLaughlin Subdivision. This site is at the intersection of Stoopville and Linton Hill Roads (Lambertville, PA Quadrangle N: 2.7 inches; W: 7.1 inches).

Work consists of:

1. To remove an existing 30 linear feet of 18-inch RCP drainage culvert and to construct and maintain in its place 59 linear feet of twin 24-inch by 38-inch RCP drainage culvert beneath the Stoopville Road (SR 2028) in and along an unnamed tributary of Newtown Creek (WWF).

2. To install an 8-inch diameter DIP sewer line under the culvert to serve McLaughlin Tract subdivision.

3. To fill 0.06 acre of wetland (PFO) associated with the widening of Stoopville Road. The widening will provide a turning lane for the proposed McLaughlin residential subdivision.



4. To construct 0.06 acre of wetland (PSS) replacement at the Toll Brothers McLaughlin Tract residential subdivision to compensate for impacts associated with road widening.

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

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

**EA66-003NE. United States Fish and Wildlife Service, Attn: Dave Putnam**, 315 South Allen Street, Suite 322, State College, PA 16801-4850 in Forkston Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To construct and maintain streambank stabilization measures consisting of log vanes along approximately 250 feet of the North Branch Mehoopany Creek at the Frank Minor property. This project is being constructed under section 105.12(a)(16) for restoration activities. The project is approximately 0.25 mile west of the intersection of SR 0087 and SR 3001 (Jenningsville, PA Quadrangle N: 6.75 inches; W: 0.5 inch).

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

**E05-322: Pennsylvania General Electric Company, LLC**, 208 Liberty Street, Warren, PA 16365 in Monroe Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain: (1) a 3-foot by 6-inch utility line crossing of an unnamed tributary to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 3.55 inches; W: 14.25 inches); (2) a 7-foot by 6-inch utility line crossing of an unnamed tributary to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 1.65 inches; W: 12.85 inches); and (3) a 7-foot by 6-inch utility line stream crossing of an unnamed tributary to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 1.6 inches; W: 13.1 inches) for the purpose of installing 8,400 linear feet of 6-inch steel natural gas transmission line in Monroe Township, Bedford County. The project will result in approximately 36 linear feet of temporary stream impacts.

**E21-362: Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055 in Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To: (1) construct and maintain one canoe launching pad; (2) to fill and maintain 0.003 acre of wetlands in conjunction with access road widening; and (3) construct and maintain walking/hiking trails and access road improvements within the 100-year floodplain, all along the Yellow Breeches Creek (CWF) for the purpose of developing the Simpson Park, on the south side of Route 114 just east of the North York Road (SR 2004), Route 114 intersection (Lemoine, PA Quadrangle N: 7.3 inches; W: 13.8 inches) in Upper Allen Township, Cumberland County. The amount of wetland impact is considered a de minimis impact of 0.003 acre and wetland mitigation is not required.

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

**E17-396. Gary Bowman**, 1993 Turnpike Avenue Extension. Fill in the floodway in Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 8.4 inches; W: 12.1 inches).

To permit 463 cubic yards of fill material to remain in the floodway of Woods Run. This permit also authorizes

63 linear feet of stone stream bank stabilization on the west bank and 60 linear feet of stone stream bank protection on the east bank. This project is 500 feet south of the intersection of Turnpike Avenue Extension and SR 322. This permit was issued under section 105.13(e) "Small Projects."

**E19-244. George Samuels**, 593B River Hill Drive, Catawissa, PA 17820. Channel culvert in Catawissa Borough, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 12.30 inches; W: 11.30 inches).

To construct a stream crossing of 50 linear feet by 6 feet deep gravity block abutments on each side of the stream covered with steel grate flooring measuring about 50 feet by 17 feet wide in Foundary Run (CWF) on private property adjacent to SR 42 near the intersection of SR 487. The project will not impact wetlands while impacting about 50 feet of waterway. Approximately 0.04 acre of earth will be disturbed by the project. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-397. Samuel M. Crossley, III**, 665 North Hollow Road, Coudersport, PA 16915-8156. Crossley Minor Road Crossing North Hollow Run in Sweden Township, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 7.25 inches; W: 8.00 inches).

To remove an existing single cell culvert and construct, operate and maintain a single span bridge to carry a private road across North Hollow Run to provide continued agricultural equipment access. The single span bridge shall be constructed with a minimum 7-foot span, 4.5-foot underclearance and 16-foot width. All construction and future work shall be conducted at stream low flow. The project is along the western right-of-way of SR 4013 approximately 3,225 feet south of SR 1002 and SR 4013 intersection. This permit does not authorize any temporary or permanent wetland impacts and as such, the permittee shall ensure no wetland impacts result from the removal of the existing culvert or improvements of the existing road crossing. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-402. Kenneth W. Deboer**, 8 Maple Road, Roulette, PA 16746-1536. Deboer Private Road crossing Trout Brook in Roulette Township, **Potter County**, Pittsburgh ACOE District (Coudersport, PA Quadrangle N: 5.57 inches; W: 16.25 inches).

To modify, operate and maintain a private road crossing Trout Brook to provide access for a single residential dwelling. The private road crossing shall be constructed with a single corrugated metal culvert pipe having minimum diameter of 5.3 feet and a depression of 1 foot below the existing streambed elevations. The private road crossing Trout Brook shall also include concrete slab headwalls. Since Trout Brook is a wild trout fishery, no construction or future repair work shall be done in the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. All modification and future maintenance work shall be conducted at stream low flow. The Deboer private road crossing is along the northern right-of-way of SR 0006 approximately 3,800 feet north of T-323 and SR 0006 intersection. This permit does not authorize any temporary or permanent wetland impacts. The permittee shall ensure no wetland impacts result from any modifications of the private road crossing. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E11-298. USSCO Credit Union—Johnstown, PA,** 522 Central Avenue, Johnstown, PA 15902. Wetland fill in Richland Township, **Cambria County**, Pittsburgh ACOE District (Geistown, PA Quadrangle N: 7.5 inches; W: 12.0 inches—Latitude: 40° 17' 29" and Longitude: 78° 50' 10"). To place and maintain fill in 0.32 acre of wetlands for the purpose of expansion of the USSCO Johnstown Federal Credit Union along Oakridge Drive approximately 2,000 feet east of SR 56. To meet wetland replacement requirements, the applicant proposes to pay into the Wetland Replacement Fund.

**E56-330. Seven Springs Municipal Authority,** 290 Lagoon Lane, Champion, PA 15622. Wetland fill in Middlecreek Township, **Somerset County**, Pittsburgh ACOE District (Kingwood, PA Quadrangle N: 22.35 inches; W: 4.65 inches—Latitude: 39° 59' 53" and Longitude: 79° 17' 00"). To place and maintain fill in 0.2 acre of wetland (PEM) for the purpose of constructing an approximately 50 million gallon reservoir impoundment. This reservoir will be used to store water from an existing wastewater lagoon and lakes at the Seven Springs Mountain Resort. The project site is approximately 1,700 feet south, off of Pritts Distillery Road. The permittee will construct 0.28 acre of replacement wetland. The project includes construction of utility line stream crossing at three locations under the channel bed of Allen Creek and an unnamed tributary to Allen Creek (HQ-CWF).

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

**E16-125, Clarion County Economic Development Corporation,** 338 Amsler Avenue, Suite One, Shippenville, PA 16254. Beaver Industrial Park in Beaver Township, **Clarion County**, ACOE Pittsburgh District (Knox, PA Quadrangle N: 14.7 inches; W: 5.6 inches).

To develop a 77-acre parcel into the five lots for future industrial development approximately 1.5 miles northeast of the intersection of U. S. Interstate 80 and SR 338. Proposed lot development includes clearing and grubbing, water, gas, sewer and electric utility line installation and improvements to the existing township road involving: (1) to fill 0.30 acre of PEM and PSS and 0.39 acre of PFO wetland; and (2) to construct and maintain a utility line stream crossing and an stormwater outfall on a unnamed tributary to Canoe Creek having a drainage area of less than 100 acres; 0.41 acre (PEM/PSS) and 0.43 acre (PFO) acres of onsite wetland restoration is proposed. The project proposes to directly affect 0.69 acres of PEM, PSS and PFO wetlands.

**E27-071, East Resources, Inc.,** P. O. Box 279, 51 West Main Street, Allegany, NY 14706. Warrant 2366 access road and utility line across Iron Run in Howe Township, **Forest County**, ACOE Pittsburgh District (Russell City, PA Quadrangle N: 19.8 inches; W: 11.7 inches).

To construct and maintain a bridge having a clear span of approximately 12 feet and underclearance of 3 feet and to install (by boring) and maintain two 2-inch diameter pipelines within a 6-inch diameter PVC casing pipe across Iron Run approximately 1,000 feet upstream of its confluence with South Branch Tionesta Creek as part of the development of Warrant 2366 southeast of the Village of Brookston. Project includes 0.007 acre of wetland impact associated with the crossing and 0.037 acre of wetland impact associated with other roadway construction.

**E43-302, Cedarwood Development, Inc.,** 1765 Merriam Road, Akron, OH 44313. Hermitage Crossing De-

velopment in the City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharpville, PA Quadrangle N: 0.15 inch; W: 10.65 inches).

To construct a commercial development consisting of a Wal-Mart Super Center (203,007 square feet), three restaurant pads and 70,000 square feet of small retail shops and associated parking approximately 1.0 mile north of the intersection of U. S. Route 62 and SR 18 involving: (1) to fill 0.52 acre of PEM wetland, 0.31 acre of PSS wetland and 0.15 acre of PFO wetland; (2) to fill a total of 2,035 linear feet of two unnamed tributaries to Pine Hollow Run each having a drainage area of less than 100 acres; and (3) to enclose approximately 120 linear feet of an unnamed tributary to Pine Hollow Run having a drainage area of less than 100 acres. 1.30 acres of onsite wetland restoration in the floodway/floodplain of Pine Hollow Run is proposed. 480 linear feet of stream restoration on Pine Hollow Run and 750 linear feet of stream restoration on an unnamed perennial tributary to Pine Hollow Run having a drainage area of less than 100 acres are proposed. Project includes outfalls from stormwater detention basins discharging to the floodplain/floodplain wetlands of Pine Hollow Run.

### WATER QUALITY CERTIFICATIONS

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

*Certification Request Initiated by:* Federal Highway Administration in cooperation with National Park Service, Eastern Federal Lands Highway Division, 21400 Ridgetop Circle, Sterling, VA 20166-6511.

*Date of Initial Pennsylvania Bulletin Notice:* July 17, 2004

**Federal Highway Division, Eastern Federal Lands Highway Division,** 21400 Ridgetop Circle, Sterling, VA 20166-6511, Dingman, Lehman, Delaware Townships and Delaware Water Gap National Recreation Area, **Pike County**, ACOE Philadelphia District.

*Project Description:* In cooperation with the National Park Service, the Eastern Federal Lands Highway Division, of the Federal Highway Administration, is currently preparing plans for Project PRA-DEWA 14(5). This project consists of milling and overlay of the existing US Route 209 from milepoint 16.1 to milepoint 17.7. There will also be drainage repair, minor shoulder widening and work at Conashaugh Creek, including repairs to culvert joints, headwalls and wing walls. This project also includes a bridge replacement at approximately milepoint 4.9 over Toms Creek; this will include milling and overlay of both approaches. The total project area is 17 acres and the total disturbed area is an estimated 8 acres (Flatbrookville Quadrangle N: 22.65 inches; W: 10.75 inches (bridge)).

*Applicable Conditions:* No comments.

*Final Action on Request:* Approved 401 Water Quality Certification, August 18, 2004.

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## SPECIAL NOTICES

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### Categorical Exclusion

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sandy Township	P. O. Box 267 DuBois, PA 15801	Clearfield

Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Sandy Township proposes to replace or rehabilitate approximately 51,000 feet of aged sewer pipe to reduce infiltration and inflow into its sewage collection system. The Department's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

**Public Meeting and Request for Comment for the Proposed Total Maximum Daily Loads (TMDLs) for the Monastery Run Watershed in Westmoreland County**

*Greensburg District Mining Office: Ron Horansky, Watershed Manager, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on October 7, 2004, at 7 p.m. at the Unity Township Municipal Building to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. Two stream segments in the Monastery Run Watershed have been identified as impaired on the Pennsylvania 303(d) list due to metals and suspended solids from the AMD. The listed segments and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
43457	Monastery Run	2.0
43458	Fourmile Run	1.3

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

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum (Al)	0.75	Total Recoverable
Iron (Fe)	1.50	30-Day Average; Total Recoverable
Manganese (Mn)	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. All of the allocations in the TMDL are load allocations (LA) assigned to nonpoint sources of pollution.

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of

information used in the establishment of this TMDL is field data collected over a 7-year period.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet or directions to the meeting place, contact Ron Horansky, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

The TMDL can be viewed and printed by accessing the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 4, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on October 1, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Public Meeting and Request for Comment for the Proposed Total Maximum Daily Loads (TMDLs) for the Saxman Run Watershed in Westmoreland County**

*Greensburg District Mining Office: Ron Horansky, Watershed Manager, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601.*

The Department is holding a public meeting on October 7, 2004, at 7 p.m. at the Unity Township Municipal Building to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. One stream segment in the Saxman Run Watershed has been identified as impaired on the Pennsylvania 303(d) list due to metals and suspended solids from AMD. The listed segments and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
43448	Saxman Run	2.5

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

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum (Al)	0.75	Total Recoverable
Iron (Fe)	1.50	30-Day Average; Total Recoverable
Manganese (Mn)	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. There is one waste load allocation assigned to the active MB Energy, Inc. mine permit. All of the remaining allocations in the TMDL are LAs assigned to nonpoint sources of pollution.

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet or directions to the meeting place, contact Ron Horansky, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

The TMDL can be viewed and printed by accessing the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 4, 2004. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on October 1, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-1646. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance*

DEP ID: 273-4110-001. Title: Guidelines for Identifying, Tracking and Resolving Violations for Air Quality. Description: The Bureau of Air Quality is establishing this new technical guidance document to provide guidelines to program staff to implement the provisions of the Department's policy on "Standards and Guidelines for Identifying, Tracking and Resolving Violations." The policy ap-

plies to any Air Quality staff in the Department involved with the compliance and enforcement of applicable air quality requirements. Written Comments: Interested persons may submit written comments on draft technical guidance # 273-4110-001 by October 4, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Krishnan Ramamurthy, Chief, Division of Compliance and Enforcement, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, [kramamurth@state.pa.us](mailto:kramamurth@state.pa.us). Questions regarding the draft technical guidance document should be directed to Krishnan Ramamurthy, (717) 787-9257, [kramamurth@state.pa.us](mailto:kramamurth@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1647. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Recycling Fund Advisory Committee Meeting

A Recycling Fund Advisory Committee meeting is scheduled for Thursday, September 16, 2004, at 10 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg.

Questions concerning this meeting should be directed to Lawrence Holley, (717) 787-7382, [lholley@state.pa.us](mailto:lholley@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 787-7382 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1648. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Solid Waste Advisory Committee Meeting Change

The Solid Waste Advisory Committee meeting scheduled for Thursday, September 9, 2004, and Friday, September 10, 2004, at King's Gap Environmental Education Center in Carlisle has been rescheduled. The meeting will be held on Thursday, September 16, 2004, at 12 p.m. in Room 105, Rachel Carson State Office Building, Harrisburg.

Questions concerning this meeting should be directed to Gayle Leader, (717) 787-9871, [gleader@state.pa.us](mailto:gleader@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 787-9871 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1649. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Storage Tank Advisory Committee Meeting Cancellation; Fee Subcommittee Meeting

The September 14, 2004, meeting of the Storage Tank Advisory Committee (STAC) has been cancelled. Instead, an STAC Fee Subcommittee meeting has been scheduled at 9 a.m. on September 14, 2004, in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The next regularly scheduled STAC meeting will be held on Tuesday, December 7, 2004, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

Questions concerning the Fee Subcommittee meeting should be directed to Charles Swokel, (717) 772-5599, cswokel@state.pa.us. The meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ruth Carmen at (717) 772-5831 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1650. Filed for public inspection September 3, 2004, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

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 previously listed 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. 04-1651. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport 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 previously listed 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. 04-1652. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, September 15, 2004, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17108.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact

Cynthia Trafton, Bureau of Health Planning, (717) 772-5298, ctrafton@state.pa.us, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1653. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday September 8, 2004, from 10:30 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-1654. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health (Department).

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.34 (relating to reporting cases of lead poisoning.) These regulations specify the following requirements for reporting by clinical laboratories.

(1) A clinical laboratory shall report all blood lead test results on both venous and capillary specimens for persons under 16 years of age to the Department's Childhood Lead Poisoning Prevention Program, Division of Maternal and Child Health, Bureau of Family Health.

(2) A clinical laboratory shall report an elevated blood lead level in a person 16 years of age or older to the Department's Division of Environmental Health Epidemiology, Bureau of Epidemiology or to other locations as designated by the Department. An elevated blood lead level is defined by the National Institute for Occupational Safety and Health (NIOSH). NIOSH defines an elevated blood lead level as a venous blood lead level of 25 micrograms per deciliter or higher. The Department will publish in the *Pennsylvania Bulletin* any NIOSH update of the definition within 30 days of NIOSH's notification to the Department.

(3) A clinical laboratory which conducts blood lead tests on 100 or more specimens per month shall submit results electronically in a format specified by the Department.

(4) A clinical laboratory which conducts blood lead tests on less than 100 blood lead specimens per month shall submit results either electronically or by hard copy in the format specified by the Department.

(5) A laboratory which performs blood lead tests on blood specimens collected in this Commonwealth shall be licensed as a clinical laboratory and shall be specifically approved by the Department to conduct those tests.

(6) Blood lead analyses requested for occupational health purposes on blood specimens collected in this Commonwealth shall be performed only by laboratories which are licensed and approved as specified in paragraph (5) and which are also approved by the Occupational Safety and Health Administration of the United States Department of Labor under 29 CFR 1910.1025(j)(2)(iii) (relating to lead).

(7) A clinical laboratory shall complete a blood lead test within 5 work days of the receipt of the blood specimen and shall submit the case report to the Department by the close of business of the next work day after the day on which the test was performed. The clinical laboratory shall submit a report of lead poisoning using either the hard-copy form or electronic transmission format specified by the Department.

(8) When a clinical laboratory receives a blood specimen without all of the information required for reporting purposes, the clinical laboratory shall test the specimen and shall submit the incomplete report to the Department.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low-level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of

this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

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 the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

022912

ACL LABORATORIES-LP  
8901 WEST LINCOLN AVE  
WEST ALLIS, WI 53227  
414-328-7945

000671

ALLEG CNTY CORONERS DIV OF LABS-L  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
412-350-6873

000016

ANGELINE KIRBY MEM HEALTH CENTER-L  
71 NORTH FRANKLIN STREET  
WILKES-BARRE, PA 18701  
570-823-5450

020506

CENTRAL PA ALLIANCE LABORATORY-LP  
1803 MT ROSE AVENUE  
SUITE C3-C4  
YORK, PA 17403  
717-851-1426

027845

CLINICAL REFERENCE LABORATORY-LP  
8433 QUIVIRA ROAD  
LENEXA, KS 66215  
913-492-3652

000561

EAST PENN MFG CO INC-LP  
DEKA RD  
KELLER TECH CENTER  
LYONS STATION, PA 19536  
610-682-6361

000332

ELLWOOD CITY HOSPITAL-LP  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
724-752-0081

001950

EMSF PATSY J BRUNO MD LABORATORY-L  
369 NORTH 11TH STREET  
SUNBURY, PA 17801  
570-286-7755

000173

GEISINGER MEDICAL CENTER-L  
N ACADEMY RD  
DANVILLE, PA 17822  
570-271-6338

025914

GENOVA DIAGNOSTICS-L  
63 ZILLICOA STREET  
ASHEVILLE, NC 28801  
828-253-0621

000104

GEORGE TOLSTOI LAB—UNIONTOWN HSP-L  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
724-430-5143

020802

HAGERSTOWN MEDICAL LABORATORY-L  
11110 MEDICAL CAMPUS RD  
STE 230  
HAGERSTOWN, MD 21742  
301-790-8670

024655

HEALTH NETWORK LABORATORIES-LP  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
610-402-8150

005618

LAB CORP OF AMERICA HOLDINGS-LP  
6370 WILCOX ROAD  
DUBLIN, OH 43016-1296  
800-282-7300

021885

LAB CORP OF AMERICA HOLDINGS-LP  
1447 YORK COURT  
BURLINGTON, NC 27215  
800-334-5161

001088

LABCORP OF AMERICA HOLDINGS-LP  
69 FIRST AVE  
PO BOX 500  
RARITAN, NJ 08869  
908-526-2400

022715

LABONE INC-LP  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
913-888-1770

009523

LABORATORY CORP OF AMERICA-L  
13900 PARK CENTER ROAD  
HERNDON, VA 20171  
703-742-3100

028006

LEAD LAB AT LASALLE UNIVERSITY-L  
LASALLE UNIVERSITY—SCHOOL OF NURSING  
1900 OLNEY AVENUE  
PHILADELPHIA, PA 19141-1199  
215-951-5036

000242  
MAIN LINE CLIN LABS LANKENAU CP-L  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
610-645-2615

009003  
MAYO CLINIC-LP  
200 FIRST ST SW HILTON 530  
ROCHESTER, MN 55905  
507-284-3018

026302  
MEDICAL ASSOCIATES PC-P  
935 HIGHLAND BLVD  
SUITE 4400  
BOZEMAN, MT 59715  
406-587-5123

005574  
MEDTOX LABORATORIES INC-LP  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
612-636-7466

000203  
MERCY FITZGERALD HOSPITAL-L  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
610-237-4262

000082  
MERCY HOSPITAL OF PITTSBURGH-L  
PRIDE & LOCUST STREETS  
PITTSBURGH, PA 15219  
412-232-7831

000504  
NATIONAL MED SERVICES INC LAB-LP  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
215-657-4900

000807  
OMEGA MEDICAL LABORATORIES INC-L  
2001 STATE HILL ROAD  
SUITE 100  
WYOMISSING, PA 19610-1699  
610-378-1900

023801  
PACIFIC TOXICOLOGY LABORATORIES-LP  
9348 DE SOTO AVENUE  
CHATSWORTH, CA 91311  
818-598-3110

022533  
PENNSYLVANIA DEPT OF HEALTH-LP  
110 PICKERING WAY  
LIONVILLE, PA 19353  
610-280-3464

000022  
POCONO MEDICAL CENTER LAB-L  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
570-476-3544

000324  
PRIMARY CARE HLTH SERV INC LAB-L  
7227 HAMILTON AVE  
PITTSBURGH, PA 15208  
412-244-4728

000255  
PUBLIC HEALTH LAB CITY OF PHILA-L  
500 SOUTH BROAD STREET  
ROOM 359  
PHILADELPHIA, PA 19146  
215-685-6815

009620  
QUEST DIAGNOSTICS CLIN LABS INC-L  
7600 TYRONE AVENUE  
VAN NUYS, CA 91405  
818-376-6195

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC-LP  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
215-957-9300

022174  
QUEST DIAGNOSTICS INCORPORATED-LP  
33608 ORTEGA HIGHWAY  
SAN JUAN CAPISTRANO, CA 92690-6130  
949-728-4000

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE-LP  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
703-802-6900

000482  
QUEST DIAGNOSTICS OF PA INC-LP  
875 GREENTREE RD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC-LP  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
412-920-7631

000150  
READING HOSPITAL & MED CTR-L  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
610-988-8080

022376  
SPECIALTY LABORATORIES-L  
2211 MICHIGAN AVENUE  
SANTA MONICA, CA 90404  
310-828-6543

000151  
ST JOSEPH QUALITY MEDICAL LAB-L  
215 NORTH 12TH STREET  
BOX 316  
READING, PA 19603  
610-378-2200

025103  
TAMARAC MEDICAL-LP  
7000 SOUTH BROADWAY  
SUITE 2C  
LITTLETON, CO 80122  
303-794-1083



000083  
 UPMC PRESBYTERIAN SHADYSIDE CP PUH-L  
 ROOM 5929 MAIN TOWER CHP  
 200 LOTHROP STREET  
 PITTSBURGH, PA 15213-2582  
 412-648-6000

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

[Pa.B. Doc. No. 04-1655. Filed for public inspection September 3, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Hallo Win Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Hallo Win.

2. *Price:* The price of a Pennsylvania Hallo Win instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Hallo Win instant lottery game ticket will contain four play areas known as Game 1, Game 2, Game 3 and Fast Cash Bonus. Each game is played separately.

(b) The play symbols and their captions located in the play area for Game 1 are: Pumpkin Symbol (PUMKIN) and X Symbol (XXX).

(c) The prize play symbols and their captions located in the play area for Game 2 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO).

(d) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" areas for Game 3 are: Hat Symbol (HAT), Cat Symbol (CAT), Spider Symbol (SPIDER), Skull Symbol (SKULL), Candle Symbol (CANDLE), Frog Symbol (FROG), Bat Symbol (BAT) and Snake Symbol (SNAKE).

(e) The prize play and play symbols and their captions located in the "BONUS" area for Fast Cash Bonus are: \$13\$ (THRTN), \$31\$ (TRY ONE) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$62\$ (SXY TWO), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO). The prize symbols and their captions located in the play area for Game 3 are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$78\$ (SVY EGT), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO). The prize play symbols and their captions located in the play area for Fast Cash Bonus are: \$13\$ (THRTN), \$31\$ (TRY ONE) and NO Bonus (TRY AGAIN).

5. *Prizes:* The prizes that can be won in Game 1 are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$62, \$310 and \$31,000. The prizes that can be won in Game 2 are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$310 and \$31,000. The prizes that can be won in Game 3 are \$5, \$6, \$7, \$10, \$13, \$78, \$310 and \$31,000. The prizes that can be won in Fast Cash Bonus are \$13 and \$31. A player can win up to 7 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Hallo Win instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$31,000 (TRYONETHO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$310 (THRHUNTEN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$62\$ (SXY TWO) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$62.

(4) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$39\$ (TRY NIN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$39.

(5) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$31\$ (TRY ONE) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$31.

(6) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$13\$ (THRTN) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$13.

(7) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$6<sup>00</sup> (SIX DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching Pumpkin (PUMKIN) play symbols in the same row, column or diagonal and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area for the Game, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching prize play symbols of \$31,000 (TRYONETHO) in the play area, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching prize play symbols of \$310 (THRHUNTEN) in the play area, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching play symbols of \$39\$ (TRY NIN) in the play area, on a single ticket, shall be entitled to a prize of \$39.

(4) Holders of tickets with three matching play symbols of \$31\$ (TRY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$31.

(5) Holders of tickets with three matching play symbols of \$13\$ (THRTN) in the play area, on a single ticket, shall be entitled to a prize of \$13.

(6) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching play symbols of \$7<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(9) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$31,000 (TRYONETHO) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$310 (THRHUNTEN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$78\$ (SVY

EGT) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$78.

(4) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$13\$ (THRTN) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$13.

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

(6) Holders of tickets upon which any one of the "YOUR SYMBOL" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$7.

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

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

(e) Determination of prize winners for Fast Cash Bonus are:

(1) Holders of tickets with a \$31\$ (TRY ONE) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$31.

(2) Holders of tickets with a \$13\$ (THRTN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$13.

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

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate</i>	
						<i>No. of Winners Per 2,400,000 Tickets</i>	
	\$5	\$5	\$5	\$5	30	80,000	
				\$5	30	80,000	
	\$6	\$6	\$6	\$5	30	80,000	
				\$6	150	16,000	
	\$7	\$7	\$7	\$6	150	16,000	
				\$6	300	8,000	
	\$10	\$10	\$7	\$7	150	16,000	
				\$7	150	16,000	
	\$6	\$6	\$7	\$7	300	8,000	
				\$7	30	80,000	
				\$5 × 2	\$10	300	8,000
					\$10	300	8,000
				\$13	600	4,000	
				\$13	600	4,000	

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
	\$6	\$7		\$13	600	4,000
	\$7	\$6		\$13	600	4,000
	\$7		\$6	\$13	600	4,000
		\$7	\$6	\$13	600	4,000
\$13				\$13	42.86	56,000
	\$5	\$5	\$7 × 3	\$31	150	16,000
\$13	\$13	\$13	\$5	\$31	150	16,000
\$13		\$13	\$5	\$31	120	20,000
	\$5	\$6	\$6 × 3	\$31	120	20,000
	\$10		\$10 × 2	\$31	150	16,000
\$31			\$7 × 3	\$31	150	16,000
\$13			\$13 × 2	\$39	600	4,000
\$13	\$6	\$7	\$13	\$39	600	4,000
	\$5	\$6	\$7 × 4	\$39	600	4,000
			\$7 × 3	\$39	600	4,000
			+			
			\$6 × 3			
		\$39		\$39	600	4,000
\$31		\$31		\$62	13,333	180
	\$10	\$10	\$10 × 3	\$62	13,333	180
			+			
			\$6 × 2			
\$13	\$5	\$5	\$13 × 3	\$62	13,333	180
\$31	\$10	\$7	\$7 × 2	\$62	15,000	160
	\$62			\$62	15,000	160
\$31		\$7	\$10 × 4	\$78	60,000	40
\$31	\$31	\$10	\$6	\$78	60,000	40
			\$13 × 6	\$78	60,000	40
	\$39	\$39		\$78	60,000	40
			\$78	\$78	60,000	40
	\$310			\$310	120,000	20
		\$310		\$310	120,000	20
			\$310	\$310	120,000	20
	\$31,000			\$31,000	2,400,000	1
		\$31,000		\$31,000	2,400,000	1
			\$31,000	\$31,000	2,400,000	1

Game 1—Get Three “PUMPKIN” symbols in a row, column or diagonal, win prize shown.

Game 2—Get 3 like amounts, win that prize.

Game 3—When any of your symbols match the lucky symbol, win the prize shown under the matching symbol.

Fast Cash Bonus—Reveal prize amount of \$13 or \$31 and win that prize.

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

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

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

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

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1656. Filed for public inspection September 3, 2004, 9:00 a.m.]

**Pennsylvania Poker Showdown Instant Lottery Game**

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

1. *Name:* The name of the game is Pennsylvania Poker Showdown.

2. *Price:* The price of a Pennsylvania Poker Showdown instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Poker Showdown instant lottery game ticket will contain one play area consisting of nine separate “HANDS,” and a “BONUS” play area. Each “HAND” is played separately. The “HANDS” and the “BONUS” play area have a different game play method and are played separately.

(b) The play area contains “HAND 1,” “HAND 2,” “HAND 3,” “HAND 4,” “HAND 5,” “HAND 6,” “HAND 7,” “HAND 8” and “HAND 9.” There are 52 card play symbols, five of which will be located in each of the nine “HAND” play areas. The card play symbols are: Black 2 through Ace of Spades card play symbols, Black 2 through Ace of Clubs card play symbols, Red 2 through Ace of Diamonds card play symbols and Red 2 through Ace of Hearts card play symbols.

(c) The prize play and play symbols and their captions located in the “BONUS” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$35\$ (TRY FIV), \$50\$ (FIFTY), \$100 (ONE HUN) and NO BONUS (TRY AGAIN).

4. *Prizes:* The prizes that can be won in the “HANDS” play area are \$5, \$10, \$20, \$25, \$50, \$100, \$500, \$50,000 and \$100,000. The prizes that can be won in the “BONUS” play area are: \$5, \$10, \$15, \$20, \$25, \$35, \$50 and \$100. The player can win up to 10 times on a ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Poker Showdown instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets containing a “Royal Flush” (the 10, Jack, Queen, King and Ace card play symbols, all of the same suit), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets containing a “Straight Flush” (any five consecutive card play symbols of the same suit), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets containing “4 of a Kind” (any four card play symbols of the same value), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets containing a “Full House” (three card play symbols of the same value combined with a “Pair” of card play symbols with a different value), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a \$100 (ONE HUN) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets containing a “Flush” (any five card play symbols of the same suit), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a \$50\$ (FIFTY) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with a \$35\$ (TRY FIV) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$35.

(i) Holders of tickets containing a “Straight” (any five consecutive card play symbols of any suit), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with a \$25\$ (TWY FIV) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets containing “3 of a Kind” (any three card play symbols of the same value), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a \$20\$ (TWENTY) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a \$15\$ (FIFTN) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets containing “2 Pair” (two different pairs of card play symbols, each “Pair” being two card play symbols of the same value), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a \$10<sup>00</sup> (TEN DOL) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets containing “1 Pair” (a pair of card play symbols, the “Pair” being two card play symbols of the same value), in the same “HAND,” on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with a \$5<sup>00</sup> (FIV DOL) prize play symbol in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$5.

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

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
Any Pair	\$5	10.91	550,000
\$5 BONUS	\$5	30	200,000

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
2 Pair	\$10	60	100,000
\$10 BONUS	\$10	60	100,000
Any Pair + 2 Pair	\$15	85.71	70,000
\$15 BONUS	\$15	600	10,000
Any Pair × 2 + \$5 BONUS	\$15	600	10,000
2 Pair + \$5 BONUS	\$15	600	10,000
Any Pair × 4	\$20	200	30,000
2 Pair × 2	\$20	200	30,000
3 of a Kind	\$20	100	60,000
\$20 BONUS	\$20	600	10,000
Any Pair × 2 + \$10 BONUS	\$20	600	10,000
2 Pair + \$10 BONUS	\$20	600	10,000
Any Pair × 5	\$25	150	40,000
Straight	\$25	200	30,000
\$25 BONUS	\$25	200	30,000
Any Pair × 7	\$35	600	10,000
Any Pair + 2 Pair + 3 of a Kind	\$35	600	10,000
\$35 BONUS	\$35	300	20,000
3 of a Kind + 2 Pair	\$35	600	10,000
Straight × 2	\$50	600	10,000
2 Pair × 5	\$50	600	10,000
Flush	\$50	600	10,000
\$50 BONUS	\$50	300	20,000
Any Pair × 9 + \$5 BONUS	\$50	300	20,000
Any Pair × 5 + \$25 BONUS	\$50	300	20,000
3 of a Kind × 5	\$100	3,000	2,000
Straight × 4	\$100	3,000	2,000
Flush × 2	\$100	5,000	1,200
Full House	\$100	3,000	2,000
\$100 BONUS	\$100	1,333	4,500
Flush × 2 + Full House × 4	\$500	120,000	50
Full House × 5	\$500	120,000	50
4 of a Kind	\$500	120,000	50
Full House × 5 + 4 of a Kind	\$1,000	1,200,000	5
Straight Flush	\$50,000	1,200,000	5
Royal Flush	\$100,000	1,200,000	5
BONUS = Win Between \$5 and \$100 automatically	Straight = \$25		
A Pair = \$5	Flush = \$50		
2 Pairs = \$10	Full House = \$100		
3 of a Kind = \$20	4 of a Kind = \$500		
	Straight Flush = \$50,000		
	Royal Flush = \$100,000		

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

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

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

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

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1657. Filed for public inspection September 3, 2004, 9:00 a.m.]

## Pennsylvania Trick or Treat Tripler Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Trick or Treat Tripler.

2. *Price:* The price of a Pennsylvania Trick or Treat Tripler instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Trick or Treat Tripler instant lottery game ticket will contain one play area featuring a "LUCKY SYMBOL" area and a "YOUR CANDY SYMBOLS" area. The play symbols and their captions located in the "LUCKY SYMBOL" area are: Hat Symbol (HAT), Pumpkin Symbol (PUMKIN), Spider Symbol (SPIDER), Skull Symbol (SKULL), Candle Symbol (CANDLE), Frog Symbol (FROG), Bat Symbol (BAT), Snake Symbol (SNAKE), Cat Symbol (CAT), Witch Symbol (WITCH) and Ghost Symbol (GHOST). The play symbols and their captions located in the "YOUR CANDY SYMBOLS" area are: Hat Symbol (HAT), Pumpkin Symbol (PUMKIN), Spider Symbol (SPIDER), Skull Symbol (SKULL), Candle Symbol (CANDLE), Frog Symbol (FROG), Bat Symbol (BAT), Snake Symbol (SNAKE), Cat Symbol (CAT), Witch Symbol (WITCH), Ghost Symbol (GHOST), and Treat Symbol (TRPLE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR CANDY SYMBOLS" area are: Free (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$30\$ (THIRTY), \$90\$ (NINTY), \$100 (ONE HUN), \$300 (THR HUN) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$30, \$90, \$100, \$300 and \$3,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Trick or Treat Tripler instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$3,000 (THR THO) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$300 (THR HUN) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$100 (ONE HUN) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of

\$100 (ONE HUN) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$90\$ (NINTY) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$90.

(f) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$30\$ (THIRTY) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$90.

(g) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$30\$ (THIRTY) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(j) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$15.

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

(l) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$9<sup>00</sup> (NIN DOL) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$9.

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

(o) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5.00 (FIV DOL) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$3.00 (THR DOL) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(r) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" is a Treat Symbol (TRPLE), and a prize symbol of \$1.00 (ONE DOL) appears under the Treat Symbol (TRPLE), on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of

\$2.00 (TWO DOL) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$1.00 (ONE DOL) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(u) Holders of tickets upon which any one of the "YOUR CANDY SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize play symbol of Free (TICKET) appears under the matching "YOUR CANDY SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Instant Lottery Game ticket of equivalent sale price which is currently on sale.

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

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,400,000 Tickets</i>
FREE	TICKET	15	560,000
\$1	\$1	13.64	616,000
\$2	\$2	15	560,000
\$1 w/Treat	\$3	85.71	98,000
\$3	\$3	100	84,000
\$1 x 5	\$5	600	14,000
\$5	\$5	600	14,000
\$2 w/Treat	\$6	300	28,000
\$3 x 2	\$6	600	14,000
\$6	\$6	600	14,000
\$3 w/Treat	\$9	200	42,000
\$9	\$9	600	14,000
\$2 x 5	\$10	600	14,000
\$5 x 2	\$10	600	14,000
\$10	\$10	300	28,000
\$5 w/Treat	\$15	1,000	8,400
\$3 x 5	\$15	3,000	2,800
\$15	\$15	3,000	2,800
\$6 x 5	\$30	2,400	3,500
\$10 w/Treat	\$30	2,353	3,570
\$15 x 2	\$30	2,400	3,500
\$30	\$30	2,400	3,500
\$30 w/Treat	\$90	48,000	175
\$90	\$90	48,000	175
\$100	\$100	80,000	105
\$100 w/Treat	\$300	240,000	35
\$300	\$300	240,000	35
\$3,000	\$3,000	840,000	10

Treat = Triple the prize shown.

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Trick or Treat Tripler, prize money from winning Pennsylvania Trick or Treat Tripler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled

thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Trick or Treat Tripler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1658. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Pennsylvania Turkey Day Doubler Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Turkey Day Doubler.

2. *Price:* The price of a Pennsylvania Turkey Day Doubler instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Turkey Day Doubler instant lottery game ticket will contain one play area featuring a "TURKEY NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "TURKEY NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and Turkey Symbol (TRKY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$80\$ (EIGHTY), \$100 (ONE HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$80, \$100 and \$2,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Turkey Day Doubler instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$80\$ (EIGHTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Turkey Symbol (TRKY), and a prize symbol of \$40\$ (FORTY) appears under the Turkey Symbol (TRKY), on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Turkey Symbol (TRKY), and a prize symbol of \$20\$ (TWENTY) appears under the Turkey Symbol (TRKY), on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Turkey Symbol (TRKY), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Turkey Symbol (TRKY), on a single ticket, shall be entitled to a prize of \$20.

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

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Turkey Symbol (TRKY), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Turkey Symbol (TRKY), on a single ticket, shall be entitled to a prize of \$10.

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

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize symbol of \$4<sup>00</sup> (FOR



DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Turkey Symbol (TRKY), and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the Turkey Symbol (TRKY), on a single ticket, shall be entitled to a prize of \$4.

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

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" is a Turkey Symbol (TRKY), and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the Turkey Symbol (TRKY), on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbols and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "TURKEY NUMBER" play symbol and a prize play symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Instant Lottery Game ticket of equivalent sale price which is currently on sale.

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

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 8,400,000 Tickets</i>
FREE	TICKET	19.35	434,000
\$1	\$1	13.64	616,000
\$2	\$2	75	112,000
\$1 w/Turkey	\$2	23.08	364,000
\$1 × 2	\$2	60	140,000
\$4	\$4	300	28,000
\$2 w/Turkey	\$4	100	84,000
\$1 × 4	\$4	300	28,000
\$2 × 2	\$4	300	28,000
\$5	\$5	600	14,000
\$1 × 5	\$5	600	14,000
\$2 w/Turkey + \$1	\$5	100	84,000
\$10	\$10	600	14,000
\$5 w/Turkey	\$10	200	42,000
\$2 × 5	\$10	600	14,000
\$5 × 2	\$10	600	14,000
\$20	\$20	3,000	2,800
\$10 w/Turkey	\$20	3,000	2,800
\$4 × 5	\$20	3,000	2,800
\$5 × 4	\$20	3,000	2,800
\$10 × 2	\$20	3,000	2,800
\$5 × 5	\$25	1,000	8,400
\$25	\$25	1,500	5,600
\$40	\$40	48,000	175
\$20 w/Turkey	\$40	48,000	175
\$10 × 4	\$40	48,000	175
\$20 × 2	\$40	48,000	175
\$50	\$50	30,000	280
\$80	\$80	240,000	35
\$40 w/Turkey	\$80	240,000	35
\$20 × 4	\$80	240,000	35
\$100	\$100	240,000	35
\$20 × 5	\$100	240,000	35
\$2,000	\$2,000	840,000	10

Turkey = Double the prize shown.

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

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

of the Pennsylvania Turkey Day Doubler instant lottery game, the right of a ticket holder to claim the prizerepresented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1659. Filed for public inspection September 3, 2004, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Lehigh County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) proposes improvements to the intersections of SR 0309 and SR 4010 and SR 0309 and Education Park Drive at the south end of the Village of Schnecksville and in North Whitehall Township, Lehigh County. The work involves widening, reconstruction and signalization of the two intersections. The project requires land from the National Register of Historic Places eligible Schnecksville Historic District.

Impacts to the Schnecksville Historic District will be mitigated by measures as outlined in the Memorandum of Agreement (MOA) for the project, which was signed by the appropriate agencies.

The MOA stipulates that the Department will prepare State-level documentation of the historic district to convey its present day historic feeling and association. The Department will also prepare a National Register of Historic Places Registration Form for the Schnecksville Historic District.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize effects.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-1660. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Finding Mercer County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Quaker Bridge carrying SR 4006 over the Little Shenango River in Hempfield Township, Mercer County. The existing Quaker Bridge has been determined eligible for the National Register of Historic Places. The effect of this project on the existing Quaker Bridge will be mitigated by the following measures to minimize harm to the resources.

1. Prior to the replacement of the Quaker Bridge, the Department will have the structure recorded following State-level recordation guidelines. The Department will ensure that all documentation is completed and accepted by the State Historic Preservation Officer (SHPO) prior to implementation of the undertaking, and that copies of the recordation are made available to the SHPO and the appropriate local facility designated by the SHPO.

2. The Department will develop an educational program in association with the Mercer County Historical Society. The program will highlight the history and significance of the Quaker Bridge and educate the public about historic truss bridges. A copy of any material or text developed for this program will be provided to the SHPO.

3. The bridge plaques will be salvaged and offered to the Mercer County Historical Society.

The Deputy Secretary for Highway Administration has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

No adverse environmental effect is likely to result from the replacement of this bridge.

GARY L. HOFFMAN, P. E.,  
*Deputy Secretary for Highway Administration*

[Pa.B. Doc. No. 04-1661. Filed for public inspection September 3, 2004, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD STATE CONSERVATION COMMISSION

### Joint Public Meetings and Public Hearings on Proposed Rulemakings Affecting Agriculture; Meetings Change

The Environmental Quality Board (Board) and the State Conservation Commission (Commission) will hold two joint public information meetings and two public hearings regarding two separate, but closely related proposed rulemakings. The Commission's proposed amendments to 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management) under the Nutrient Management Act (3 P. S. §§ 1701—1719) were published at 34 Pa.B. 4361 (August 7, 2004). The Board's proposed

amendments to 25 Pa. Code Chapters 91 and 92 (relating to general provisions; and National Pollutant Discharge Elimination System permitting, monitoring and compliance) under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) were published at 34 Pa.B. 4353 (August 7, 2004).

The Board's proposed rulemaking affects all farms that store manure or apply it to their land. They also regulate concentrated animal feeding operations (CAFOs), the largest farms in this Commonwealth. The primary purpose of the proposed CAFO rulemaking is to allow the Commonwealth to maintain delegation of the Federal National Pollutant Discharge Elimination System CAFO program.

The Commission's proposed rulemaking changes existing regulations affecting concentrated animal operations based on advances in the sciences of agronomics and manure management, as well as public concerns with livestock agriculture. Currently, 840 operations are subject to the existing nutrient management regulations and an additional 950 farms have voluntarily complied with the requirements.

#### *Joint Public Information Meetings*

The Board and the Commission will jointly hold two public information meetings to discuss the proposed rulemakings and answer questions. The public information meetings will be held at 6:30 p.m. on Monday, September 13, 2004, at the Holiday Inn, 5401 Carlisle Pike, Mechanicsburg, PA and on Thursday, September 16, 2004, at the Ramada Inn, 191 United Road, DuBois, PA. No formal record will be kept at the public information meetings.

#### *Joint Public Hearings*

The Board and the Commission will jointly hold two public hearings for the purpose of accepting comments on the proposed rulemakings. The public hearings will be held at 6 p.m. on Wednesday, October 13, 2004, at the Holiday Inn, 5401 Carlisle Pike, Mechanicsburg, PA and at 6 p.m. on Thursday, October 14, 2004, at the Ramada Inn, 191 United Road, DuBois, PA.

Individuals who would like to present testimony at the joint public hearings must contact Natalie Shepherd, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526; or Douglas Goodlander, State Conservation Commission, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-8821 at least 1 week in advance of the public hearing to reserve a time to present testimony. Oral testimony will be limited to 10 minutes for each witness. The Board and the Commission prefer that witnesses use this time to summarize written testimony. Witnesses should specify which sections of which rulemaking they are commenting on when providing comments. Witnesses are requested to submit three written copies of their statement at the public hearing. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to attend the public information meetings or public hearings and require an auxiliary aid, service or other accommodation to participate should contact Natalie Shepherd at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how their needs can be accommodated.

#### *Written Comments*

Interested persons are also invited to submit comments, suggestions or objections regarding the Board's proposed

rulemakings to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Interested persons are also invited to submit comments, suggestions or objections regarding the Commission's proposed rulemakings to the State Conservation Commission, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110.

Comments submitted by facsimile will not be accepted. Comments must be received by the Board and the Commission by November 5, 2004. Interested persons may also submit a summary of their comments to the Board or the Commission. The summary may not exceed one page in length and must also be received by November 5, 2004. The one-page summary will be provided to each member of the Board or the Commission in the agenda packet distributed prior to the meeting at which the final rulemaking will be considered.

#### *Electronic Comments*

Comments may be submitted by e-mail to the Board at RegComments@state.pa.us or to the Commission at ag-scc@state.pa.us and must be received by November 5, 2004. A subject heading of the proposed rulemaking (Nutrient Management, CAFO/All Farms, or both) and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,  
*Chairperson*  
*Environmental Quality Board*  
DENNIS C WOLF,  
*Chairperson*  
*State Conservation Commission*

[Pa.B. Doc. No. 04-1662. Filed for public inspection September 3, 2004, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, September 8, 2004, Data Systems Committee meeting—10 a.m., Education Committee meeting—1 p.m.; Thursday, September 9, 2004, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 04-1663. Filed for public inspection September 3, 2004, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-233	Pennsylvania Public Utility Commission Passenger Service and Property and Household Goods Carriers (34 Pa.B. 3258 (June 26, 2004))	7/26/04	8/25/04

### **Pennsylvania Public Utility Commission Regulation # 57-233 (IRRC # 2410)**

#### **Passenger Service and Property and Household Goods Carriers**

**August 25, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on July 26, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

#### **1. Section 29.32. Death or incapacitation of a certificate holder.—Clarity.**

Existing language in the first sentence of this section refers to a certificateholder "being legally declared insane." Is this terminology still used in legal proceedings, or is there updated terminology that has replaced "insane"?

The second sentence of the section references "appropriate proceedings." Section 29.61 also references "appropriate proceedings." Where can the reference to these proceedings be found?

#### **2. Section 29.44. Accident reports.—Clarity.**

The preamble states that "carriers must also provide a written report of the accident to the Commission within 30 days of the accident." However, the 30-day requirement in subsection (a) is being deleted. Does the PUC still intend to receive an accident report within 30 days?

#### **3. Section 29.306. Consumer information.—Clarity.**

This new section requires scheduled route carriers to post a PUC-issued complaint decal inside the vehicle which lists the phone number and website to be used to file a complaint or provide this information on the receipt. The same requirements apply to airport transfer carriers (§ 29.344) and paratransit and experimental service carriers (§ 29.356). The comparable provision for call or demand service (§ 29.318) requires only the decal and for limousine service (§ 29.336) both the decal and the information on the receipt are required.

The PUC staff has indicated that the intent is to allow a carrier in all categories to be able to choose which method of complaint information notices are used under each of these sections. The PUC's intent should be clearly delineated in the final-form regulation.

#### **4. Section 29.314. Vehicle and equipment requirements.—Fiscal impact; Reasonableness.**

Subsection (d) prohibits a vehicle that is more than 8 model years old from being operated in call or demand service. This provision is also found in § 29.333(e). Commentators have voiced objections to this provision asserting that it will impose substantial financial burdens on their operations. How did the PUC determine the age threshold? Has the PUC considered any alternative limitations, such as a mileage limitation?

#### **5. Section 29.505. Criminal history.—Statutory authority; Legislative intent; Clarity.**

*Subsections (a) and (b)*

Subsection (a) requires a common or contract carrier to obtain a criminal history record from the State Police before permitting a driver to operate a vehicle in its service. Subsection (b) requires that the carrier obtain a new record every 2 years.

We object to these provisions for two reasons. First, there is no statutory authority for a carrier to obtain a criminal history record. Other than certain criminal justice agencies and licensing authorities, the Criminal History Record Information Act authorizes only an individual or his legal representative to obtain and review his criminal history information (18 Pa.C.S. § 9151(a)).

Second, there is nothing in the provisions of the Public Utility Code governing certificates of public convenience (66 Pa.C.S. §§ 1101—1104) which authorizes the PUC to require that either carriers or drivers obtain this information. Whenever the legislature intended to authorize an agency to require an applicant for licensure or employment to submit his criminal history information, it provided for that authority in clear and unmistakable terms. Some examples of statutory provisions where this authority has been granted relate to humane society police (3 P. S. § 456.4), mortgage brokers (63 P. S. § 456.310(c)(3)) and applicants for nurse aide training programs (63 P. S. § 674(a)(1)). Additionally, we note that the USA Patriot Act of 2001 (49 U.S.C.A. § 5103a) requires commercial drivers who transport hazardous materials to submit a criminal history background check. This requirement does not apply to commercial drivers who transport other materials.

*Subsection (d)*

Subsection (d) prohibits a carrier from allowing a person convicted of a felony or misdemeanor involving moral turpitude from operating one of its vehicles, as long as the person remains under the supervision of the courts or the corrections system.

We find this provision to be unclear. The regulation does not define "crime of moral turpitude." Some commentators have understandably expressed confusion as to what crimes are included in this category. If the PUC decides to retain this provision, it should include a definition of this phrase.

A similar provision exists in § 31.134(a), (b) and (d). The same concerns previously outlined should be addressed in these subsections, as well.

**6. Section 31.121. Information for shippers.—Fiscal impact; Reasonableness; Need; Clarity.**

*Subsection (a)*

This subsection contains an Information for Shippers form that a household goods carrier is required to provide to a prospective shipper when the shipper requests moving service and before the carrier prepares an order for service. The following comments relate to the language in the form.

*Inventory*

Under this section of the form, the carrier is required to "complete a detailed inventory listing all items to be moved and their condition." Additionally, the carrier is required to assign an identification number to all items. This inventory requirement also appears in § 31.133(a). It is not contained in the existing regulations.

Commentators have noted that inventories are routinely performed on moves over 40 miles. However, they have objected to this requirement for moves under 40 miles. They assert that a detailed inventory will be expensive and time consuming for both the carrier and the shipper. One carrier notes that it takes approximately 20 to 30 minutes to inventory one average room of household goods. At the conclusion of the move, additional time would be required to verify that the inventoried items were delivered. Since the shipper is charged by the hour in these types of moves, the overall cost for a move could significantly increase. Commentators also note that the additional time required for inventories will place a financial burden on carriers since they will have to either schedule fewer moves per day, or hire additional employees.

Based on discussion with PUC staff, we understand that Federal regulations require inventories for interstate moves. The preamble, however, does not explain the need to apply this requirement to all moves. Additionally, it is unclear if this requirement is based on a significant complaint volume related to the lack of a detailed inventory on moves under 40 miles. The PUC should explain the basis for this requirement.

Additionally, commentators have suggested that the shipper be given the right to waive the inventory requirement for moves under 40 miles. We agree that a waiver provision would maintain the consumer protections associated with the inventory while providing flexibility for shippers who may not want to pay the additional cost of having an inventory prepared. The PUC should include this option in the final-form regulation.

*Loss and Insurance*

This section of the form provides that in the case of loss or damage to a shipper's goods, the shipper is protected

up to 60¢ per pound per article. The existing regulation protected the shipper up to 30¢ per pound. The PUC should explain how it determined the proposed increase to 60¢ per pound.

*Proof of Damage/Receipt*

This section of the form states, in part, "Do not sign the delivery receipt if it contains language purporting to release or discharge the carrier from liability." Similar language appears in proposed § 31.132(f). Some commentators have asserted that the *Pennsylvania Code* and existing tariffs establish limitations on a carrier's liability in certain situations. Are there instances in which the carrier would be released from liability? If so, these instances should be identified in the final-form regulation.

*Subsection (c)*

This subsection requires that the form be provided to the shipper "at least 48 hours prior to the move." Commentators have noted that some short distance moves are arranged quickly, and in these instances, it may not be possible to comply with the 48-hour requirement. Has the PUC considered allowing the shipper to waive the 48-hour requirement in these instances?

**7. Section 31.122. Estimated cost of services.—Clarity.**

Subsection (a) requires the carrier to prepare the estimated cost of services on a form and provide it "to the shipper prior to the move . . ." Does the PUC intend this form to be given before the move begins? Or is it intended to be given 48 hours prior to that time, consistent with the requirements for delivering the "Information for Shippers" form in § 31.121? The final-form regulation should specify the time frame within which the estimate must be provided.

**8. Section 31.123. Delivery when charges exceed estimates.**

The preamble states that the PUC is amending this section to replace "money order" with "cashier's check." However, this change does not appear in the regulation. PUC staff explained that the sentence which refers to a money order is no longer necessary since the amendments to the Information for Shippers form address payment options. Therefore, when the PUC submits the final-form regulation, it should update the preamble to reflect the amendments in the regulation.

**9. Miscellaneous clarity issue.**

*Electronic communication*

The proposed regulation contains numerous requirements related to reports to the PUC and documents for customers. For example, § 29.313 requires drivers of vehicles in call or demand services to keep log sheets for each shift that is operated. Section 31.121 requires a carrier to provide shippers with an Information for Shippers form. The regulation does not address the issue of electronic versions of these various reports or forms. The PUC should consider allowing carriers to meet the requirements of the regulation through electronic communication methods when available and practical.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1664. Filed for public inspection September 3, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Allstate Insurance Company; Private Passenger Auto Rate Filing

On August 19, 2004, the Insurance Department (Department) received from Allstate Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 4.2% increase amounting to \$27.711 million annually, to be effective November 15, 2004.

Unless formal administrative action is taken prior to October 18, 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](http://www.ins.state.pa.us). To access the filing, under "Quick Links," click "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 Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [kcreighton@state.pa.us](mailto:kcreighton@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-1665. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Application for Domestic Certificate of Authority

Physicians Insurance Program Reciprocal Exchange has applied for a Certificate of Authority to operate as a domestic insurance reciprocal exchange in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be sent to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-1666. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Continental Casualty Company; 35% Rate Increase Filing for 22 Long Term Care Policy Forms; Rate Filing

Continental Casualty Company (CNA) is requesting approval to increase the premium 35% for Long Term Care Series P1-N0022-A37, P1-N0022-B37, P1-N0022-A87 and P1-N0022-B87. CNA is seeking a 35% increase for Series P1-N0023-A37, P1-N0023-B37, P1-N0023-A87 and P1-N0023-B87. CNA is seeking a 35% increase for Series P1-N0026-A37, P1-N0026-B37, P1-N0026-A87 and P1-N0026-B87. CNA is seeking a 35% increase for Series P1-N0027-A37, P1-N0027-B37, P1-N0027-A87 and P1-N0027-B87. CNA is seeking a 35% increase for Series P1-N0030-A37, P1-N0030-A87, P1-N0031-A37, P1-N0031-A87, P1-N0034-A37 and P1-N0034-A87. The average premium will increase from \$1,529 to \$2,064 and will affect 4,655 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to November 18, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-1667. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Terry Cook; Prehearing

#### Appeal of Terry Cook under 40 P. S. §§ 991.2101—991.2193; UMPC Health Plan; Doc. No. HC04-08-016

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on October 5, 2004, at 11 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 31, 2004. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

On or before September 21, 2004, Terry Cook shall file with the Administrative Hearings Office and serve upon Catrina Jackson, UPMC Health Plan, One Chatham Center, Pittsburgh, PA 15219 (or another representative entering an appearance in these proceedings) a state-

ment: (1) containing a chronology of all medical provider visits, communications and referrals relative to the August 8, 2003, surgery, including names and dates; (2) containing a chronology of all communications Highmark Blue Cross/Blue Shield relative to the surgery; (3) identifying Terry Cook's primary care physician and the period of time the physician has been so; and (4) accompanied by all documentation identified in the chronologies. Failure to comply with this paragraph may cause a party to waive claims and/or defenses.

On or before September 21, 2004, UPMC shall file and serve a statement: (1) containing a chronology of all communications with Terry Cook, his medical providers and Highmark Blue Cross/Blue Shield relative to the surgery which took place prior to the first level complaint submission in this matter; (2) accompanied by all documentation identified in the chronology; and (3) accompanied by plan documents applicable to Terry Cook. Failure to comply with this paragraph may cause a party to waive claims and/or defenses.

Motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 27, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before October 1, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1668. Filed for public inspection September 3, 2004, 9:00 a.m.]

### **Ebersole-Kohl Zerby-Consoli West Associates, P. C.; Prehearing**

#### **Appeal of Ebersole-Kohl Zerby-Consoli West Associates, P. C. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM04-08-014**

On or before September 15, 2004, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 1, 2004, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for October 6, 2004, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 31, 2004. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 24, 2004, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before October 1, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1669. Filed for public inspection September 3, 2004, 9:00 a.m.]

### **Harrisburg Jet Center, Inc.; Prehearing**

#### **Appeal of Harrisburg Jet Center, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-0008(M); Doc. No. UT04-08-025**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on October 19, 2004, at 11 a.m. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 31, 2004. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before October 8, 2004. Answers to petitions to intervene, if any, shall be filed on or before October 15, 2004.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 04-1670. Filed for public inspection September 3, 2004, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Brian and Kelly Wisneski; file no. 04-181-07346; Erie Insurance Exchange; doc. no. P04-08-019; September 28, 2004, 2 p.m.

Appeal of Peter S. Kubat; file no. 04-193-06605; Erie Insurance Exchange; doc. no. P04-08-017; October 7, 2004, 10:30 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. 04-1671. Filed for public inspection September 3, 2004, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Customer Information to be Maintained and Provided by Electric Distribution Companies to Electric Generation Suppliers**

Public Meeting held  
August 19, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzigrilli; Wendell F. Holland

*Customer Information to be Maintained and Provided by Electric Distribution Companies to Electric Generation Suppliers; Doc. No. M-00041819*

### Tentative Order

*By the Commission:*

#### *Background*

This Commonwealth's retail electric sector was opened to competition by means of the Electricity Generation Customer Choice and Competition Act (act) in 1997. 66 Pa.C.S. § 2801, et seq. Subsequent to the passage of the act, the Commission issued a number of orders to assure a "fair and orderly transition from the current regulated structure to a structure under which retail customers will have direct access to a competitive market for the generation and sale or purchase of electricity." 66 Pa.C.S. § 2802(13).

In one of these orders, the Commission held that electric distribution companies (EDC) must compile and make available certain customer information to electric generation suppliers (EGS). *Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During the Transition to Full Retail Choice*, Doc. No. M-00991230 (Order entered May 13, 1999). The Commission wished to ensure the orderly transition to the period when all customers had the ability to select their own supplier. The Commission determined that the release of this information was necessary to level the playing field between the supplier affiliates of EDCs and new market entrants.

Under the terms of this Order, the Commission required EDCs to make available a customer's name, address, account number, rate class and load data to EGSs. Load data was defined as the 12 months historical kWh usage, 12 months of historical demand, the load curve for the customer class or subclass or actual data for those with hourly meters and load strata information. Telephone numbers were specifically excluded from the customer information lists to be provided to EGSs. Customers were given the option of restricting the release of all of their information through a negative check-off process.

The Commission has not revisited this issue since January 2000. Some EDCs continue to maintain and provide updated customer information to EGSs under the terms of separate, Commission approved agreements. Others provide outdated lists from 1999 or simply have discontinued the practice all together. One company has voluntarily continued the practice for reasons of administrative efficiency.

Under the terms of the act, the Commission was charged with various objectives, including ensuring customer choice:

Consistent with the time line set forth in section 2806 (relating to implementation, pilot programs and performance-based rates), the commission shall allow customers to choose among electric generation suppliers in a competitive generation market through direct access. Customers should be able to choose among alternatives such as firm and interruptible service, flexible pricing and alternate generation sources, including reasonable and fair opportunities to self-generate and interconnect. These alternatives may be provided by different electric generation suppliers.

The Commission is also charged with promulgating regulations to ensure that customers receive the necessary information to make informed choices about purchasing electric services:

The commission shall establish regulations to require each electric distribution company, electricity sup-



plier, marketer, aggregator and broker to provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of all electricity services offered by that provider. Information shall be provided to consumers in an understandable format that enables consumers to compare prices and services on a uniform basis.

66 Pa.C.S. § 2807(d)(2).

Notwithstanding completion of the transition to full retail choice for all EDC customers in 2000, the Commission also has a continuing obligation to maintain a properly functioning and fully competitive retail market. 66 Pa.C.S. § 2811. To that end, we believe that EDCs should continue to make available a reasonable amount of customer information to EGSs, the costs for which they may recover. The availability of this information fosters a more level playing field between the supplier affiliates of EDCs and alternative EGSs. Customers will in turn have more opportunities to make informed decisions regarding generation supply options.

#### *Current Approaches*

As noted, several EDCs currently make available up to date customer information to EGSs. These include Duquesne Light Company (Duquesne) and PECO Energy Company (PECO). A brief review of their approaches follows.

Duquesne makes available to EGSs a customer's name, address, rate class and account number. Customers do not have the ability to restrict the release of this information. These terms were a consequence of Duquesne's POLR II settlement. *Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider Of Last Resort Service*, Doc. No. R-00974104 (Order entered December 20, 2000). This obligation will terminate with the expiration of the settlement on December 31, 2004.

PECO provides customer information to EGSs under the terms of its Unicom merger settlement. *Application Of PECO Energy Company, Pursuant To Chapters 11, 19, 21, 22 And 28 Of The Public Utility Code, For Approval Of (1) A Plan Of Corporate Restructuring, Including The Application Creation Of A Holding Company And (2) The Merger Of The Newly Formed Holding Company And Unicom Corporation*, Doc. No. A-110550F0147 (Order entered June 22, 2000). PECO does not provide information on those customers that have elected to restrict the release of their information.

PECO maintains two separate lists for customers who have not completely restricted the release of information. Both lists include the name, address, rate class and account number of customers. However, one list is for customers who have requested that their load data be kept confidential. The other list is for customers who have not restricted the release of load data. This additional load information includes strata, registered peak demand, load factor and capacity obligation for customers. Under the terms of the Unicom merger settlement, this obligation to provide customer information was set to expire on January 31, 2004. However, it is the Commission's understanding that PECO will continue to make this information available voluntarily.

#### *Discussion*

##### *1. Information to be Made Available*

Neither the act nor Commission regulations expressly identify specific customer information that must be provided to EGSs. The regulations do place limited restrictions on the release of customer information:

(a) An EDC or EGS may not release private customer information to a third party unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer's desire to restrict the release of the private information. Specifically, a customer may restrict the release of either the following:

- (1) The customer's telephone number.
- (2) The customer's historical billing data.

(b) Customers shall be permitted to restrict information as specified in subsection (a) by returning a signed form, orally or electronically.

(c) Nothing in this section prohibits the EGS and EDC from performing their mandatory obligations to provide electricity service as specified in the disclosure statement and in the code.

52 Pa. Code § 54.8

Accordingly, there is no general legal prohibition against EDCs making available customer information to third parties. Nor do customers have the right to restrict the release of all of their information.

The Commission proposes to reinstate the requirement that we established during the transition to full retail choice. At a minimum, EDCs will be required to provide the names, account numbers, addresses and load data of its retail distribution customers to licensed EGSs.

##### *2. Manner of Availability*

The information shall be provided in a format that is readily accessible by EGSs. Customer information is currently provided by some EDCs in electronic formats, including CD-ROMs through the regular mail and the electronic transfer of the information over the Internet. Given the rapid change of data storage and transfer technologies over time, the Commission does not wish to be proscriptive. Accordingly, EDCs shall continue to make available this information in electronic formats that are generally accepted for commercial transactions within the private business community.

##### *3. Cost Recovery for this Service*

The Commission believes that EDCs should be able to recover the reasonable costs of compiling and providing this data to EGSs. The Commission welcomes input on the definition of reasonable costs.

Finally, it bears noting that although we are presently proposing the adoption of guidelines regarding the disclosure of certain customer information to EGSs, after comments and finalization of these guidelines the Commission reserves the right to issue formal and binding regulations covering this subject matter. Nevertheless, even in the absence of regulations, an individual EDC that appears to discriminate by providing a greater degree of customer information to its supplier affiliate than to nonaffiliated EGSs would raise issues of anticompetitive conduct under section 2811 of the act that may require, on a case by case basis, investigation by the Commission and/or referral to the Attorney General and other entities. See 66 Pa.C.S. § 2811(b) and (c) and 52 Pa. Code § 54.122.

The Commission invites all interested parties to provide comments on these guidelines for the customer information to be maintained and provided by EDCs to EGSs; *Therefore,*

*It Is Ordered That:*

1. Comments regarding this Tentative Order be filed with the Commission no later than 30 days after this Tentative Order is published in the *Pennsylvania Bulletin*.

2. The Secretary's Bureau serve a copy of this Tentative Order on all EDCs, all licensed EGSs, the Office of Consumer Advocate, Office of Small Business Advocate and the Office of Trial Staff.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1672. Filed for public inspection September 3, 2004, 9:00 a.m.]

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### Order

Public Meeting held  
August 19, 2004

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli; Wendell F. Holland

*Petition of the Brotherhood of Unified Taxi Drivers/Owners; S. P. 28208*

### Order

*By the Commission:*

Before us for consideration is the Letter/Petition for Reconsideration (Petition) filed on July 14, 2004, by the Brotherhood of Unified Taxi Drivers/Owners.

*History of the Proceeding*

At its June 10, 2004, public meeting, the Commission approved a temporary fuel surcharge for motor carriers providing call and demand service, airport transfer service and paratransit service. The temporary fuel surcharge became effective on June 14, 2004, under Special Permission No. 28208 and will terminate on June 12, 2005. The Bureau of Transportation and Safety was directed to investigate the merits of the fuel surcharge on a quarterly basis, beginning September 30, 2004, or as otherwise directed by the Commission.

The temporary fuel surcharge was granted in response to the Commission's receipt of verbal and written requests from passenger motor carriers, including a written request filed by the Pennsylvania Taxicab and Paratransit Association (PTPA) on behalf of its 119 members and a petition filed by Lehigh Valley Taxicab Co., Inc. The requesting parties and the petitioner had cited the recent, unanticipated rise in retail gasoline prices.

Under 66 Pa.C.S. § 1308(a), the Commission permitted call or demand, paratransit and airport transfer carriers to recover increased fuel costs. Call and demand carriers were authorized to charge a temporary fuel surcharge of \$0.30 per trip for each paying passenger. Paratransit and airport transfer carriers were authorized to charge a temporary fuel surcharge of \$0.70 per trip for each paying passenger.

On July 14, 2004, the Petitioner filed the instant Petition requesting the Commission reconsider the amount of the fuel surcharge for taxicabs providing transportation in Philadelphia.

*Discussion*

The Public Utility Code establishes a party's right to seek relief following the issuance of our final decisions under 66 Pa.C.S. § 703(f) and (g), regarding rehearings, rescission and amendment of orders. Requests for relief must be consistent with 52 Pa. Code § 5.572(b), regarding petitions for relief following the issuance of a final decision. The standards for a petition for relief following a final decision were addressed in *Duick v. PG&W*, 56 Pa. PUC 553 (1982) (*Duick*).

*Duick* held that a petition for rehearing under section 703(f) of the Public Utility Code must allege newly discovered evidence not discoverable through the exercise of due diligence prior to the close of the record. *Duick*, at 558. A petition for reconsideration or modification under section 703(g), however, may properly raise any matter designed to convince us that we should exercise our discretion to amend, modify or rescind a prior Order, in whole or in part. Furthermore, the petitions are likely to succeed only when they raise "new and novel arguments" not previously heard or considerations which appear to have been overlooked or not addressed by us. *Duick*, at 559. *AT&T v. Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth Ct. 1990), further elucidated the standards for rehearing, reconsideration, revision or rescission.

The Brotherhood of Unified Taxi Drivers/Owners failed to file its petition for reconsideration within 15 days after the Commission's temporary fuel surcharge Order was entered, as required by 52 Pa. Code § 5.572. While the Petitioner attempted to file its petition by facsimile on June 18 and June 27, neither of the faxed petitions contained the appropriate verification required by 52 Pa. Code § 1.36. Further, our regulations prohibit filing petitions by facsimile. 52 Pa. Code § 1.11(c). On July 14, the Petitioner filed its verified Petition in writing with the Secretary of the Commission. Notwithstanding the tardiness, we will nonetheless consider the petition given the significant concerns involved.

Petitioner states that the temporary fuel surcharge of \$0.30 per trip per paying passenger for call and demand carriers is "wholly insufficient." Petitioner states that the average fuel cost for Philadelphia taxi drivers has risen from \$20 to \$22 per day, to \$30 to \$33 per day. Petitioner alleges that most drivers average 15 to 25 trips per shift, and that the additional \$4.50 to \$7.50 obtained from the fuel surcharge fails to cover the additional fuel costs. Petitioner states that the average retail price of fuel in Philadelphia is \$2.30 "per gallon for the required octane rate for our vehicles." Petitioner did not provide any statistical information about the average length of trip or the average miles per gallon for its typical vehicle, nor did the Petitioner provide rationale for the need to use premium grade gasoline.

Notwithstanding the lack of statistical information, we believe that we can address the Petitioner's allegation by using the information contained in our June 10 Order. In our analysis to determine the appropriate temporary fuel surcharge amount, the Commission not only compared the retail price of fuel over the past 2 years, it also considered the average length of a trip by taxi carrier and the average miles per gallon for a taxi vehicle. It is believed that premium gasoline must be used in most Philadelphia Medallion taxicabs because full-size sedans,

such as the Chevrolet Caprice or Ford Crown Victoria, are utilized as taxicabs. This fact is substantiated by the Philadelphia District enforcement staff. These vehicles suffer poor engine performance unless premium gasoline is used. In our June 10 Order, the Commission compared the retail cost of regular gasoline in 2004 to the cost in 2002. According to historical information obtained from the Department of Energy's website, the retail cost of premium gasoline on May 31, 2002, was \$1.59, while the retail cost of premium gasoline on May 31, 2004, was \$2.28.<sup>1</sup> The average cost of a taxicab trip was calculated by dividing 6.8 miles (the average trip length for cabs as determined by the PTPA) by 11.5 (the average miles per gallon per vehicle provided by PTPA by its National organization) to first obtain the average amount of fuel used per trip of .45 gallon. This average amount of fuel per trip is then multiplied by the cost of fuel in both May 2002 and May 2004 to obtain the average cost of fuel per trip. The calculations reveal that the fuel cost per taxi trip in 2002 was \$0.72, while the fuel cost per trip in 2004 was \$1.02. The \$0.30 difference in fuel costs for vehicles utilizing premium gas is the same difference found by the Commission for vehicles using a regular grade of gasoline.

The Petitioner also requests that the temporary fuel surcharge be applied to the flat rate that is charged to passengers traveling from the Philadelphia International Airport to the Center City (defined as the area of Philadelphia encompassed by Spring Garden Street to the north, by the Delaware River to the east, by South Street to the south and by the Schuylkill River to the west) and vice versa. Our Order of June 10 provided for the collection of the temporary fuel surcharge on all trips, whether calculated on a meter, by odometer mileage or by zone.

The Petitioner alleges that taxicab operators are discriminatorily treated by the Commission's June 10 Order, since it permits paratransit and airport transfer carriers to collect the fuel surcharge from each passenger. The June 10 temporary fuel surcharge provided that call and demand carriers, airport transfer carriers and paratransit carriers are authorized to charge the temporary fuel surcharge to each paying passenger. In call and demand service, the passenger normally hires the vehicle and its driver. Therefore, the passenger or group of passengers traveling to the same destination pay a single charge. In airport transfer carriage, passengers are charged individually. Most paratransit transportation charges are on an individual basis. While we recognize the temporary fuel surcharge may unduly benefit carriers depending on the particular circumstances of the trip, we also need to bear in mind our obligation to address an industry-wide problem "without creating a chaotic rate structure impossible to manage or police." *Emergency Fuel Surcharge*, 47 Pa. P. U. C. 389, 391 (1974). We believe that the June 10 Order adequately addresses the unique needs of each type of transportation.

Although not part of the Petitioner's allegations in its Petition, the Commission will use this opportunity to clarify another matter related to the June 10 Order. We have become aware through numerous telephonic inquiries that many call and demand carriers utilizing meters to calculate charges have encountered difficulty collecting the fuel surcharge unless it appears in the total charge displayed on the meter. We recognize that some taxi meter models may not register the surcharge as part of the total charge, and that some carriers have already

<sup>1</sup> By comparison, the average retail cost of regular gasoline on May 31, 2002 was \$1.35 and \$2 on May 31, 2004.

utilized the surcharge feature of their meter for other miscellaneous charges and are unable to add another surcharge amount. Therefore, we will permit call and demand carriers to add the \$0.30 fuel surcharge to the initial mile increment or flag drop. It is recognized that call and demand carriers will need to reprogram or recalibrate their meters to accomplish this change, and carriers are strongly reminded to ensure the meter is resealed following the reprogramming or recalibration. The Commission is waiving its requirements in 52 Pa. Code § 30.31(6)(ii), and permitting Medallion taxi owners to reseat their meters with a meter seal provided by the meter repair center rather than the Commission issued meter seal.

Accordingly, for the previous reasons, the Petition of the Brotherhood of Unified Taxi Drivers/Owners is denied. *Therefore,*

*It Is Ordered That:*

1. The petition of the Brotherhood of Unified Taxi Drivers/Owners is denied.

2. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1673. Filed for public inspection September 3, 2004, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 27, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-00121011. Mont Alto Ambulance Association** (P. O. Box 491, Mont Alto, Franklin County, PA 17237)—persons in paratransit service, between points in the County of Franklin, and from points in said county, to points in Pennsylvania, and return.

**A-00121040. Robert W. Smith** (12545 Roger Drive, Espyville, Crawford County, PA 16424)—persons in paratransit service, between points in the Counties of Crawford, Erie, Mercer and Warren, and from points in said counties, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00121038. Family Transport Services, Inc.** (125 Elm Ave., Sharon, Mercer County, PA 16146), a Commonwealth corporation—persons in paratransit service, between points in the City of Sharon, Mercer County, and within an airline distance of 50 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and return. *Attorney:* Richard F. Moroco, 194 East State Street, P. O. Box 3066, Sharon, PA 16146.

**A-00121022. Integrity Transportation Services, LLC** (2340 Overlook Drive, Aston, Delaware County, PA 19014), a limited liability company of the Commonwealth—persons, in limousine service, between points in the Counties of Montgomery, Chester, Bucks and Delaware, and the City and County of Philadelphia, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* Gerald S. Segal, The Windsor Penthouse Suite, 1700 Benjamin Franklin Parkway, Philadelphia, PA 19103.

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

**A-00100359, Folder 2, Am-D. Baker's Transportation Service, Inc.** (1400 W. First Street, Oil City, Venango County, PA 16301), a corporation of the Commonwealth—persons, upon call or demand in the City of Franklin, Venango County: *So As To Permit* the transportation of persons, upon call or demand, in the Township of Cranberry, Venango County. *Attorney:* John A. Pillar, 680 Washington Road, Suite B-101, Pittsburgh, PA 15228-1925.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-00121027. Manuel Cardona and Julio Morales, Copartners t/d/b/a Penn Central Taxi** (237 Evergreen Street, Harrisburg, Dauphin County, PA 17104)—persons, upon call or demand, in the Counties of Dauphin and Cumberland; which is to be a transfer of all the right authorized under the certificate issued at A-00118453, to Albit Garcia t/d/b/a Penn Central Taxi, subject to the same limitations and conditions. *Attorney:* George W. Gekas, 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1674. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Telecommunications

**A-311314F7001. Verizon North Inc. and OLCR, Inc.** Joint petition of Verizon North Inc. and OLCR, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and OLCR, Inc., by its counsel, filed on August 16, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and OLCR, 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. 04-1675. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Telecommunications

**A-311314F7000. Verizon Pennsylvania Inc. and OLCR, Inc.** Joint petition of Verizon Pennsylvania Inc. and OLCR, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and OLCR, Inc., by its counsel, filed on August 16, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and OLCR, 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. 04-1676. Filed for public inspection September 3, 2004, 9:00 a.m.]

### Water Service

**A-212285F0117. Pennsylvania American Water Company and Snowshoe Condominium Association.**

Application of Pennsylvania American Water Company and Snowshoe Condominium Association for approval of: (1) the transfer, by sale, of the water works property and rights of the Snowshoe Condominium Association to Pennsylvania American Water Company; and (2) the beginning by Pennsylvania American Water Company of water service to the public in additional portions of Mount Pocono Borough, Monroe County, presently being served by Snowshoe Condominium Association.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 20, 2004. The documents filed in

support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1677. Filed for public inspection September 3, 2004, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids until 2 p.m. on Thursday, September 23, 2004, for the following projects as related to Modifications to Interior at Shed 2, Tioga Marine Terminal (TMT): Project # 04-128.2, Refrigeration & Mechanical; Project # 04-128.4, Electrical Work; Project # 04-128.6, Fire Protection; and Project # 04-128.8, Insulation & Roofing.

The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available September 7, 2004 (prospective bidders should call first). Additional information and project listings can be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing the names of individuals who will be attending prebid meetings. This information must be faxed 24 hours prior to the meeting to (215) 426 6800, Attn.: Procurement Department.

A mandatory prebid job site meeting will be held on September 14, 2004, at 10 a.m. at TMT, Delaware Avenue and Tioga Street, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 04-1678. Filed for public inspection September 3, 2004, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### 2003 Common Level Ratios

The State Tax Equalization Board (Board) has established a common level ratio for each county in this Commonwealth for the calendar year 2003. The ratios were mandated by the act of December 13, 1982 (P. L. 1158, No. 267).

The law requires the Board to use statistically acceptable techniques to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2003 common level ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2003.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the common level ratio for each county for 2003.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2003 of 100% will utilize valid sales from 1% to 200%.

The common level ratios for 2003 are as follows:

### 2003 Common Level Ratios

<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
ADAMS	34.6	ELK	19.8	*MONTGOMERY	68.7
*ALLEGHENY	93.9	*ERIE	91.8	MONTOUR	8.8
ARMSTRONG	39.7	*FAYETTE	97.5	NORTHAMPTON	39.2
BEAVER	32.2	FOREST	21.1	NORTHUMBERLAND	13.4
*BEDFORD	19.5	*FRANKLIN	14.5	*PERRY	91.0
*BERKS	86.3	*FULTON	50.4	^PHILADELPHIA	27.3
BLAIR	7.9	*GREENE	88.7	PIKE	22.7
BRADFORD	43.3	HUNTINGDON	15.9	*POTTER	42.2
BUCKS	3.1	INDIANA	13.7	SCHUYLKILL	43.2
BUTLER	10.4	JEFFERSON	18.8	SNYDER	16.4
CAMBRIA	16.3	*JUNIATA	17.7	SOMERSET	40.5
CAMERON	37.3	*LACKAWANNA	19.2	SULLIVAN	23.4
CARBON	43.2	*LANCASTER	81.7	SUSQUEHANNA	41.4
CENTRE	37.3	*LAWRENCE	93.0	*TIOGA	90.4
*CHESTER	68.0	LEBANON	8.2	UNION	16.2
CLARION	19.0	LEHIGH	40.8	*VENANGO	92.1
CLEARFIELD	19.1	LUZERNE	6.8	WARREN	36.8
CLINTON	28.3	LYCOMING	62.4	WASHINGTON	15.4

NOTICES

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<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
COLUMBIA	32.8	MCKEAN	22.5	WAYNE	8.2
CRAWFORD	33.9	*MERCER	28.6	*WESTMORELAND	21.1
*CUMBERLAND	90.4	MIFFLIN	49.3	WYOMING	23.7
*DAUPHIN	87.7	MONROE	17.9	*YORK	80.9
*DELAWARE	79.5				

\*Counties with a predetermined assessment ratio of 100%.  
^Revised CLR August 11, 2004.

DANIEL G. GUYDISH,  
*Chairperson*

[Pa.B. Doc. No. 04-1679. Filed for public inspection September 3, 2004, 9:00 a.m.]

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