

NOTICES

DEPARTMENT OF BANKING

Action on Applications

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-13-04	Omega Financial Corporation, State College, to acquire 100% of Sun Bancorp, Inc., Lewisburg, and thereby indirectly acquire Sun Bank, Lewisburg, which will subsequently be merged with and into Omega Bank, N. A., State College As part of this transaction, Sentry Trust Company, Chambersburg, a nondepository trust subsidiary of Sun Bank, will be acquired by Omega Financial Corporation and will become a subsidiary of Omega Bank, N. A.	State College	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-9-04	First Columbia Bank and Trust Company Bloomsburg Columbia County Purchase/assumption of certain liabilities of two branch offices* of First Susquehanna Bank and Trust, Sunbury Located at: 209 East Twelfth Street Berwick Columbia County Weis Market 725 Columbia Boulevard Bloomsburg Columbia County	Bloomsburg	Approved
9-10-04	Northwest Savings Bank, Warren, PA, and Leeds Federal Savings Bank, Baltimore, MD Surviving Institution—Northwest Savings Bank, Warren, PA <i>Branches Acquired by Merger:</i> 1101 Maiden Choice Lane Baltimore Baltimore County, MD 6050 Marshalee Drive Elkridge Howard County, MD	Warren	Effective

*This transaction does not involve the transfer of any real estate to the purchasing bank. The branch offices involved will be closed by First Susquehanna Bank and Trust, Sunbury.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-7-04	Citizens & Northern Bank Wellsboro Tioga County	2 East Mountain Avenue South Williamsport Lycoming County	Opened
9-8-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Acme 531 High Street Mt. Holly Burlington County, NJ	Opened
9-9-04	Reliance Savings Bank Altoona Blair County	1921 Pleasant Valley Boulevard Altoona Blair County	Approved
9-9-04	First Star Savings Bank Bethlehem Lehigh County	Moravian Village Tower Wood Street Bethlehem Northampton County (Limited Service Facility)	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-4-04	Firsttrust Savings Bank Conshohocken Montgomery County	Bala Cynwyd Shopping Center 41 East City Line Avenue Bala Cynwyd Montgomery County	Effective
9-13-04	First Susquehanna Bank & Trust Sunbury Northumberland County	Weis Market 725 Columbia Boulevard Bloomsburg Columbia County	Filed
9-13-04	First Susquehanna Bank & Trust Sunbury Northumberland County	209 East Twelfth Street Berwick Columbia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-7-04	Erie Community Credit Union, Erie, and Zurn Community Federal Credit Union, Erie Surviving Institution— Erie Community Credit Union, Erie	Erie	Filed

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1779. Filed for public inspection September 24, 2004, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2004

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

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

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.52 to which was added 2.50 percentage points for a total of 7.02 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-1780. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Revised Uniform County Application for Homestead and Farmstead Exclusions

In accordance with section 341(h) of the Homestead Tax Relief Act (act), the Department of Community and Economic Development (Department) gives notice of a revised County Application for Homestead and Farmstead Exclusions for use by assessors under section 341(h) of the act. The application and instructions for completion of the application follow as Annex A. Electronic copies of the application are available on the Department's website: www.inventpa.com. This application replaces the application that was published on September 4, 2004. The Department recommends that counties and school districts that have already printed the application published at 34 Pa.B. 4932 (September 4, 2004) proceed with that application, but utilize the revised form the next time they reprint the application. This 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.

DENNIS YABLONSKY,
Secretary

Annex A

_____ COUNTY

APPLICATION FOR HOMESTEAD AND FARMSTEAD EXCLUSIONS

Please read the instructions before completing this application. This application must be filed with the County Assessors Office by March 1st. The County Assessor's phone number and mailing address are: _____

Basic Information

1. Property Owner(s)

2. Property Address

3. Municipality _____	4. School District _____
--------------------------	-----------------------------

5. Mailing Address of Property Owner (if different than property address)

6. Phone Number of Property Owner: Daytime _____ Evening _____

Homestead Information

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

10. If you answered yes to question 9, do you pay a portion of the jointly paid taxes? _____ Yes _____ No

11. Do you use any portion of this property for something other than your primary residence, such as a business or rental property? _____ Yes _____ No

12. If you answered yes to question 11, what percentage of the property is used solely as your residence? _____ %

13. If known, please indicate your parcel number located on your tax bill. _____

(If you do not know your parcel number or do not have your tax bill, leave blank, call your tax collector or call the county assessor.)

Farmstead Information

(This section only needs to be completed if you are also applying for a farmstead exclusion.)

14. Does this property include at least ten contiguous acres of farm land? _____ Yes _____ No

15. Are there buildings and structures on the property that are used primarily to:

a. Produce or store any farm product for purposes of commercial agricultural production? _____ Yes _____ No

b. House animals raised or maintained on the farm for the purpose of commercial agricultural production?
_____ Yes _____ No

c. Store machinery or equipment used on the farm for the purpose of commercial agricultural production?
_____ Yes _____ No

16. If you answered yes to questions 15 a, b, or c, do any farm buildings or structures receive an abatement of property tax under any other law? _____ Yes _____ No

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

Signature(s) _____ Date _____

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 a fine of up to \$2,500.

OFFICIAL USE ONLY

Date Filed _____	Homestead Value _____
Reviewed by _____	Farmstead Value _____
Date Reviewed _____	Assessment Information
Applicable Years _____	Land _____
Approved _____	Improvements _____
Denied _____	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 homestead and farmstead exclusions. Property tax relief will be funded by a combination of state revenue from gaming and dedicated local income taxes. Under a homestead or a farmstead property tax exclusion, the assessed value of each homestead or farmstead 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 and farmstead exclusions.

BASIC INFORMATION

1. 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.
2. Fill in the address of the property for which you are seeking an exclusion.
3. Fill in your municipality. If you are not sure what your municipality is, contact your local tax collector or county assessment office (_____-_____-_____).

4. Fill in your school district. If you are not sure what your school district is, contact your local tax collector or county assessment office (____-____-____).
5. If your mailing address differs from the address of the property for which you are seeking a homestead exclusion, fill in your mailing address.
6. List phone numbers where you can be reached during the day, and the evening, if you are unavailable during the day.

HOMESTEAD INFORMATION

7. Only a primary residence may receive the homestead exclusion. This is the fixed place of abode where the owner intends to reside permanently until the person moves to 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? The Homestead Exclusion can only be claimed once, for a place of primary residence. You may not claim this property as your primary residence if you claim another property as a homestead or if you or your spouse receive a homestead tax abatement or other homestead benefit from any other county or state.
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.
10. If you answered yes to question 9, provide the percentage of overall tax you pay. You may be asked to provide a contact to confirm this information.
11. 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.
12. If you answered yes to question 11, indicate what percentage of the property is used as your private residence.
13. If known, fill in the parcel number of the property for which you are seeking a homestead exclusion. You can find the parcel 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 (____-____-____).

FARMSTEAD INFORMATION

Only complete this section (questions 14, 15 a, b, and c, and 16) if you are applying for a farmstead exclusion. If you answer yes to questions 15 a, b and c, you may be asked to provide proof that the 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.

14. 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. If your property includes at least ten contiguous acres of farm land, check yes.
15. Check yes if the buildings or structures are used primarily to:
 - a. Produce or store farm products produced on the farm for the purpose of commercial agricultural production.
 - b. House animals raised or maintained on the farm for the purpose of commercial agricultural production.
 - c. Store agricultural supplies or machinery and equipment used on the farm in commercial agricultural production.
16. Check yes if any farm buildings or structures receive an abatement of property tax under any other law.

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 exclusion, 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.
- Be required to pay a penalty equal to 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 1st 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 _____-_____-_____, office hours _____ to _____, Monday through Friday.

[Pa.B. Doc. No. 04-1781. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<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>
PA0056375	Linda and Steve Ziegler 2020 Broad Street Perkasie, PA 18944	Bucks County Hilltown Township	Deep Run	Y
PA0057185	Edward and Nhung Sweeney 1941 Ridley Creek Road Media, PA 19063	Delaware County Upper Providence Township	Ridley Creek	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0051861 SEW	Penn Sylvan Realty Corporation 5028 Camp Road Mohnton, PA 19540	Berks County Brecknock Township	UNT Rock Creek 7-J	Y
PA0083488 SEW	Stonebridge Health & Rehab Center 102 Chandra Drive Duncannon, PA 17020	Perry County Penn Township	Tributary to Little Juniata 7-A	Y
PA0088293 SEW	Todd A. Librandi 93 Airport Drive Middletown, PA 17057	Dauphin County Londonderry Township	UNT Conewago Creek 7-G	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0100510	Greenville Metals Inc. 99 Crestview Drive Extension Transfer, PA 16154	Pymatuning Township Mercer County	Shenango River 20-A	Y

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

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

PA0056065, Sewage, **Enserv, Inc. (Immaculata University)**, 1145 King Road, Immaculata, PA 19345-0631. This proposed facility is in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Application for an NPDES permit to discharge treated sewage from a sewage treatment plant serving Immaculata University and Camilla Hall. This is an existing discharge.

The receiving stream, tributary to Valley Creek (Stream Code 01012), is in the State Water Plan Watershed 3F and classified for EV, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Norristown is on the Schuylkill River. The discharge is not expected to affect the downstream public water supply.

The proposed effluent limits for Outfall 001 are based on a design flow of 97,770 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					
(Year 1 to Year 3)	16.0		20		40
(Year 4 to Year 5)	8.0		10		20
Total Suspended Solids					
(Year 1 to Year 3)	16.0		20		40
(Year 4 to Year 5)	8.0		10		20
Ammonia as N					
(5-1 to 10-31)	1.2		1.5		3.0
(11-1 to 4-30)	3.0		3.7		7.4
Dissolved Oxygen			not less than 7.0 mg/l		
pH			within limits of 6.0 to 9.0 standard units at all times		
Fecal Coliform			200 colonies/L as a geometric mean		

In addition to the effluent limits, the permit contains the following major special conditions: responsible operator; abandon STP when public sewer available; remedial measures; no stormwater; obtain property rights; small stream discharge; change of ownership; sludge disposal; certified laboratory; interim/final permit limits; and facility modifications.

PA0010855, Industrial Waste, SIC Codes 2351 and 2821, **E. I. Dupont de Nemours & Company, Inc.**, 3401 Grays Ferry Avenue, Philadelphia, PA 19146. This facility is in the City of Philadelphia, **Philadelphia County**.

Description of Activity: R and D facility and manufacturer of paint and coating material, plastic and resins material on a small scale.

The receiving stream, Schuylkill River, is in the State Water Plan watershed 2E and classified for WWF and MF. There is no public water intake downstream of the discharge.

The proposed effluent limits for Monitoring Points MP201 and MP301 are as follows:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Minimum	Maximum Daily	Instantaneous Maximum
Temperature (°F)					110
pH (STD Units)			6.0		9.0

The proposed effluent limits for Outfalls 002—004 (stormwater) are as follows:

Parameters	Concentration (mg/l) Instantaneous Minimum
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report

The EPA waiver is in effect.

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

PA0055123, Industrial Waste, SIC Code 4999, **Sunbeam Products, Inc.**, 2381 Executive Center Drive, Boca Raton, FL 33431. This facility is in Washington Township, **Berks County**.

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

The receiving streams, West Branch Perkiomen Creek and a UNT West Branch Perkiomen Creek, are in Watershed 3-E and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the PSC Water Company is on the Green Lane Reservoir, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 based on a design flow of 0.317 MGD to UNT West Branch Perkiomen Creek are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Chloroform	0.005	0.010	0.002	0.004	0.005
Methylene Chloride	0.016	0.032	0.006	0.012	0.015
1,1,1-Trichloroethane	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Trichloroethylene	0.008	0.016	0.003	0.006	0.007
Tetrachloroethylene	0.002	0.004	0.0007	0.0014	0.0017
1,4-Dioxane	0.008	0.016	0.003	0.006	0.0075

The proposed Final effluent limits for Outfall 001 based on a design flow of 0.317 MGD to UNT West Branch Perkiomen Creek are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Chloroform	0.005	0.010	0.002	0.004	0.005

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Methylene Chloride	0.016	0.032	0.006	0.012	0.015
1,1,1-Trichloroethane	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Trichloroethylene	0.008	0.016	0.003	0.006	0.007
Tetrachloroethylene	0.002	0.004	0.0007	0.0014	0.0017
1,4-Dioxane	0.008	0.016	0.003	0.006	0.0075

The proposed Final effluent limits for Outfall 001 based on a design flow of 0.317 MGD to West Branch Perkiomen Creek are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Chloroform	0.005	0.010	0.002	0.004	0.005
Methylene Chloride	0.182	0.368	0.069	0.138	0.173
1,1,1-Trichloroethane	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Trichloroethylene	0.008	0.016	0.003	0.006	0.007
Tetrachloroethylene	0.002	0.004	0.0007	0.0014	0.0017
1,4-Dioxane	0.021	0.042	0.008	0.016	0.020

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

The EPA waiver is in effect.

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

PA0098558, Sewage, **Wilson Fox—Fox Den Acres Campground**, Wilson Fox Road, New Stanton, PA 15672-9801. This application is for renewal of an NPDES permit to discharge treated sewage from the Fox Den Acres Campground STP in Hempfield Township, **Westmoreland County**.

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

Outfalls 001 and 002: existing discharge, design flow of 0.064 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen	7.0			14.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The permittee is only permitted to discharge from Outfalls 001 and 002 from January 1 to April 30 on an annual basis.

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)

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

WQM Permit No. 0604410, Sewerage, **Borough of Strausstown**, P. O. Box 269, Strausstown, PA 19559. This proposed facility is in Strausstown Borough and Upper Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction of a public sanitary sewer collection system and a new 65,000 gpd sewerage treatment plant to serve Strausstown Borough and a small portion of Upper Tulpehocken Township.

WQM Permit No. 2299409, Sewerage, **Todd A. Librandi**, 93 Airport Drive, Middletown, PA 17057. This proposed facility is in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of permit for STP on 2750 N. Market Street, Elizabethtown, PA 17022.

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

WQM Permit No. 0270413-A2, Sewerage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Moon Township, PA 15108. This proposed facility is in Moon Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification and operation of a sodium hypochlorite disinfection system to serve the Montour Run STP.

WQM Permit No. 3204403, Sewerage, **White Township Municipal Authority**, 950 Indian Springs Road, Indiana, PA 15701-3506. This proposed facility is in White Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer extension interceptor to serve Indian Springs.

WQM Permit No. 6304408, Sewerage, **Metz Development Inc.**, 524 Waterdam Road, McMurray, PA 15317. This proposed facility is in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer extension and pump station to serve the Waterdam Farms Phase IIIB.

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

WQM Permit No. 1004405, Sewerage, **Meadow Ridge Partners**, 533 Locust Place, Sewickley, PA 15143. This proposed facility is in Forward Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a proposed residential housing development consisting of 83 lots.

WQM Permit No. 2585402, Sewerage Amendment No. 2, **Municipal Authority of the City of Corry**, 100 Center Street, Corry, PA 16407-1993. This proposed facility is in City of Corry, **Erie County**.

Description of Proposed Action/Activity: This project is for the installation of a dechlorination system at the City of Corry wastewater treatment facility.

WQM Permit No. 1004404, Sewerage, **David K. and Lori A. Mason**, 760 Sarver Road, Sarver, PA 16055. This proposed facility is in Clinton Township, **Butler County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504063	Goshen Monthly Meeting of the Society of Friends Goshen Friends School 814 North Chester Road West Chester, PA 19380	Chester	East Goshen Township	Ridley Creek HQ-TSF
PAI011504064	Thomas and Michelle O'Donnell Tract 3362 Conestoga Pike Glenmore, PA 19343	Chester	East Nantmeal Township	Black Horse Creek and Beaver Run HQ
PAI011504065	Church of the Good Samaritan Expansion 212 West Lancaster Avenue Paoli, PA 19301-1723	Chester	Willistown Township	Crum Creek HQ-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.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S065-3	Stroudsburg Municipal Authority 410 Stokes Ave. E. Stroudsburg, PA 18301	Monroe	Stroud Township	Brodhead Creek TSF Little Pocono Creek HQ-CWF McMichael Creek HQ-CWF
PAI024503014-1	Arrowhead Sewer Co., Inc. HC 88 Pocono Lake, PA 18347 and Arrowhead Lakes Community Association HC 88, Box 305 Pocono Lake, PA 18347	Monroe	Coolbaugh and Tobyhanna Townships	Trout Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804032	Nic Zawarski and Sons Developers, Inc. 1441 Linden St. Bethlehem, PA 18018-9749	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024804033	Nolan Perin, President N. A. P. E. R. Development Corp., Inc. P. O. Box 639 Wind Gap, PA 18091	Northampton	Plainfield Township Wind Gap Borough	Bushkill Creek HQ-CWF

Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, (570) 278-4600.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025804001	Daniel Maisano 103 Indian Springs Rd. Kenneth Square, PA 19348	Susquehanna	Ararat Township	Lackawanna River (East Branch) HQ-CWF

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904034	Paul Dreyer 112 Elm Rd. Allentown, PA 18104	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023904035	Trexler Town Center, LLC 1 Fox Chase Dr. Watchung, NJ 07069	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2032104003	The Breeches at Allenberry, LLC P. O. Box 7 Boiling Springs, PA 17007	Cumberland	Monroe Township	Yellow Breeches HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604003	John King Greoff Road Subdivision 601 Overlys Grove Road New Holland, PA 17557	Lancaster	Eden Township	West Branch Octoraro Creek HQ-CWF
PAI033604009	Charles & Mull Builders 2493 Gambler Road Washington Borough, PA 17582	Lancaster	Conestoga Township	Grub Hollow HQ-WWF
PAI030603011	Forino Co., LLP Governor Pointe Subdivision 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.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404013	Sam Hawbaker Park Forest Enterprises 1000 W. Aaron Dr. State College, PA 16803	Centre	Patton Township	Buffalo Run HQ-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

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

Permit No. 1504508, Public Water Supply.

Applicant	Pennsylvania American Water Company
Township	East Coventry
County	Chester
Responsible Official	William C. Kelvington
Type of Facility	PWS
Consulting Engineer	Gerald A. DeBalko Pennsylvania American Water Company
Application Received Date	September 7, 2004
Description of Action	Construction of a booster station.

Permit No. 0904507, Public Water Supply.

Applicant	Forest Park Water—North Penn and North Wales Water Authorities
Borough	Chalfont
County	Bucks
Responsible Official	Jeff F. Pifer

Type of Facility PWS
 Consulting Engineer Gannett Fleming, Inc.
 Application Received September 8, 2004
 Date
 Description of Action Plant expansion from 30 to 43 mgd. Expansion includes: upgraded and new raw water pumps, upgraded ozone equipment, membrane filters to replace and expand filter capacity, additional GAC contractors, replacement of high service and GAC transfer pumps, chemical systems upgrades, upgraded wastewater clarification facilities, new centrifuge and new garage facility.

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

Permit No. 0203501-A1, Public Water Supply.

Applicant **Municipal Authority of the Borough of Oakmont**
 721 Allegheny Avenue
 P. O. Box 73
 Oakmont, PA 15139

Township or Borough Oakmont Borough
 Responsible Official Jack Dunlap, General Manager
 Municipal Authority of the Borough of Oakmont
 721 Allegheny Avenue
 P. O. Box 73
 Oakmont, PA 15139

Type of Facility Water Treatment Plant
 Consulting Engineer NIRA Consulting Engineers, Inc.
 950 Fifth Avenue
 Coraopolis, PA 15108

Application Received August 19, 2004
 Date
 Description of Action Addition of sodium hydroxide at the Hulton Water Treatment Plant.

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

Application No. 3704501, Public Water Supply.

Applicant **New Wilmington Municipal Waterworks**

Township or Borough Wilmington Township,
Lawrence County

Responsible Official Fred Garrett, Superintendent

Type of Facility PWS
 Application Received September 7, 2004
 Date
 Description of Action Construction of two new water storage reservoirs that will replace an existing, aging reservoir. These new reservoirs will strengthen the system pressure and provide additional water storage for fire protection.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth

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

Resubmission

WA56-1003, Water Allocations, **Cambria Somerset Authority**, 224 Walnut Street, Johnstown, PA 15901, **Cambria and Somerset Counties**. The applicant is requesting to withdraw 71.0 mgd peak day from the Quemahoning Reservoir, 10 mgd peak day from the Hinckston Run Reservoir, 10 mgd peak day from the Wilmore Reservoir, 26 mgd peak day from the South Fork Dam Intake and 27 mgd peak day from the Border Dam Intake. All combined sources will not withdraw more than 71.0 mgd as a daily average.

WA56-1002, Water Allocations, **Somerset County General Authority, Somerset County**. The applicant is requesting a subsidiary water allocation permit to purchase 4 million gallons per day for an average day from the Cambria Somerset Authority.

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.

Schmidt's Brewery, City of Philadelphia, **Philadelphia County**. Rodd Bender, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of Tina Roberts, Northern Liberties Dev. Assoc., LP, 969 North 2nd St., Philadelphia, PA 19123 has submitted a Notice of Intent to Remediate. Soil and/or groundwater at the site have been found to be impacted by petroleum hydrocarbons, PCBs, PAHs, metals and other organics from historical industrial activities as a former brewery. The proposed future use of the property will be a combination of residential and nonresidential purposes.

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

West Elizabeth Lumber Property, West Elizabeth, **Allegheny County**. Timothy S. Evans, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668-1848 (on behalf of Michael Hoag, National Industrial Lumber Company, 489 Rosemont Road, North Jackson, OH 44451) has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post-Gazette* on August 19, 2004.

City of Pittsburgh, 3rd Maintenance Division Schenley Park, City of Pittsburgh **Allegheny County**. Christopher J. Vandegrift, P. E., Weavertown Group, 201 S. Johnson Road, Houston, PA 15342 (on behalf of Bruce Padolf, City of Pittsburgh, Department of Engineering and Construction, 414 Grant Street, Room 301, City County Building, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil contaminated with contaminants from leaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on August 18, 2004.

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

Debbie Shaulis Heating Oil Spill Cleanup, Lackawannock Township, **Mercer County**. Scott Whipkey, RAR Engineering Group, 1135 Butler Ave., New Castle, PA 16101 on behalf of Mike Lowery, Owner, 1145 Bend Rd., Mercer, PA 161347 has submitted a Notice of Intent to Remediate. Site has been found to be impacted by heating oil from a leak from a heating oil AST used for space heating at the Debbie Shaulis residence. Heating oil has impacted surface soils at the subject site. An attainment demonstration will be provided for a Statewide Health Standard.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Environmental Transport Group, Inc., P. O. Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Received August 24, 2004.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD987266715. Safety Kleen Systems, Inc., Cluster 2 Bldg. 3, 5400 Legacy Dr, Plano, TX 75024, Falls Township, **Bucks County**. This application was received for a 1-year permit renewal for the Safety Kleen Sys Inc. facility at 77 Towpath Road, Fairless Hills, PA. The application was received by the Southeast Regional Office on September 9, 2004.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 400459. Merck & Co Inc., P. O. Box 100, Whitehouse Station, NJ 08889-0100, Upper Gwynedd Township, **Montgomery County**. The application was received for a 10-year permit renewal for the Merck & Co, Inc. incinerator in West Point, PA. The application was received by the Southeast Regional Office on September 9, 2004.

Permit Application No. 101188. Delaware County Transfer Station No. 1, 2nd and Orange Sts., Government Center Building, Media, PA 19063, Chester Town-

ship, **Delaware County**. The application was received for a 10-year permit renewal for the previous facility in Chester Township. The application was received in the Southeast Regional Office on September 9, 2004.

Permit Application No. 101103. Delaware County Transfer Station No. 3, 2nd and Orange Sts, Government Center Building, Media, PA 19063, Marple Township, **Delaware County**. This application was received for a 10-year permit renewal for the previous facility in Marple Township. The application was received in the Southeast Regional Office on September 9, 2004.

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

Permit Application No. 101628. Natural Soil Products, P. O. Box 283, Tremont, PA 17981-0283. A Permit Reissuance application for the transfer of owner's shares, which is the result of Tully Environmental, Inc. purchasing all of the outstanding shares owned by Natural Soil Products' former partner, Ronald L. Lickman. This municipal waste composting facility is in Frailey Township, **Schuylkill County**. The application was received by the regional office on August 6, 2004; as of September 7, 2004, it was found to be administratively complete.

HAZARDOUS WASTE PERMIT APPLICATION

Application received under the Solid Waste Management Act and regulations to operate solid waste processing or disposal area or site.

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

Permit Application No. PAD000738823, Safety-Kleen, Inc., 10 Eleanor Drive, New Kingstown, PA 17072, Silver Springs Township, **Cumberland County**. The application is for a Part B permit to operate a hazardous waste storage facility at the previous address under the Resource Conservation and Recovery Act. The permit was determined to be administratively complete on September 10, 2004.

Persons interested in obtaining more information about the permit application should contact the Waste Management Program, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in

this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

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

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

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

PLAN APPROVALS

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

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

54-317-004: Keystone Potato Products LLC (P. O. Box 27, Hegins, PA 17938) for construction of a potato processing operation (dehydration) and associated air cleaning devices at their facility in Frailey Township, **Schuylkill County**.

39-309-061: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for replacement of an air cleaning device on the H5/H6 homogenizing silos at their facility in Whitehall Township, **Lehigh County**.

48-318-136: Lifetime Doors, Inc. (30700 Northwestern Highway, Farmington Hills, MI 48334) for construction of a paint spray booth and associated air cleaning device at their facility at 4111 Kesslerville Road, Forks Township, **Northampton County**.

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

36-03005A: Intelligencer Printing Co., Inc. (330 Eden Road, P. O. Box 1768, Lancaster, PA 17608) for replacement of a printing press controlled by a thermal oxidizer in Manheim Township, **Lancaster County**.

36-05027E: RR Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) for installation of two chrome plating tanks at their Lancaster East facility in Lancaster City, **Lancaster County**. This application is subject to 40 CFR Part 63, Maximum Achievable Control Technology, Subpart N—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

44-05014A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for addition of a wet processing section to the existing crushing plant at their Hostetler Quarry in Armagh Township, **Mifflin County**. The new installations are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

10-148B: Ervin Industries, Inc. (681 East Butler Road, Butler, PA 16002) for replacement of a bag house to collect nuisance dust from drying and screening steel shot in Summit Township, **Butler 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.

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

46-0167: Montgomery County Geriatric and Rehabilitation Center (1600 Black Rock Road, Royersford, PA 19468) for modification of two existing boilers rated at 14.3 mmBtu/hr and 14.3 mmBtu/hr (boilers) at their Montgomery County Geriatric and Rehabilitation Center long-term care nursing facility at 1600 Black Rock Road, Upper Providence Township, **Montgomery County**. The modification of the boilers may result in the emissions of: 6.56 tons per year of NO_x; 5.08 tons per year of CO; 4.88 tons per year of SO_x; 1.46 tons per year of PM; 2.24 tons per year of VOCs; and 2.24 tons per year of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

39-302-179: Nestle Purina Petcare Co. (2050 Pope Road, Allentown, PA 18104-9308) for construction of a 75.6 mmBtu/hr natural gas and no. 2 fuel oil fired boiler at their manufacturing facility in South Whitehall Township, **Lehigh County**. This facility is not a Title V facility. The new boiler will replace the existing Babcock & Wilcox boiler, which will be removed from the facility. The boiler will utilize low NO_x burners and flue gas recirculation to reduce NO_x emissions to a maximum of 20 tons per year. Potential emissions of CO and SO₂ will be 27.81 tons per year and 43.2 tons per year, respectively. The boiler in the operation is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 60.40c—60.48c. The plan approval will include all appropriate monitoring,

recordkeeping and reporting requirements designed to keep the boiler operating within all applicable air quality requirements.

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

06-05002E: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) for installation of a mid-kiln air injection system on Portland cement kiln no. 1 at their facility in Maiden Creek Township, **Berks County**. The system is designed to reduce the emissions of NO_x, CO and SO₂ from the kiln. The kiln is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Facilities. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by Title V Operating Permit 06-05002. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

36-05005: Viking Cabinetry Group, LLC (215 Diller Avenue, New Holland, PA 17557) for installation of four paint booths at their facility in New Holland Borough, **Lancaster County**. The paint booths are expected to emit an additional 10 tons per year of VOCs. Total facility emissions will be below the currently permitted 100 tons per year of VOCs. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

36-05135A: StyleCraft Corp. (400 Broad Street, Terre Hill, PA 17581) for installation of four spray booths controlled by dry filters in Terre Hill Borough, **Lancaster County**. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

49-302-057A: International Paper (1008 Locust Gap Highway, Mt. Carmel, PA 17851) for modification of two natural gas-fired boilers in Mt. Carmel Township, **Northumberland County**.

The two boilers to be modified are a 20.922 million Btu per hour unit and a 10.5 million Btu per hour unit. The proposed modification is the use of no. 2 fuel oil to fire the boilers in addition to the natural gas now being used as fuel. The use of no. 2 fuel oil in place of natural gas could theoretically increase the SO_x, NO_x and PM emissions from the boilers by as much as 27.94, 2.74 and .41 tons per year, respectively, but the actual increase in these emissions is likely to be less than these values.

The Department's review of the information submitted by International Paper indicates that the modified boilers will comply with all air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the PM emission requirement of 25 Pa. Code § 123.11, the SO_x emission requirements of 25 Pa. Code § 123.22, the visible air contaminant emission requirements of 25 Pa. Code § 123.41 and, in the case of the 20.922 million Btu per hour unit only, the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the modification of the respective boilers.

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 boilers shall be fired on natural gas or no. 2 fuel oil only.

2. The sulfur content of the no. 2 fuel oil used in the 20.922 million Btu per hour boiler shall be no greater than .3% by weight and the sulfur content of the no. 2 fuel oil used in 10.5 million Btu per hour boiler shall be no greater than .5% by weight. Additionally, none of the no. 2 fuel oil used in either boiler shall have any recycled/reprocessed oil, waste oil or other waste materials added to it.

3. No more than 200,000 gallons of no. 2 fuel oil shall be used in the 20.922 million Btu per hour boiler in any 12 consecutive month period. Records shall be maintained of the amount of no. 2 fuel oil used in this boiler each month. Records shall be retained for at least 5 years and shall be shown to the Department upon request.

4. The 20.922 million Btu per hour boiler shall not emit more than 7.47 tons of CO, 9.54 tons of NO_x, 4.37 tons of SO_x, .49 ton of VOCs and .77 ton of PM in any 12 consecutive month period.

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

62-017J: United Refining Co. (15 Bradley Street Warren, PA 16365) for their refinery at Bradley and Dobson Streets in the City of Warren, **Warren County**. The facility was issued Title V Operating Permit 62-00017 on December 26, 2000, which was revised on March 21, 2001, and again on December 18, 2001. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan Approval 62-0017J is for the modification of the CO emission limit for the no. 4 boiler at the refinery. The previous emission limits were based on AP-42 emission factors and the new emissions are based on multiple emission tests performed by the facility. The plan approval does not trigger NSR or PSD based on the emission increases. The Plan Approval contains the revised CO emission limits (0.27 lb/mmBtu, 37.8 lb/hr and 165.6 tpy) and the method of demonstrating compliance with these limits. The Plan Approval will also include conditions to ensure compliance with the existing Title V Operating Permit as well as all applicable air quality requirements. This plan approval is valid only if the remodeling of the coker project demonstrates that no significance impact will occur from the change in the no. 4 boiler CO permit limit that will cause deterioration to the ambient atmosphere, or if the modifications proposed in the Coker Project, are not constructed or implemented.

33-155B: Trail King Industries (147 Industrial Park Road, Brookville, PA 15825-9798) for installation of a Grit Blasting System with 14,000 cfm Torrit Downflow air filtration system in Brookville Borough, **Jefferson County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (per-

taining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Source 106 (Grit Blast Booth "A" with media recovery).

- The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive matter, odor and visible emissions.

- PM emissions shall not exceed 0.02 grain per dry standard cubic foot.

- Stack test for PM compliance.

- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

- The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device.

- The permittee shall operate the control device at all times that the source is operation.

- The permittee shall maintain a magnehelic gauge to measure the pressure drop across the control device. The pressure drop range shall be determined within 30 days of startup and reported to the Department within 45 days of startup.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

AMS 03081 and 03082: Purolite Co. (3620 G Street, Philadelphia, PA 19134) for installation of a 4,000-gallon acid diluter vessel and for modifying permit conditions for another 4,000-gallon acid diluter vessel in the City of Philadelphia, **Philadelphia County**. A caustic scrubber will control emissions from these vessels. 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.

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

36-05117: Dart Container Corp. of PA (110 Pitney Road, Lancaster, PA 17602) for operation of an expandable polystyrene cup manufacturing facility in East Lampeter Township, **Lancaster County**. The facility is a major source that primarily emits VOCs. The facility's VOC emissions are reduced to the Lowest Achievable Emission Rate, through the use of two 800 horsepower boilers. The two boilers are also subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The Title V operating permit will contain appropriate monitoring, recordkeeping and reporting requirements

designed to keep the facility operating within all applicable air quality requirements.

67-05018: Yorktowne, Inc. (P. O. Box 231, Red Lion, PA 17356) for operation of the high quality wood custom kitchen cabinet manufacturing facility in Red Lion Borough, **York County**. The operations primarily emit VOCs and HAPs. The facility is subject to 40 CFR Part 63, Subpart JJ—National Emission Standards for Wood Furniture Manufacturing Operations. This action is a renewal of the Title V Operating Permit issued in April 2000.

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

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

07-05037: Cove Shoe Co. (107 Highland Street, Martinsburg, PA 16662) for a Synthetic Minor Operating Permit at the company's Martinsburg men's footwear production facility in Martinsburg Borough, **Blair County**. The shoe manufacturing operation is the facility's major source of emissions emitting primarily VOCs. The facility emissions of VOCs shall be limited to less than 50 tons per year. Additionally, HAP emissions will be limited to less than 10 tons of any one HAP and 25 tons of combined HAPs. The Synthetic Minor operating permit will contain restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03138: Advantage ID Technologies (P. O. Box 10155, Lancaster, PA 17605-0155) for operation of its security printing facility in East Lampeter Township, **Lancaster County**. This printing facility is non-Title V. The emissions of the facility are estimated to be 5 tons per year of VOCs and 3 tons per year of HAPs. Standard monitoring, recordkeeping and operating requirements are included to keep the facility operating within all applicable requirements.

67-03092: Ohio Blenders, Inc. (2404 North Summit Street, Toledo, OH 43611) for operation of their feed processing facility at 260 North Beaver Street, City of York, **York County**. The facility has a potential to emit 51 tons per year of PM10. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous

Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

Coal Applications Received

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

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

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

*The parameter is applicable at all times.

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

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

65990101 and NPDES Permit No. PA0202428. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Revision application to add 4.5 acres to an existing bituminous surface mine in South Huntingdon Township, **Westmoreland County**, affecting 14 acres. Receiving stream: unnamed tributary to Youghiogheny River (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Revision application received September 3, 2004.

65880106 and NPDES Permit No. PA0591220. Millwood Development, Inc. (1293 Route 217, Derry, PA 15627). Renewal application for continued operation and reclamation of an existing bituminous surface mine in Loyalhanna and Salem Townships, **Westmoreland County**, affecting 487.7 acres. Receiving streams: unnamed tributaries to Getty Run and Getty Run (WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received September 7, 2004.

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

32030102, Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, surface mining permit incidental boundary correction in West Wheatfield Township, **Indiana County**, affecting 6.0 acres. Receiving streams: unnamed tributary to West Branch of Richards Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 12, 2004.

56793091 and NPDES Permit No. PA0119296. Hardrock Coal Company, 275 Saddle Ridge Road, Berlin, PA 15530, surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 555.7 acres. Receiving streams: unnamed tributaries to and Tubs Run and unnamed tributary to Millers Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 28, 2004.

California District Mining Office: 2 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

63841302. NPDES Permit No. PA0090689, Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek Mine in Nottingham Township, **Washington County** to perform stream restoration of approximately 210 feet to unnamed tributary to Mingo Creek over the 0 west long wall panel. No additional discharges. Application received August 23, 2004.

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

24020104 and NPDES Permit No. PA0242268. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Revision to an existing bituminous surface strip operation in Fox Township, **Elk County**, affecting 260.0 acres. Receiving streams: unnamed tributary to Little Toby Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to add auger mining. Application received September 8, 2004.

33990111 and NPDES Permit No. PA0241571. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Young and McCalmont Townships, **Jefferson County**, affecting 171.5 acres. Receiving streams: unnamed tributaries to Little Elk Run and unnamed tributaries to Elk Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received September 10, 2004.

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

17030901 and NPDES Permit No. PA0243523. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856), transfer of an existing incidental mineral extraction permit from RAMM Coal Company in Brady Township, **Clearfield County** affecting 3.7 acres. Receiving streams: Laborde Branch and an unnamed tributary to Luthersburg Branch. Application received August 20, 2004.

17020110 and NPDES Permit No. PA0243311. RAMM Coal, Inc. (1092 Spruce Hill Road, Rockton, PA 15856), transfer of an existing bituminous surface mine permit from RAMM Coal Company in Sandy and Brady Townships, **Clearfield County** affecting 143.6 acres. Receiving streams: Laborde Branch. Application received August 20, 2004.

Noncoal Permit Applications Received

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900.

Noncoal Applications Received

32040301 and NPDES Permit No. PA0249611. Penn Run Quarry, 3898 Rt. 553 Highway, Penn Run, PA 15765, commencement, operation and restoration of a bituminous surface mine in Cherryhill and Pine Townships, **Indiana County**, affecting 97.8 acres. Receiving streams: unnamed tributaries to Yellow Creek to Two Lick Creek to Blacklick Creek (CWF and TSF). The first downstream potable water supply intake from the point of discharge is the Central Indiana County Water Authority Intake on Yellow Creek. Application received September 7, 2004.

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

16940308 and NPDES Permit No. PA0226939. County Environmental Services, Inc. (34 Walley Run Drive, Leeper, PA 16233). Revision to an existing noncoal

surface mine operation in Farmington Township, **Clarion County** affecting 209.2 acres. Receiving streams: unnamed tributary to Little Coon Run, unnamed tributary to Licking Creek and unnamed tributary to Toby Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Revision to the depth of mining to remove additional underclay from phase 1 of the mining area and to revise the post mining reclamation plan to terrace instead of approximate original contour. Application received August 31, 2004.

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

59950301 and NPDES Permit No. PA0220086. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), transfer of an existing large industrial minerals permit from Clifford Cross, Jr. in Sullivan Township, **Tioga County** affecting 30 acres. Receiving streams: unnamed tributary to Corey Creek. Application received August 6, 2004.

59910301 and NPDES Permit No. PA0206580. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), transfer of an existing large industrial minerals permit from Clifford Cross, Jr. in Delmar Township, **Tioga County** affecting 15.45 acres. Receiving streams: unnamed stream, tributary to Marsh Creek. Application received August 6, 2004.

59880301 and NPDES Permit No. PA0116327. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), transfer of an existing large industrial minerals permit from Clifford Cross, Jr. in Clymer Township, **Tioga County** affecting 4.41 acres. Receiving streams: Mill Creek, tributary to Cowanesque River. Application received August 6, 2004.

59880302 and NPDES Permit No. PA0116335. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), transfer of an existing large industrial minerals permit from Clifford Cross, Jr. in Richmond Township, **Tioga County** affecting 12.4 acres. Receiving streams: unnamed tributary to Corey Creek. Application received August 6, 2004.

4977SM6. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), transfer of an existing large industrial mineral permit from Clifford Cross, Jr. in Clymer Township, **Tioga County** affecting 6.35 acres. Receiving streams: Baker Branch of Asaph Run. Application received August 6, 2004.

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

09920302C2 and NPDES Permit No. PA0595497. Delaware Valley Landscape Stone, Inc. (P. O. Box 778, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Middletown Township, **Bucks County**, receiving stream: Neshaminy Creek (WWF). The first downstream potable water supply is the Philadelphia Water Baxter Plant. Application received September 8, 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.

E15-725. Department of Transportation, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Newlin Township, **Chester County**, ACOE Philadelphia District.

To remove the existing Brandywine Creek Road (SR 3049, Section 47M) bridge, a 20-foot long, 14-foot wide by 5-foot high structure, and to replace with a 28-foot long, 22-foot wide by 4-foot 7-inch high bridge across an unnamed tributary to the West Branch of the Brandywine Creek (CWF-MF).

The site is approximately 400 feet northwest of the intersection of Brandywine Creek Road and Green Valley Road (Coatesville, PA USGS Quadrangle N: 10.8 inches; W: 0.9 inch).

E09-879. Department of Transportation, Engineering District 6, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Warwick Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing stone masonry abutments associated with the previously demolished superstructure and to construct and maintain, in its place, a single span steel truss pedestrian bridge and path across Neshaminy Creek (TSF-MF). The proposed pedestrian bridge will have a width of 10 feet, a clear span of 189.0 feet and a minimum underclearance of approximately 15.0 feet. This work also includes placement and maintenance of associated riprap protection at the abutments and temporary

sand bag cofferdam. The site is just southwest of the intersection of Dark Hollow Road (SR 2095) and Macclesfield Road (Buckingham, PA USGS Quadrangle N: 1.4 inches; W: 9.4 inches).

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

E06-594. Exeter Township, 4975 DeMoss Road, Reading, PA 19601 in Exeter Township, **Berks County**, ACOE Philadelphia District.

Exeter Township proposes to remove a collapsed stone arch culvert and to construct and maintain a 4-foot by 9-foot box culvert over tributary B to Antietam Creek (CWF) (Birdsboro, PA Quadrangle N: 17.7 inches; W: 16.1 inches) in Exeter Township, Berks County.

E22-482. City of Harrisburg, 123 Walnut Street, Harrisburg, PA 17101 in Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

The City of Harrisburg proposes to restore and maintain approximately 800 linear feet of stream channel and associated floodplain of a UNT to Paxton Creek (WWF), on the Harrisburg East, PA Quadrangle (Latitude—40°18'27" N, Longitude—76°52'13" W) in Susquehanna Township, Dauphin County.

E36-785. Caernarvon Township, 2147 Main Street, Narvon, PA 17555 in Caernarvon Township, **Lancaster County**, ACOE Philadelphia District.

Caernarvon Township proposes to construct and maintain a twin box culvert with dimensions of 6 feet by 15 feet and 6.5 feet by 15 feet on Red School Road over the Conestoga River (WWF) (Morgantown, PA Quadrangle N: 2.5 inches; W: 5.5 inches) in Caernarvon Township, Lancaster County.

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

E14-467. Haubert Homes Incorporated, 15 Central Boulevard, Camp Hill, PA 17011. Coventry Place Subdivision in Patton Township, **Centre County**, ACOE Baltimore District. The project is southeast of the Clearview Avenue and North Allen Street intersection with a second access at the end of Alder Street (Julian, PA Quadrangle N: 11.51 inches; W: 2.04 inches).

The purpose of the project is to construct 38 single family homes with associated streets, sidewalks and utilities. The project area is 13.23 acres and includes permanent fill in 0.09 acre of PEM wetlands for the construction of two stormwater detentions basins. Wetlands will be replaced at a 1.1 ratio.

E19-245. Columbia Montour Council Boy Scout of America, 5 Audobon Court, Bloomsburg, PA 17815. Fishing Creek stream project at the Boy Scout Camp in Sugarloaf Township, **Columbia County**, ACOE Baltimore District (Stillwater, PA Quadrangle N: 20 inches; W: 16 inches).

The applicant is proposing to restore 1.25 miles of Fishing Creek (TSF) by means natural channel design techniques. The restoration project intends to reduce the slope of the existing embankments, incorporate in-stream rock and log structures to direct high velocities away from the stream banks, narrow the bank full channel to improve sediment transport and improve the pool-rifle sequence. The completed project is intended to improve stream stability, eliminate several large-scale bank failures, reduce sediment supply and provide improved in stream and riparian habitat.

E49-280. Northumberland County, 399 South Fifth Street, Sunbury, PA 17801. Standard Joint Water Obstruction and Encroachment Permit in Washington Township, **Northumberland County**, ACOE Susquehanna River Basin District (Mifflinville, PA Quadrangle N: 11.4 inches; W: 9.4 inches).

To remove an existing steel pony truss bridge and construct and maintain a prestressed spread box beam bridge with a clear span of 43.45 feet, a minimum underclearance of 6.38 feet on a skew of 58 degrees right ahead over Schwaben Creek (TSF) along T-444 in Washington Township, Northumberland County. The project does not propose to permanently impact any jurisdictional wetland.

E49-281. Northumberland County, 399 South Fifth Street, Sunbury, PA 17801. Standard Joint Water Obstruction and Encroachment Permit in Rockefeller Township, **Northumberland County**, ACOE Susquehanna River Basin District (Mifflinville, PA Quadrangle N: 17.2 inches; W: 2.7 inches).

To remove an existing steel through girder bridge and construct and maintain a prestressed spread box beam bridge with a clear span of 49.69 feet, a minimum underclearance of 4.00 feet on a skew of 47 degrees right ahead over Little Shamokin Creek (TSF) along T-722 in Rockefeller Township, Northumberland County. The project does not propose to permanently impact any jurisdictional wetland.

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

E02-977-A1. Town of McCandless, 9955 Grubbs Road, Wexford, PA 15090. Construct a new concession stand in the Town of McCandless, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 16.1 inches; W: 6.7 inches—Latitude: 40°55'19" and Longitude: 80°2'54"). The applicant proposes to amend Permit E02-977 to demolish an existing 420 square feet concession stand and to construct and maintain a new 1,250 square feet concession building in the same location in the floodplain of Pine Creek (CWF). The project temporarily impacts 0.07 acre of PSS wetlands and approximately 20 linear feet of Pine Creek for the purpose of installing water and sewer lines. The project is along Pine Creek Road approximately 1,500 feet north of its intersection with SR 19.

E65-856. Youngwood Borough, 17 South Sixth Street, Youngwood, PA 15697-1231. Depot Street Bridge over Jacks Run in Youngwood Borough, **Westmoreland County**, Pittsburgh ACOE District (Mt. Pleasant, PA Quadrangle N: 20.8 inches; W: 10.5 inches—Latitude: 40°14'22" and Longitude: 79°34'31"). The applicant proposes to remove the existing structures and: (1) to construct and maintain a precast adjacent box beam, single span bridge having a normal span of 77.25 feet and an underclearance of 12.0 feet over Jacks Run (WWF); (2) to realign and maintain 380 linear feet of Jacks Run (WWF) and to place and maintain R-8 rock rip rap for bank protection along the realigned section of stream; and (3) to construct and maintain one 48-inch diameter and two 24-inch diameter stormwater outfalls in Jacks Run (WWF). The project will permanently impact 380 linear feet of perennial stream. No vegetated wetlands will be impacted.

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

E20-386. Hazel Park Association, 31 York Avenue, Pittsburgh, PA 15214-1121. Hazel Park Marina Rehabili-

tation in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 21 inches; W: 6.38 inches).

To amend Permit E20-386 which authorizes the Hazel Park Association to operate and maintain existing docking facilities and to perform maintenance dredging at the Hazel Park Marina in the Canfield Basin along Conneaut Lake.

The proposed amendment is to operate and maintain existing docking facilities and to perform maintenance dredging at the Hazel Park Marina in the Canfield Basin along Conneaut Lake and to install approximately 885 linear feet of vinyl sheet piling around the perimeter of the marina. Sheet piling installation includes the excavation of approximately 150 cubic yards of material from the east side of the docking facilities.

E43-316, Mercer County Conservation District, 747 Greenville Road, Mercer, PA 16137. Stream restoration of unnamed tributary to Powdermill Run in French

Creek Township, **Mercer County**, ACOE Pittsburgh District (New Lebanon, PA Quadrangle N: 18.9 inches; W: 1.7 inches).

The applicant proposes enhancement and restoration of approximately 2,950 feet of an unnamed tributary to Powdermill Run (WWF). Approximately 0.1 acre of PEM/PSS wetlands will be impacted to provide for the new stream channel, bankfull benches and regraded floodplain areas. The proposed project will use natural stream channel design to restore the stable fluvial geomorphic variables of the stream, eliminate nonpoint sediment pollution due to streambank and streambed erosion, restore aquatic habitat and enhance biological diversity of the unnamed tributary to Powdermill Run. The area of stream to be restored reaches from just south of Route 322 to Powdermill Run. Applicant proposes to replace culvert under Hollibaugh Road. Restoration and enhancement measures include stream realignment, establishing a wooded riparian buffer and installation of log cross vane and rock step pool structures within the unnamed tributary to Powdermill Run.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0008231	Gold Mills, Inc. 1 Penn Dye Street Pine Grove, PA 17963	Schuylkill County Pine Grove Borough	Swatara Creek 7D	N

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>
PA0033642 Sewage	West Greene School District 1367 Hargus Creek Road Waynesburg, PA 15370	Greene County Gray Township	Grays Fork	Y

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

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

NPDES Permit No. PA0088528, Sewage, **Ronald S. Whitmoyer, Chairperson, Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Little Swatara Creek in Watershed 7-D from the Rehrersburg Wastewater Treatment Plant.

NPDES Permit No. PA0088510, Sewage, **Ronald S. Whitmoyer, Chairperson, Tulpehocken Township**, 22 Rehrersburg Road, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Little Swatara Creek in Watershed 7-D from the Mount Aetna Wastewater Treatment Plant.

III. WQM Industrial Waste and Sewerage Actions 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. 1303201, Industrial Waste, **Rex's Market, Inc.**, 2807 Denbeigh Street, Hatfield, PA 19440. This proposed facility is in East Penn Township, **Carbon County**.

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

WQM Permit No. 4004403, Sewerage, **Penn Lake Park Borough**, P. O. Box 14, White Haven, PA 18661. This proposed facility is in Penn Lake Park Borough, **Luzerne County**.

Description of Proposed Action: Issuance of Water Quality Management Permit. Low pressure collection system to serve the existing Penn Lake Park Borough.

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

WQM Permit No. 2101406, Amendment 04-1, Sewerage, **Vissaggio's, Inc.**, 6990 Wertzville Road, Enola, PA 17025. This proposed facility is in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Modifications/operation of sewerage facilities at Vissaggio's Ristorante consisting of the addition of an oil and grease removal system consisting of a combination equalization and pump tank, oilphylic bag filters and Zabel filters.

WQM Permit No. 0604409, Sewerage, **Ronald S. Whitmoyer, Chairperson, Tulpehocken Township**, 22 Rehrersburg, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of the Rehrersburg Sewage Treatment Plant, an extended aeration wastewater treatment facility utilizing UV disinfection with a discharge to UNT Little Swatara Creek.

WQM Permit No. 0604408, Sewerage, **Ronald S. Whitmoyer, Chairperson, Tulpehocken Township**, 22 Rehrersburg, P. O. Box 272, Rehrersburg, PA 19550. This proposed facility is in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of the Mount Aetna Sewage Treatment Plant, an extended aeration wastewater treatment plant utilizing UV disinfection with a discharge to UNT Little Swatara Creek.

WQM Permit No. 0604405, Sewerage, **Larry Hain**, P. O. Box 191, Mohrsville, PA 19541. This proposed facility is in Alsace Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a Noreco Model 960-1000 aerobic treatment system to serve a two-unit apartment building.

WQM Permit No. 0604202, CAFO, **Joel Hetrick, Hetrickdale Farms**, 69 Hetrick Drive, Bernville, PA 19506. This proposed facility is in Jefferson Township, **Berks County**.

Description of Proposed Action/Activity: This permit authorizes the rehabilitation, expansion and operation of the original barn manure storage facility at Hetrickdale Farms, a 1,763-AEU dairy CAFO.

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

WQM Permit No. 0204404, Sewerage, **South Versailles Township**, P. O. Box 66, Coulter, PA 15028. This proposed facility is in South Versailles, **Allegheny County**.

Description of Proposed Action/Activity: Install six individual grinder pumps.

WQM Permit No. WQG016102, Sewerage, **Nathanael Institute**, P. O. Box 10311, Arlington VA 22210-1311. This proposed facility is in Greenville Township, **Somerset County**.

Description of Proposed Action/Activity: To construct a small flow treatment facility to serve the Greenville Retreat Center.

WQM Permit No. WQG016103, Sewerage, **G. Thomas Hall**, R. D. 9 Box 483, Greensburg, PA 15601. This proposed facility is in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Action/Activity: To construct a small flow treatment facility to serve the Hall residence.

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

WQM Permit No. 4204402, Sewerage, **Kane Borough Authority**, 112 Bayard Street, Kane, PA 16735. This proposed facility is in Wetmore Township, **McKean County**.

Description of Proposed Action/Activity: This project is for the construction of sanitary sewers, force main, an access road and pump station for the proposed Northwest Development.

WQM Permit No. WQG018301, Sewerage, **Daniel A. Fortuna**, 1206 Enterprise Road, Grove City, PA 16127. This proposed facility is in Pine Township, **Mercer County**.

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

WQM Permit No. WQG018307, Sewerage, **David F. Grim**, 523 North Neshannock Road, Hermitage, PA 16148. This proposed facility is in City of Hermitage, **Mercer County**.

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

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

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

WQM Permit No. WQG018319, Sewerage, **Carol and Vincent Kuznicki**, 293 Donation Road, Greenville, PA 16125. This proposed facility is in Hempfield Township, **Mercer County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133688	Middle Paxton Township 1304 Overlook St. Dauphin, PA 17018	Dauphin	Middle Paxton Township	Fishing Creek WWF Stony Creek CWF Clarks Creek HQ-CWF Susquehanna River WWF	Y
PAG133550	Dauphin Borough 200 S. Church St. Dauphin, PA 17018	Dauphin	Dauphin Borough	Stony Creek CWF Susquehanna River WWF	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504018	Penn Devco The Shoppes at Jenner's Village—Phase II 402 Bayard Road, Suite 200 Kennett Square, PA 19348	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF
PAI011504039	St. Norbert's Roman Catholic Church Expansion 50 Leopard Road Paoli, PA 19301	Chester	Easttown Township	Crum Creek HQ-WF

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>
PAI024503019	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Jackson Township	Pocono Creek HQ-CWF
PAI024803037	Faulkner Oldsmobile 290 Stoke Park Rd. Bethlehem, PA 18017	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAI024804021	Raymond A. Bartolacci, Jr. 711 Frutchey Hill Rd. Easton, PA 18040	Northampton	Lower Nazareth Township	Bushkill Creek HQ-CWF
PAI024804020	Monocacy Heights, L. P. 4383 Hecktown Rd., Suite J Bethlehem, PA 18020	Northampton	Bath Borough	Monocacy Creek HQ-CWF
PAI024803039(1)	Cherry Lane Commercial Center, LLC 559 Main St., Suite 300 Bethlehem, PA 18018	Northampton	City of Bethlehem	Saucon Creek HQ-CWF
PAS10S114-1	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Stroud Township	Wigwam Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403010	Janos and Cheryl Koltay 507 Kristina Circle State College, PA 16803	Centre	Rush Township	Cold Stream and Trout Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

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

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Riegelsville Borough Bucks County	PAG2000904090	Ruff Hall Builders Fern Meadow Estates Box 57, Rt. 611 and Tabor Rd. Ottsville, PA 18942	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904130	D'Angelo Construction, Inc. Rickerts and Mill Rds. Project P. O. Box 753 Warrington, PA 18914	Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000904059	Gerit and Gerda Lewisch The Woodlands 6001 Point Pleasant Pike Doylestown, PA 18901-9301	North Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001504072	Trammell Crow Company Sovereign Bank 1130 Berkshire Boulevard Wyomissing, PA 19601	Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002304023	Pohlig Builders 274 West Lancaster Avenue Malvern, PA 19355	Kirks Run/Darby Creek Watershed CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haverford Township Delaware County	PAG2002304024	Haverford Township School District 200 Mill Road Haverford, PA 19087	Cobbs Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Radnor Township Delaware County	PAG2002304033	Michael A. Smith 325 East Lancaster Avenue Wayne, PA 19087	Ithan Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG2002304049	Scheiver and Associates Routes 1 and 100 P. O. Box 577 Chadds Ford, PA 19317	Naamans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Hanover Township Montgomery County	PAG2004604121	David L. Roberts 3039 Woziegler Road Pennsburg, PA 18073	Stony Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Conshohocken Borough Montgomery County	PAG2004604047	TCR NJ/PA Properties, Inc. Alexan Riverview Heights 10 Madison Avenue, 3rd Floor Morristown, PA 07960	Plymouth Creek 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>
New Hanover Township Montgomery County	PAG2004604076	Heritage Building Group, Inc. Gaugler Townhomes 3326 Old York Road Suite 100-A Furlong, PA 18925	Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104009	John Capponi Norwalk Gardens 13451 Damar Drive Suite 300 Philadelphia, PA 19116	Tributary Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Dunmore Borough Lackawanna County	PAG2003504029	Robert Gordon 2010 Adams Ave. Dunmore, PA 18512	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lower Milford Township Lehigh County	PAG2003904019	Theodore Zapach 6348 Hoffman Lane Coopersburg, PA 18036	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Muhlenberg Township Berks County	PAG2000604081	Laurel Creek Run Subdivision Rodolfo Folino 68 South Hampton Drive Wyomissing Hills, PA 19610	Laurel Run CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Oley Township Berks County	PAG2000604084	Berks Career & Technology Robert Runkle 1957 County Road Wyomissing Hills, PA 19610	Monocacy Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000604085	CVS Land Development Eric Hugus Hain Investment Company 1017 Pottstown Pike Chester Springs, PA 19425-3512	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000604086	Fecera's Land Development James Bates 3933 Perkiomen Avenue Reading, PA 19606	Leaf Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Reading City Berks County	PAG2000604087	Sovereign Plaza Albert Boscov Reading's Future, LLC 4500 Perkiomen Avenue Reading, PA 19606	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201

NOTICES

5297

<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>
North Heidelberg Township Berks County	PAG2000604088	Blue Marsh Heights Subdivision Fiorino Grande Grande Land LP 108 South Hull Street Sinking Spring, PA 19608	Blue Marsh Lake WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Lower Paxton Township Dauphin County	PAG2002204046	Pinnacle Health Systems P. O. Box 8700 Harrisburg, PA 17105	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Bradford County West Burlington Township	PAG2000804008	Bradford County Commissioners 301 Main St. Towanda, PA 18848	Mill Creek TSF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539, Ext. 205
Centre County Patton Township	PAR10F107R	Glenn and Thelma Hawbaker P. O. Box 135 State College, PA 16804	UNT Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Potter Township	PAG2001404005	Don Coyne Tussyville Assoc. 2300 S. Atherton St. State College, PA 16801	UNT Sinking Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Decatur Township	PAG2001704008	Department of Transportation 1924-30 Daisy St. Clearfield, PA 16830	Coal Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 1830 (814) 355-6817
Clearfield County Sandy Township	PAG2001704014	Robert Clepper Clepper Bus Services 2 Lincoln Dr. DuBois, PA 15801	Limestone Run CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 1830 (814) 355-6817
Tioga County Lawrence Township	PAG2005904004	Brion and Debbie Farr R. R. 2, Box 246C Tioga, PA 16946	Tioga River WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Tioga County Putnam Township	PAG2005903018	Lewis and Meda Hilfinger P. O. Box 205 Covington, PA 16917	UNT Tioga River CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Snyder County Center Township	PAG2005504007	Carl Zechman R. R. 1, Bowersox Rd. Middleburg, PA 17892	Dry Run CWF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112

<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>
Beaver County Independence Township	PAG2000404015	Shawrose Construction c/o Dolores M. Mason 550 Cliffmine Road Coraopolis, PA 15108	Raredon Run WWF	Beaver County Conservation District (724) 774-7090
Cambria County Richland Township	PAG2001104008	Paul Scholar 124 Donald Lane Johnstown, PA 15904	Little Conemaugh River CWF	Cambria County Conservation District (814) 472-2120
Cambria County Nanty Glo and Ebensburg Boroughs Blacklick, Jackson and Cambria Townships	PAG2001104012	Cambria County Conservation and Recreation Authority 401 Candlelight Drive Suite 234 Ebensburg, PA 15931	South Branch Blacklick Creek CWF	Cambria County Conservation District (814) 472-2120
Butler County Slippery Rock Township	PAG001004023	Allen Joam Slippery Rock University Facilities and Planning Slippery Rock, PA 16057	Slippery Rock Creek CWF	Butler County Conservation District (724) 284-5270
Butler County Adams Township	PAG2001004013	S & A Custom Built Homes Inc. 501 Rolling Hills Drive Suite 200 State College, PA 16801 (Seaton Crest Brickyard Road Mars, PA)	Tributary Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Jenkins Township Luzerne County	PAG2114004003	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, Fifth Floor Wilkes-Barre, PA 18711-0790	Gardener Creek CWF	Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371

General Permit Type—PAG-3

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lancaster County New Holland Borough	PAR803669	Leffler Energy New Holland Facility 225 East Main Street Richland, PA 17087	UNT Conestoga River WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Mount Joy Borough	PAR803668	Leffler Energy Mount Joy Facility 225 East Main Street Richland, PA 17087	UNT Little Chickies Creek TSF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Manheim Township	PAR803670	Pittsburgh Terminals Corporation Lancaster Petroleum Storage Terminal P. O. Box 2621 Harrisburg, PA 17105	UNT Conestoga Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greene County Springhill Township	PAR216168	Springhill Township 268 Windy Gap Road Aleppo, PA 15310	Wagon Road Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

NOTICES

5299

*General Permit Type—PAG-4**Facility Location and Municipality**Permit No.**Applicant Name and Address**Receiving Water/Use**Contact Office and Telephone No.*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lower Merion Township Montgomery County	PAG040005	Harold and Flo Rae Booth 1000 Stony Lane Gladwyne, PA 19035	Sawmill Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lower Salford Township Montgomery County	PAG040002	Chris Jordin P. O. Box 486 Colmar, PA 18915	UNT to West Branch Skippack Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Somerset County Greenville Township	PAG046288	Nathanael Institute P. O. Box 10311 Arlington VA 22210-1311	UNT of Flaugherty Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Mount Pleasant Township	PAG046290	G. Thomas Hall R. D. 9 Box 483 Greensburg, PA 15601	UNT of Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pine Township Mercer County	PAG048986	Daniel A. Fortuna 1206 Enterprise Road Grove City, PA 16127	Unnamed tributary to Slippery Rock Creek Watershed 20-C	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAG048966	David F. Grim 523 North Neshannock Road Hermitage, PA 16148	Unnamed tributary to Magargee Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Penn Township Butler County	PAG048339	James L. Zacherl, Sr. 118 Beacon Road Renfrew, PA 16053	Unnamed tributary to Connoquenessing Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pulaski Township Lawrence County	PAG048621	Mark Samsa 1427 SR 208 Pulaski, PA 16143	Tributary to Deer Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
McKean Township Erie County	PAG049001	Richard Chernicky 4209 Reichert Road McKean, PA 16426	Unnamed tributary to Elk Creek	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>
Hempfield Township Mercer County	PAG049011	Carol and Vincent Kuznicki 293 Donation Road Greenville, PA 16125	Saul Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Ligonier Township Westmoreland County	PAG056132	Ligonier Township Authority 1 Municipal Park Drive Ligonier, PA 15658	Mill Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Liberty Township Bedford County	PAG093527	Burns Septic Service 139 Captain Phillips Memorial Rd. Saxton, PA 16678	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-13

<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>
PAG136270	Upper St. Clair Township 1820 McLaughlin Run Road Upper St. Clair, PA 15241	Allegheny	Upper St. Clair Township	McLaughlin Run Creek WWF Chartiers Creek WWF Brush Run WWF Painters Run WWF Unnamed tributaries of Chartiers Creek WWF	

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

Pennsylvania Bulletin, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2350053, Thornhurst Township, **Lackawanna County** on September 2, 2004, for the operation of facilities approved under Construction Permit No. 3575503.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2350053, Thornhurst Township, **Lackawanna County** on September 2, 2004, for the operation of facilities approved under Construction Permit No. 3589507.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 2350053, Thornhurst Township, **Lackawanna County** on September 2, 2004, for the operation of facilities approved under Construction Permit No. 3591504.

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

Operations Permit issued to **Valley View Village MHP**, R. R. 1, Box 1792A, Russell, PA 16345-9747, PWS ID 6620005, Pittsfield Township, **Warren County**, on September 13, 2004, for the operation of chlorine contact tanks for wells 006 and 008, as approved under Construction Permit No. 6286502-T1-MA1.

WATER ALLOCATIONS

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

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

WA11-1000C, Water Allocations, **Blacklick Valley Municipal Authority**, P. O. Box 272, Twin Rocks, PA 15960, **Cambria County**. The right to purchase 150,000 gallons per day, as a 30-day average, from the Nanty Glo Water Authority and the right to purchase 150,000 gallons per day, as a 30-day average, when available from the Municipal Authority of the Borough of Ebensburg. The total purchases from both sources shall not exceed 150,000 gallons per day, as a 30-day average.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of

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

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

The Department has received the following plans and reports:

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

Legionville Hollow Site, Baden, Economy and Harmony Boroughs, **Beaver County**. David P. Pusateri, Esquire, McGuire Woods, LLP, Dominion Tower, 23rd Floor, 625 Liberty Avenue, Pittsburgh, PA 15222 (on behalf of Robertson CECO Corporation c/o Carolyn Johnson, Controller, Star Building Systems, 8600 South I-35, Oklahoma City, OK 73149) has submitted a Final Report concerning remediation of site soil, surface water and groundwater contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

Edgewater Street, LTD Property (Former), Borough of Oakmont, **Allegheny County**. Charles Haefner, KU Resources, Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of Maureen Ford, RIDC, 425 Sixth Ave., Suite 500, Pittsburgh, PA 15219) has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, heavy metals, solvents and SVOCs. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

City of Pittsburgh 3rd Maintenance Division Schenley Park, City of Pittsburgh **Allegheny County**. Christopher J. Vandegrift, P. E., Weavertown Group, 201 S. Johnson Road, Houston, PA 15342 (on behalf of Bruce Padolf, City of Pittsburgh, Department of Engineering and Construction, 414 Grant Street, Room 301, City

County Building, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soil contaminated with contaminants from leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse 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.

280 North Providence Rd. Office Bldg., Media Borough, **Delaware County**. Mark J. Irani, P. G., Advantage Environmental Consultants, LLC, 3101 Mount Carmel Ave., Suite 3, Glenside, PA 19038 on behalf of Blake A. Strine, Professional Bldg. Investments, Inc., 203 Baltimore Ave., Media, PA 19063 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 27, 2004.

Quan Residence and Mercedes Residence, Abington Township, **Montgomery County**. Richard D. Trimpi, CHMM, P. G., Trimpi Assoc., Inc., 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Duchan Quan and Joe Mercedes, 3022 Turner Ave. and 3018 Turner Ave., Roslyn, PA 19001 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 26, 2004.

U. S. Magnet Site, Yardley Borough, **Bucks County**. Jeffery Fehr, P. G., Penn Environmental and Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Redevelopment Authority of Bucks County, Robert White, Executive Director, 1 N. Wilson Ave., Bristol, PA 19007 has submitted a Baseline Environmental Report and Final Report concerning the remediation of site soil contaminated with fuel oils nos. 2, 4 and 6, other organics, benzo(a)pyrene, lead and arsenic. The Baseline Environmental Report and Final Report demonstrated attainment of the Special Industrial Area Standard and was approved by the Department on September 2, 2004.

Former Bridgestone Firestone Retail Store and Western Metal Bed Co., City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of B. D. F. Corp., B. Featherman, D. Featherman, F. Featherman and Bridgestone/Firestone, 4035-4045 Torresdale Ave., Philadelphia, PA has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on September 9, 2004.

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

Elrama NIKE Site PI-43 (Launcher and Control Facilities), Union Township **Allegheny County**. John M. Scrabis, P. E., MACTEC Engineering & Consulting, Inc., 700 North Bell Avenue, Suite 200, Carnegie, PA 15106 (on behalf of Steven R. Lenney, U. S. Army—Charles E. Kelly Support Facility, 6 Lobaugh Street, Oakdale, PA 15071 and Bryan McConnell, J. M. Waller Associates, 6 Lobaugh Street, Oakdale, PA 15071) has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil contaminated with inorganics and chlorinated solvents. The Remedial Investigation Report and Final Report demonstrated attainment of the Background and Site-Specific Standards and were approved by the Department on August 30, 2004

Invensys Metering Systems, North Union Township, **Fayette County**. Mathew C. Plautz, P. E., Blasland, Bouck & Lee, Inc., 600 Waterfront Drive, Pittsburgh, PA

15222 (on behalf of Fayette Industrial Fund, P. O. Box 487, Uniontown, PA 15401 and Gary Ballesteros, Rockwell Automation, Inc., 777 East Wisconsin Avenue, Suite 1400, Milwaukee, WI 53202) has submitted a Final Report concerning remediation of site groundwater contaminated with heavy metals and VOC. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 23, 2004.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Harold Marcus Limited, R. R. 3, Bothwell, ON NOP 1CO. License No. PA-AH0207. Effective August 10, 2004.

Bed Rock, Inc. d/b/a/ TSMTCO, P. O. Box 113, Joplin, MO 64802. License No. PA-AH0697. Effective August 26, 2004.

Wills Trucking, Inc., 3185 Columbia Road, Richfield, OH 44286. License No. PA-AH0295. Effective August 30, 2004.

Tonawanda Tank Transport Service, Inc., 1140 Military Road, P. O. Box H, Buffalo, NY 14217. License No. PA-AH0429. Effective September 1, 2004.

Transwaste, Inc., 108A Blacks Road, Cheshire, CT 06410. License No. PA-AH0674. Effective August 31, 2004.

US Environmental, Inc., 251 Norwood Road, Downingtown, PA 19335. License No. PA-AH0675. Effective September 1, 2004.

Hazardous Waste Transporter License Expired

Mid-State Trading Co., 2525 Trenton Avenue, Williamsport, PA 17701. License No. PA-AH0148. Effective August 31, 2004.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1–6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Environmental Transport Group, Inc., P. O. Box 296, Flanders, NJ 07836. License No. PA-HC0023. Effective August 25, 2004.

HAZARDOUS WASTE ACTION—INTENT TO ISSUE PERMIT

Proposed action on an application for a permit under the Solid Waste Management Act and regulations to operate a hazardous waste storage and treatment facility.

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

PAD004835146, MAX Environmental Technologies, 233 Max Lane, Yukon, PA 15698. Operation of a hazardous waste storage and treatment facility in South Huntingdon Township, **Westmoreland County**. The regional office tentatively decided to approve the renewal and modification of MAX's hazardous waste and storage treatment permit and also tentatively decided to deny MAX's request to accept listed hazardous wastes (other than EAF dust and spent pickle liquor) and MAX's request to accept mercury containing hazardous wastes and reactive cyanide and reactive sulfide waste on September 15, 2004.

Persons wishing to comment on the proposed action are invited to submit a statement to the previous regional office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and concise statement to inform the regional office of the exact basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

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

HAZARDOUS WASTE ACTION—INTENT TO ENTER INTO A CONSENT ORDER AND AGREEMENT

Proposed action on a Consent Order and Agreement under the Solid Waste Management Act and regulations for the post-closure care of a hazardous waste landfill.

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

PAD000805028, Bet-Tech International, Inc. Post-closure care of a hazardous waste landfill at Bet-Tech's Blacks Run Site in Hopewell Township, **Beaver County**. The regional office proposed on September 17, 2004, to enter into a Consent Order and Agreement with Bet-Tech that will address remaining post-closure care activities at this landfill.

Persons wishing to comment on the proposed action are invited to submit a statement to the previous regional office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this Consent Order and Agreement. Responses should include the name, address and telephone number of the writer and concise statement to inform the regional office of the exact basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

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

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued under the Solid Waste Management Act and regulations to operate a hazardous waste treatment, storage or disposal facility.

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

PAD085690592. Republic Environmental System (Pennsylvania) Inc., 2869 Sandstone Dr., Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Applicant seeks to add 41 residual waste codes to the list of nonhazardous wastes permitted to be managed at its existing commercial TSD facility. The additional waste codes reflect wastes already managed at the facility under existing approved waste codes. The additional codes are intended to better identify the particular waste streams being accepted than can be done using the current list of approved codes. Draft permit issued on September 13, 2004.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southeast Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the regional office of the exact basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant. Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin*.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101226. Savoy Transfer Station, P. O. Box 339, Claymon, DE 19703-0339, Chester Township, **Delaware County**. This waste management permit application is for the 10-year renewal of the waste permit for the continuing operation of a construction and demolition waste transfer facility at 52 Concord Rd., Chester Township, Delaware County. This permit was issued by the Southeast Regional Office on September 13, 2004.

Permit modification received 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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 301197. Reliant Energy, Suite 200, 121 Champion Way, Canonsburg, PA 15317-5817, Bradford Township, **Clearfield County**. The major permit modification for change to leachate detection and collection system was received by the Williamsport Regional Office on August 10, 2004.

Persons interested in reviewing the permit should contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

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

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

O'Conner General Contracting, Inc., 158 Stoney Bank Rd., Glen Mills, PA 19342. Authorization No. WH5638. Effective January 23, 2004.

Harvey Leon Davis, Jr., 8 Whales Ct., Elkton, MD 21921. Authorization No. WH5894. Effective September 7, 2004.

Chris Falcone Concrete & Landscape, P. O. Box 1305, West Chester, PA 19380. Authorization No. WH6364. Effective August 16, 2004.

Universal Constructors, Inc., 611 E. Chapel Ave., Cherry Hill, NJ 08034. Authorization No. WH6438. Effective August 24, 2004.

Rodz Trucking, 315 N. Sixth St., Allentown, PA 18102. Authorization No. WH6448. Effective August 16, 2004.

John Reed, 61 Silver Creek Rd., New Philadelphia, PA 17959. Authorization No. WH6449. Effective August 10, 2004.

Gunthers Trucking, 40 North Second St., Hamburg, PA 19526. Authorization No. WH6450. Effective August 25, 2004.

Security Shredding Systems, LLC, 19 Maple Ave., South, Westport, CT 06880. Authorization No. WH6451. Effective August 10, 2004.

Edward Jackson, 73 State St., North Babylon, NY 11703. Authorization No. WH6452. Effective August 10, 2004.

Tony D. Hightower, 24 Carolina Ave., 2nd Floor, Clifton, NJ 07011. Authorization No. WH6453. Effective August 10, 2004.

George Goodwin, 16 Cooper St., Manville, NJ 08835. Authorization No. WH6454. Effective August 10, 2004.

John L. Byars, 2019 Edgely Rd., Levittown, PA 19057. Authorization No. WH6455. Effective August 10, 2004.

Red River Transport, Inc., P. O. Box 715, Irvine, KY 40336. Authorization No. WH6456. Effective August 10, 2004.

Arthur Smith Trucking, Inc., 4177 Morrisdale Allport Hwy., Morrisdale, PA 16858. Authorization No. WH6457. Effective August 25, 2004.

PCC Transport, Inc., 30-08 91st St., East Elmhurst, NY 11373. Authorization No. WH6458. Effective August 10, 2004.

Leonel Sosa, 46 Henry St., Inwood, NY 11096. Authorization No. WH6459. Effective August 10, 2004.

Roy A. Navarro, 107 Washington Rd., Sayreville, NJ 08872. Authorization No. WH6460. Effective August 10, 2004.

Saul C. Mingucha, 1317 Frush Valley Rd., Reading, PA 19605-1838. Authorization No. WH6461. Effective August 11, 2004.

Atlantic Carting, 1141 Rt. 23, Wayne, NJ 07470. Authorization No. WH6462. Effective August 11, 2004.

Phil Morris Jr. Excavating, 542 Waterfalls Rd., Nicktown, PA 15762-7915. Authorization No. WH6463. Effective August 18, 2004.

BRW Trucking, 1139A US Route 40, Pilesgrove, NJ 08098-3110. Authorization No. WH6466. Effective August 11, 2004.

J & D Hills Heavy Hauling, 1020 Elm Terrace, Rahway, NJ 07065. Authorization No. WH6464. Effective August 16, 2004.

Petroleum Management, Inc., P. O. Box 145, 8333 Zug Road, Bowie, MD 20719-0145. Authorization No. WH6465. Effective August 11, 2004.

Daliessio Brothers Construction, Inc., 110 Youngs Ave., Crum Lynne, PA 19022. Authorization No. WH6467. Effective August 11, 2004.

Harjinder Singh, 41 Dundee Ave., Iselin, NJ 07032. Authorization No. WH6468. Effective August 11, 2004.

PIT Transport, 30 Day St., Clifton, NJ 07011. Authorization No. WH6469. Effective August 12, 2004.

Mike Kester Contracting, 844 Woodland Rd., Sugar Notch, PA 18706-2020. Authorization No. WH6470. Effective August 12, 2004.

Solano Trucking, Inc., 2 Meeker Pl., Millburn, NJ 07041. Authorization No. WH6471. Effective August 12, 2004.

Sertsal Express, Inc., 54 Valley Rd., Rockaway, NJ 07866. Authorization No. WH6472. Effective August 12, 2004.

Minda Trucking, 9 Saller Ct., Elizabeth, NJ 07201. Authorization No. WH6474. Effective August 18, 2004.

C. F. & Brothers Transportation, 69 W. Second St., Bound Brook, NJ 08805. Authorization No. WH6475. Effective August 16, 2004.

George J. Barati, 1231 Wilson Rd., Pittsburgh, PA 15236. Authorization No. WH6475. Effective August 17, 2004.

Paulo A. Junqueira, 219 Pacific St., Newark, NJ 07114. Authorization No. WH6477. Effective August 17, 2004.

Energy Transport, Inc., 219 Pacific St., Newark, NJ 07114. Authorization No. WH6478. Effective August 17, 2004.

R. Fanelle's Sons, 1466 Ferry Ave., Camden, NJ 08104-1308. Authorization No. WH6479. Effective August 17, 2004.

Staggert Disposal, 147 James Rd., Montgomery, PA 17752. Authorization No. WH6480. Effective August 17, 2004.

Tony Pompenna Corporation, Inc., 351 Union Green Dr., Verona, PA 15147. Authorization No. WH6481. Effective August 17, 2004.

AWA Electronics of PA, Inc., 110 W. George St., Milford, PA 18337. Authorization No. WH6482. Effective August 17, 2004.

Jorge J. Leverett, 21 Pickwick Ln., Willingboro, NJ 08046. Authorization No. WH6483. Effective August 16, 2004.

B & M Contractors, Inc., 1471 S. Olden Ave., Hamilton, NJ 08610. Authorization No. WH6484. Effective August 24, 2004.

J & J Snyder, Inc., R. R. 2 Box 194, Mayport, PA 16240-9311. Authorization No. WH6485. Effective August 17, 2004.

Rodgers Roofing & Remodeling, Inc., 809 Liller Ln., Trafford, PA 15085-9410. Authorization No. WH6486. Effective August 17, 2004.

Winchester Group, Inc., 7511 A Pulsaki Highway, Baltimore, MD 21237-2531. Authorization No. WH6487. Effective August 17, 2004.

Hotel Furniture Liquidators of Philadelphia, Inc., 5301 Tacony St., Philadelphia, PA 19137. Authorization No. WH6488. Effective August 17, 2004.

Modern Landfill, 4400 Mt. Pisgah Rd., R. R. 9, Box 317, York, PA 17402-9809. Authorization No. WH6489. Effective August 17, 2004.

Chencharick Trucking, 789 Phoenix Rd., Philipsburg, PA 16866. Authorization No. WH6490. Effective August 24, 2004.

NOJO Trucking Inc., 1 Elm St., Wappingers Fall, NY 12590. Authorization No. WH6491. Effective August 20, 2004.

USA Trucking, 1020 Woodlane Rd., Edgewater Park, NJ 08010. Authorization No. WH6492. Effective September 13, 2004.

Cantanhede Construction Co., Inc., 160 Sandshore Rd., Budd Lake, NJ 07828. Authorization No. WH6494. Effective August 20, 2004.

Green Hampton Enterprises, LLC, 3357 Scotland Rd., Chambersburg, PA 17201. Authorization No. WH6496. Effective August 20, 2004.

Burkhart's, Inc., 250 Kelly Island Rd., Martinsburg, WV 25401. Authorization No. WH6497. Effective August 20, 2004.

George Mello, 1927 Tomlinson Rd., Philadelphia, PA 19116. Authorization No. WH6498. Effective August 20, 2004.

Ana Barreto, 2034 Glenview St., Philadelphia, PA 19149. Authorization No. WH6499. Effective August 20, 2004.

Paul & Bros. Transport, 798 Amwell Rd., Hillsborough, NJ 08844. Authorization No. WH6500. Effective August 24, 2004.

Bogush, Inc. d/b/a Public Sewer Service, 190 Maw Ave., Wallington, NJ 07057. Authorization No. WH6501. Effective August 24, 2004.

Thakar Singh, 2645 Anthony Ct., Easton, PA 18045. Authorization No. WH6502. Effective August 24, 2004.

Investment & Enterprise, Inc., 600 Melwood Ave., Pittsburgh, PA 15213. Authorization No. WH6504. Effective August 24, 2004.

T. W. Stewart, Inc., 14 Kelly St., Lewistown, PA 19050-2714. Authorization No. WH6505. Effective August 24, 2004.

Stoudt's Ferry Preparation Co., Inc., P. O. Box 279, Saint Clair, PA 17970. Authorization No. WH6506. Effective August 24, 2004.

SGK Trucking, LLC, 50 Robin Rd., Mahwah, NJ 07430. Authorization No. WH6508. Effective August 25, 2004.

Henrique M. Linhares, 64 Monroe St., Newark, NJ 07105. Authorization No. WH6509. Effective August 25, 2004.

Transporters Corp., 21-30 78th St., E. Elmhurst, NY 11370. Authorization No. WH6510. Effective August 25, 2004.

J. Scott Somogy Landscapes & Lawns, Inc., 25 Patterson Ave., Titusville, NJ 08560. Authorization No. WH6511. Effective August 25, 2004.

Jeffrey L. Weaver, 1134 Chestnut St., Reading, PA 19602. Authorization No. WH6512. Effective August 26, 2004.

Jim Nadik Trucking, Inc., 1064 Clinton-Frankfort Rd., Clinton, PA 15026. Authorization No. WH6513. Effective August 26, 2004.

Calvin Brooks Construction, 206 Dry Hill Rd., Conellsville, PA 15425. Authorization No. WH6514. Effective August 26, 2004.

Florentmo Ruiz, 145 Thompson Ave., Dover, NJ 07801. Authorization No. WH6515. Effective August 26, 2004.

Joel Beckford, 2 Fish House Rd., S. Kearny, NJ 07032. Authorization No. WH6516. Effective August 26, 2004.

Christian Austin Trucking, 1072 Monroe Turnpike, Monroe, CT 06468-1967. Authorization No. WH6517. Effective August 26, 2004.

Balhar Singh, 120-21 91st St., Richmond Hill, NY 11418. Authorization No. WH6518. Effective August 26, 2004.

Donald D. Growden, 14 Dover Dr., McDonald, PA 15057. Authorization No. WH6519. Effective August 26, 2004.

Windsor Park Construction, 311 Smyser St., York, PA 17404. Authorization No. WH6520. Effective August 27, 2004.

AIR QUALITY

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

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

GP3-06-03027: Allan A. Myers, LP (1805 Berks Road, P. O. Box 98, Worcester, PA 19490) on September 10,

2004, for Portable Nonmetallic Mineral Processing Plants under GP3 in New Morgan Borough, **Berks County**.

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

61-185: Heath Oil Co. (5609 SR 8, Barkeyville, PA 16038) on August 31, 2004, to install storage tanks in Barkeyville, **Venango County**.

27-029: PA General Energy—Allegheny National Forest Lot 50 (Allegheny Forest Road 165, Marienville, PA 16329) on August 31, 2004, to operate a natural gas fired compressor engine in Jenks Township, **Forest County**.

27-028: PA General Energy—Allegheny National Warrant 5136 (Allegheny Forest Road 213, Marienville, PA 16329) on August 31, 2004, to operate a natural gas fired compressor engine in Kingsley Township, **Forest 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.

09-0143A: Naceville Materials (2001 Ridge Road, Sellersville, PA 18960) on September 8, 2004, to operate a scalping screen and four conveyors in West Rockhill Township, **Bucks County**.

46-0032B: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA 19046) on September 8, 2004, to operate a vapor degreaser in Abington Township, **Montgomery County**.

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

48-318-035: CF Martin Guitar and Co., Inc. (510 Sycamore Street, Nazareth, PA 18064) on September 7, 2004, to modify paint booth 108 to replace the air cleaning device (water wash replaced by panel filters) at their facility in Upper Nazareth Township, **Northampton County**.

35-317-004: Polarized Meat Co., Inc. (107 Keystone Industrial Park, P. O. Box 172, Dunmore, PA 18512) on September 3, 2004, to install an air cleaning device to control the atmospheric emissions from two cooking ovens at their facility in Dunmore Borough, **Lackawanna County**.

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

67-03126A: Yorkshire Animal Hospital (3434 East Market Street, York, PA 17402) on September 7, 2004, to construct a new 130 lb/hr natural gas fired animal crematory in Springettsbury Township, **York County**.

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

17-314-001F: Sensus Metering Systems North America, Inc. (805 Liberty Boulevard, DuBois, PA 15801) on August 24, 2004, to install an air cleaning

device (a fiber bed mist eliminator system) on three rubber curing ovens in the City of DuBois, **Clearfield County**.

19-310-002D: Hanson Aggregates Pennsylvania, Inc. (2200 Springfield Pike, Connellsville, PA 15425) on August 24, 2004, to construct a vertical shaft impact crusher in an existing stone crushing plant at their Bloomsburg Quarry in Hemlock Township, **Columbia County**.

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

04-00084A: Anchor Hocking Operating Co., LLC (400 Ninth Street, Monaca, PA 15061) on September 2, 2004, to increase the allowable production rate in furnace no. 2 at the company's glass manufacturing facility in Monaca, **Beaver County**. Throughput will be going from 175 tons of glass pulled per day to 214 tons per day on a 30-day rolling average basis. This is a Title V facility.

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

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

15-0009B: ASAHI Glass Fluoropolymers USA, Inc. (255 South Bailey Road, Downingtown, PA 19355) on September 11, 2004, to operate a fluid bed dryer in Caln Township, **Chester County**.

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

49-331-001: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821) on September 13, 2004, to operate the hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quench, venturi scrubber, tray tower scrubber and wet electrostatic precipitator) identified in the respective plan approval on a temporary basis until January 10, 2005, at the Cherokee Plant in Riverside Borough, **Northumberland County**. The authorization has been extended.

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

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

17-00005: Glen-Gery Corp. (P. O. Box 338, Bigler, PA 16825) on July 20, 2004, issued renewal Title V Operating Permit for their brick manufacturing facility in Bradford Township, **Clearfield County**. The facility's sources include three natural gas fired furnaces, a number of natural gas fired space heaters, a natural gas fired water heater, raw material crushing, grinding, screening, mixing and forming, two natural gas and sawdust fired brick kilns, a sawdust screen, a parts washer, an aluminum oxide blasting and painting operation, four natural gas fired brick dryers, two small specialty dryers, a natural gas fired holding room and a chromite storage bin. The renewal Title V operating permit contains all applicable monitoring, recordkeeping and reporting conditions.

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

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

09-00173: P and R Industries, Inc. (3826 Old Easton Road, Doylestown, PA 18901) on September 8, 2004, to operate a natural minor operating permit in Buckingham Township, **Bucks County**.

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

07-03003: Bon Secours-Holy Family Hospital (2500 Seventh Avenue, Altoona, PA 16603) on September 7, 2004, to operate their three natural gas/no. 2 fuel oil fired boilers and three emergency generators in Altoona City, **Blair County**.

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

17-00039: Clearfield County SPCA (R. D. 3, Box 86, Philipsburg, PA 16866) on July 16, 2004, issued State-only Operating Permit for their animal shelter facility in Decatur Township, **Clearfield County**. The facility's main source is a crematory incinerator. The State-only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00048: Blank Funeral Home (395 State Street, Sunbury, PA 17801) on July 16, 2004, issued State-only Operating Permit for their human cremation facility in Upper Augusta Township, **Northumberland County**. The facility's main source is a crematory incinerator. The State-only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

43-00037: SQP Industries (2 North Sixth Street, Sharpsville, PA 16150) on September 2, 2004, for a Natural Minor Operating Permit for a screening operation and diesel generator at Mine No. 1 in Sharpsville Borough, **Mercer County**.

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

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

06-05061: Cambridge-Lee Industries, Inc. (P. O. Box 14026, Reading, PA 19612) on September 3, 2004, for a secondary copper smelter controlled by an afterburner and copper rolling mill in Ontelaunee Township, **Berks County**. This State-only Operating Permit was administratively amended to incorporate Plan Approval 06-05061. This is Revision No. 1.

36-05095: Kemps Foods LLC (1801 Hempstead Road, Lancaster, PA 17604) on September 7, 2004, for a Synthetic Minor Operating Permit for fluid milk and ice

cream processing operations in Lancaster City, **Lancaster County**. This State-only Operating Permit was administratively amended for clarification of the operating permit conditions. This is Revision No. 1.

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

18-00011: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on July 19, 2004, issued a revised Title V Operating Permit, Revision No. 3, for their chemical manufacturing facility in Bald Eagle Township, **Clinton County**. The revision incorporated the terms and conditions from Plan Approvals 18-00011D and 18-00011E for the operation of four storage tanks and their associated distribution systems and the operation of product loading operations. The revision incorporated the terms and conditions from a Request for Determination of Requirement for Plan Approval/Operating Permit for the modification of a storage tank from a trimethylamine storage tank to a dimethylaminopropylamine storage tank and associated distribution system. The revision incorporated the terms and conditions from General Permit GP1-18-01 for the operation of a boiler. The conditions pertaining to 40 CFR Part 60, Subpart Kb (Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984) have been removed from Source ID P114 in the revised Title V operating permit. The work practice condition for Source ID P104B pertaining to each tank of Source ID P104B only storing the respective material specifically identified in the application and supplemental materials submitted for Plan Approval 18-00011C has been revised to include a provision that the Department may approve the use of alternative materials, in writing, in the revised Title V operating permit. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

60-00004: New Columbia Joist Co. (2093 Old Highway 15, New Columbia, PA 17856) on September 2, 2004, issued a revised Title V Operating Permit, Revision No. 2, for their steel joist manufacturing facility in White Deer Township, **Union County**. The revision of this permit authorizes the measurement of the dry paint film thickness of reference panels of similar steel and known surface condition as a substitute for measuring the dry paint film thickness of the steel joists. This revision also authorizes the use of glycol ether as a defoamer in the vacuum coating operation. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

47-00002: Great Dane LP (70 Strick Road, Danville, PA 17821) on August 6, 2004, issued a revised Title V Operating Permit, Revision No. 1, for their Danville plant in Limestone Township, **Montour County**. This Title V Operating Permit revision is to incorporate the increase of isopropyl alcohol and adhesive for the roof assembly operating (Source ID P116) into the Title V operating permit. The increase will result in VOC emissions less than 2.7 tons in any 12 consecutive month period and HAP emissions less than 1.0 ton in any 12 consecutive month period from Source ID P116. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

60-0009: Pennsylvania House Furniture, Inc. (137 North Tenth Street, Lewisburg, PA 17837) on August 4,

2004, issued a revised Title V Operating Permit, Revision No. 1, for their furniture manufacturing facility in White Deer Township, **Union County**. This Title V Operating Permit revision is to reflect the removal of the six spray booths and three drying ovens of the tow conveyor line (Source ID P201) and six of the seven spray booths and one drying oven of the monorail line (Source ID P202). The removal of the tow conveyor line will result in a reduction of VOC emissions of 43.7 tons per year and the removal of the six spray booths and one drying oven of the monorail line will result in a reduction of VOC emissions of 39.2 tons per year. Pennsylvania House Furniture is now eligible to receive a total allotment of 82.9 tons per year of VOC Emission Reduction Credits for the removal of these sources from operation. The remaining spray booth of the monorail line shall have a VOC emissions limitation of 54.8 tons in any 12 consecutive month period. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

54040102. Neumeister Coal Company (28 Frank Lane, Ashland, PA 17921), commencement, operation and restoration of an anthracite surface mine and coal refuse disposal operation in Foster and Reilly Townships, **Schuylkill County** affecting 23.0 acres, receiving stream: none. Application received April 13, 2004. Permit issued September 8, 2004.

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

17921603. NPDES Permit No. PA0214612, Hepburnia Coal Company (P.O. Box I, Grampian, PA 16838), to renew the permit for the Bells Landing Tipple in Greenwood Township, **Clearfield County** and related NPDES permit. No additional discharges. Permit issued September 9, 2004.

32901602. NPDES Permit No. PA0214442, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to revise the permit for the I-22 Tipple in Burrell Township, **Indiana County** and related NPDES permit. No additional discharges. Permit issued September 9, 2004.

32971303. NPDES Permit No. PA0215066, Penn View Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), to revise the permit for the Penn View Mine in Burrell and West Wheatfield Townships, **Indiana County** to add acreage to the subsidence control plan area. SCP Acres Proposed 89.0. No additional discharges. Permit issued September 9, 2004.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866.

17743165 and NPDES Permit No. PA0127574. Roy Coal Company, Inc. (Box 12, Olanta, PA 16863), renewal of an existing bituminous surface mine permit in Boggs Township, **Clearfield County** affecting 164.4 acres. Receiving streams: Little Clearfield Creek to Clearfield Creek and Clearfield Creek to West Branch Susquehanna River to Susquehanna River. Application received June 3, 2004. Permit issued September 2, 2004.

17980109 and NPDES Permit No. PA0238015. 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. in Pike Township, **Clearfield County** affecting 145 acres. Receiving streams: Hogback Run to the West Branch of the Susquehanna River. Application received April 27, 2004. Permit issued August 26, 2004.

17030101 and NPDES Permit No. PA0243418. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. in Penn Township, **Clearfield County** affecting 220.8 acres. Receiving streams: unnamed tributaries to Bell Run and Bell Run. Application received June 2, 2004. Permit issued September 2, 2003.

17000108 and NPDES Permit No. PA0242977. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. in Ferguson Township, **Clearfield County** affecting 14.7 acres. Receiving streams: not applicable for treatment facilities and sedimentation ponds. The permit requires the use of nondischarge alternative technology. Application received April 27, 2004. Permit issued August 26, 2004.

17980119 and NPDES Permit No. PA0238121. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. in Ferguson Township, **Clearfield County** affecting 26 acres. Receiving streams: unnamed tributary to Campbell Run to Gazzam Run to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. Application received April 27, 2004. Permit issued August 26, 2004.

17803094 and NPDES Permit No. PA0127086. Sky Haven Coal, Inc. (R. R. 1, Box 180, Penfield, PA 15849), renewal of an existing bituminous surface mine-auger permit in Goshen Township, **Clearfield County** affecting 295 acres. Receiving streams: Little Trout Run to Trout Run to West Branch Susquehanna River. Application received April 14, 2004. Permit issued August 25, 2004.

Noncoal Permits Actions

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

64020806. Tompkins Bluestone Co., Inc. (P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a bluestone quarry operation in Buck-

ingham Township, **Wayne County** affecting 4.0 acres, receiving streams: none. Application received October 11, 2002. Permit issued September 7, 2004.

58040838. Richard Salsman (R. R. 2 Box 308, Meshoppen, PA 18630), commencement, operation and restoration of a Small Bluestone Quarry operation in Rush Township, **Susquehanna County** affecting 3.0 acres. Receiving stream: tributary to Deer Lick Creek. Application received June 28, 2004. Permit issued September 8, 2004.

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

08040803. Barry Reese (R. R. 2, Box 213, Wyalusing, PA 18853), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Wilmot Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributary to Panther Lick, Panther Lick. Application received April 13, 2004. Permit issued August 24, 2004.

08040806. Walter A. Dickerson (R. D. 3, Box 253A, Gillett, PA 16925), commencement, operation and restoration of a small industrial minerals (shale) permit in Ridgebury Township, **Bradford County** affecting 1.5 acres. Receiving streams: tributary to Bentley Creek. Application received April 14, 2004. Permit issued August 23, 2004.

53040801. Gary L. Reese (156 Cherry Spring Road, Coudersport, PA 16815), commencement, operation and restoration of a small industrial minerals (bluestone) permit in Sweden Township, **Potter County** affecting 3 acres. Receiving streams: Mill Creek. Application received January 28, 2004. Permit issued August 19, 2004.

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Wilkes-Barre Office: Two Public Square, 5th Floor, Wilkes-Barre 18711-0790, (570) 826-2371.

Bond Forfeiture	BF 511-101.1
Contract Awarded	
Location	Jenner Township, Somerset County
Description	Act 181, Bond Forfeiture Reclamation
Contractor	Commonwealth Stone Somerset, PA
Amount	\$23,6000
Date of Award	August 17, 2004

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

38044101. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Thistledown Development in South Londonderry Township, **Lebanon County** with an expiration date of August 31, 2005. Permit issued August 25, 2004.

45044033. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting at Maple Ridge Homes in Coolbaugh Township, **Monroe County** with an expiration date of August 29, 2005. Permit issued September 7, 2004.

09044027. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Laurel Avenue Sanitary Sewer Project in Warminster Township, **Bucks County** with an expiration date of February 27, 2005. Permit issued September 7, 2004.

28044101. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Southampton Township, **Franklin County** with an expiration date of October 30, 2004. Permit issued September 8, 2004.

45044101. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Alpine Lake Development in Pocono Township, **Monroe County** with an expiration date of December 31, 2004. Permit issued September 8, 2004.

45044102. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Smithfield Waterline in Smithfield Township, **Monroe County** with an expiration date of August 31, 2005. Permit issued September 8, 2004.

67044101. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Ashley Farms Development in Dover Township, **York County** with an expiration date of August 30, 2005. Permit issued September 8, 2004.

28044102. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting in Guilford Township, **Franklin County** with an expiration date of November 7, 2004. Permit issued September 9, 2004.

36044101. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Kitchen Kettle Village in Leacock Township, **Lancaster County** with an expiration date of December 30, 2004. Permit issued September 9, 2004.

36044102. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting in Millersville Borough, **Lancaster County** with an expiration date of September 1, 2005. Permit issued September 9, 2004.

36044103. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Mt. Joy Diner in Mt. Joy Borough, **Lancaster County** with an expiration date of September 1, 2005. Permit issued September 9, 2004.

15044101. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Smoker Auction House in West Sadsbury Township, **Chester County** with an expiration date of October 30, 2004. Permit issued September 9, 2004.

06044101. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting at Homestead Self Storage in Heidelberg Township, **Berks County** with an expiration date of October 30, 2004. Permit issued September 9, 2004.

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

04044004. Maronda, Inc. (202 Park West Drive, Pittsburgh, PA 15275). Permit issued for single family residen-

tial development in Brighton Township, **Beaver County**, with an expected duration of 200 days. Permit issued September 7, 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

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

E64-248. Lackawanna River Basin Sewer Authority, P. O. Box 9068, Dickson City, PA 18519-9068. Clinton Township, **Wayne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a combined sewer overflow outfall consisting of a 20-inch diameter ductile iron pipe,

concrete endwall, backflow preventor and rip-rap outlet protection and to construct and maintain a stormwater outfall consisting of an 18-inch diameter smooth-lined polyethylene pipe and rip-rap stilling basin impacting approximately 500 square feet of floodway of the Lackawanna River (HQ-CWF). The project is adjacent to the Clinton Township Wastewater Treatment Plant approximately 0.25 mile northeast of the intersection of SR 0247 and Main Street (Forest City, PA Quadrangle N: 4.0 inches; W: 11.8 inches).

E45-462. Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. Jackson Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a precast concrete arch culvert having a single span of 36 feet and underclearance of approximately 8 feet in Appenzell Creek (HQ-CWF). The culvert will have a 60.0-foot cast-in-place concrete floor depressed a minimum of 3 feet below the stream bed to reestablish a natural stream channel through the structure. The project is along SR 3018 (Neola Church Road), Segment 110, Offset 2035 at a point approximately 0.2 mile west of the SR 3018 and SR 3021 intersection (Saylorsburg, PA Quadrangle N: 15.1 inches; W: 12.8 inches) (Subbasin: 01E).

E52-197. Pike County, 506 Broad Street, Milford, PA 18337. Lehman Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To repair and maintain an existing single-span bridge, having a clear span of 26.3 feet, an underclearance of 7.7 feet and width of approximately 30.0 feet, across Little Bush Kill (HQ-CWF). Work will include concrete repairs to the left abutment footing, wingwalls and parapet walls and placement of riprap along the abutments and in the wingwall/streambank areas for scour and erosion protection. The project is immediately downstream of Lake Maskenozha, along Minks Pond Road (T-322) (Lake Maskenozha, PA-NJ Quadrangle N: 10.6 inches; W: 16.8 inches) (Subbasin: 01D).

E40-628. Borough of Shickshinny, 35 West Union Street, Shickshinny, PA 18655. Borough of Shickshinny, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing stream enclosure of a tributary to the Susquehanna River (CWF), with work consisting of replacing a section of the enclosure utilizing approximately 174 linear feet of 48-inch SLPP followed by 134 linear feet of 76-inch by 48-inch elliptical concrete culvert. The stream enclosure will be relocated to follow existing roadways rather than run through private properties. The project is at the intersection of Main Street (SR 0011) and Butler Street (SR 4004) (Shickshinny, PA Quadrangle N: 4.7 inches; W: 3.7 inches) (Subbasin: 05D).

E58-260. Springville Township, P. O. Box 32, Springville, PA 18844. Springville Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of White Creek (CWF), consisting of 45 linear feet of 24.1-foot by 6.5-foot open-bottomed aluminum box culvert. The project is along T-372, approximately 0.7 mile south of the intersection of T-372 and SR 3006 (Springville, PA Quadrangle N: 11.1 inches; W: 10.5 inches) (Subbasin: 04G).

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

E05-325. John C. Johnston, 1210 Poplar Avenue, Hollidaysburg, PA 16648-1132 in Woodbury Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project beginning just upstream of the T-607 bridge (New Enterprise, PA Quadrangle N: 13.95 inches; W: 2.85 inches) and continuing to a point (New Enterprise, PA Quadrangle N: 4.6 inches; W: 3.15 inches) approximately 1,800 feet upstream involving the placement of a total of 731 linear feet of riprap and topsoil at various locations on both left and right streambanks for the purpose of restoring the proper channel width, reducing local bank scour and to establish a riparian buffer on Potter Creek (HQ-CWF, perennial) in Woodbury Township, Bedford County. The project will result in direct impacts to 731 linear feet of the channel of Potter Creek.

E06-585. Trap Rock Railroad, Inc., 234 North 6th Street, Reading, PA 19601 in Birdsboro Borough, **Berks County**, ACOE Baltimore District.

To install and maintain a concrete jacket and riprap around existing piers of Railroad Bridge No. 85, which crosses Hay Creek (CWF, MF) immediately west of SR 0082 (Birdsboro, PA Quadrangle N: 1.8 inches; W: 10.6 inches) in the Borough of Birdsboro, Berks County. The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

E07-367. R & K Creekside Farm, R. D. 2, Box 120A, Williamsburg, PA 16693 in Huston Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 50-foot long 51-inch by 66-inch pipe arch with a 24-foot concrete apron all depressed at least 6 inches below the existing streambed and parallel to the existing streambed slope, a 645-foot channel relocation and a 4-inch footer drain outfall with a 3-foot riprap apron in the channel of an unnamed tributary to Piney Creek (HQ-CWF) at a point (Frankstown, PA Quadrangle N: 4.8 inches; W: 3.8 inches) approximately 360 feet downstream of the SR 866 bridge in Huston Township, Blair County. The project will result in direct permanent impacts to a total of 645 feet of the channel of the unnamed tributary to Piney Creek.

E22-471. Hummelstown Borough, 136 South Hanover Street, Hummelstown, PA 17036 in Hummelstown Borough, **Dauphin County**, ACOE Baltimore District.

To fill and maintain 0.003 acre of wetlands adjacent to the Swatara Creek (WWF), for the purpose of upgrading, widening and lengthening the Hummel Nature Trail, approximately 1,000 feet north of U. S. 322 on the western side of Hummelstown, east of the Swatara Creek (Hershey, PA Quadrangle N: 3.0 inches; W: 14.0 inches) in Hummelstown Borough, Dauphin County.

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

E14-461. Chris Hall, 960 East High Street, Bellefonte, PA 16823. 312 Park Avenue Proposed Residence in Spring Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 5.5 inches; W: 5.9 inches).

To construct and maintain: (1) a 1,750 square foot single family residential house on 24 12-inch diameter, 8-foot high columns; (2) a U-shaped wrap around deck on 24 12-inch diameter, 8-foot high columns; (3) an at-grade driveway in the right floodway of Spring Creek at a 9-1-1

address of 312 Rear Park Avenue, which is 500 feet northeast of the intersection of SR 550 and Park Avenue. This permit was issued under section 105.13(e) "Small Projects."

E14-464. Paul Fisher, 168 Beiler Drive, Rebersburg, PA 16872. Fisher Farm Bridge in Miles Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 12.3 inches; W: 6.6 inches).

To remove an existing silted-in, multiculvert stream crossing and the associated fill, then to construct and maintain a 24-foot clear span concrete/I-beam bridge with the associated concrete wingwalls to allow Elk Creek to restore a natural cross-section at the farm lane stream crossing that is 1.2 miles east of the SR 192 and SR 880 intersection. This project proposes to permanently impact a 40 linear feet of Elk Creek (HQ-CWF). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E41-542. Michael Creveling, 680 Antler Lane, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit Application in Woodward Township, **Lycoming County**, ACOE Susquehanna River Basin District (Williamsport, PA Quadrangle N: 18.18 inches; W: 14.17 inches).

To remove an existing 20-foot by 12-foot cinder block garage and 144 square feet of residential structure and construct and maintain a 30-foot by 38-foot, three car garage and a 132 square foot residential addition in the floodway of the West Branch of the Susquehanna River, 4.2 miles from the intersection of SR 0015 South and West Fourth Street along Antlers Lane in Woodward Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

E53-401. Oswayo Borough, 115 Rumsey Street, Oswayo, PA 16915. Depot Street Bridge Replacement Project in Oswayo Borough, **Potter County**, ACOE Baltimore District (Oswayo, PA Quadrangle N: 8.26 inches; W: 2.61 inches).

To remove an existing structure and construct, operate and maintain a single span prestressed concrete adjacent box beam bridge to carry Depot Street across Oswayo Creek (HQ-CWF). The single span bridge shall be constructed with a minimum span of 42 feet, underclearance of 6.24 feet and curb-to-curb width of 21 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 Oswayo Creek 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 not impact wetlands, while impacting 110 feet of waterways that is along the eastern right-of-way of SR 0244 approximately at the intersection of Depot Street and SR 0244.

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

E25-685. Gilbert A. Horvath, Chairperson Board of Supervisors, Amity Township Supervisors, 15030 Casler Road, Union City, PA 16438. T-490 (Sammons Road Bridge) over UNT Hubbel Run in Amity, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 22.1 inches; W: 7.4 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 40-foot long, 10.67-foot wide by 6.9-foot high structural metal pipe arch

culvert in an unnamed tributary to Hubbel Run (WWF, perennial) on T-490 Sammons Road approximately 0.3 mile east of the intersection of SR 8 and SR 89. The project includes construction of wingwalls. The project proposes to directly affect a total of approximately 60 linear feet of stream channel.

E62-399. North Penn Pipe and Supply, 2351 Dorcon Road, Warren, PA 16365. Stream Enclosure Replacement in Mead Township, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 13.9 inches; W: 0.5 inch).

To remove the existing structure and to construct and maintain a 200-foot long, 8-foot diameter CMP stream enclosure in Ott Run (CWF, perennial) at the North Penn Pipe and Supply pipe yard approximately 0.7 mile northwest of the intersection of U. S. Route 6 and SR 59. The existing structure was deteriorated and the fill above the structure was sinking in several places in the pipe yard resulting in a potentially unsafe condition and loss of usable yard space for the business. The Department issued Emergency Permit EP6204601 on June 10, 2004, to construct the stream enclosure and the applicant continued with the permitting process. The project proposes to directly affect a total of approximately 220 linear feet of stream channel.

Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E4014-001. Department of General Services, Bureau of Engineering and Architecture, 18th and Herr Streets, Harrisburg, PA 17125. Flood Control Project on Mill Creek, Borough of Dupont, **Luzerne County**, ACOE Baltimore District. Application to amend Permit E40-613.

Permit E40-613 authorized the Department of General Services to maintain the existing concrete trapezoidal channel and to construct and maintain new sections of rectangular concrete channel and concrete box culvert stream enclosure, within a 3,000-foot reach of Mill Creek and a 220-foot reach of Collins Creek, for the purpose of flood control.

The permit is requested to be amended to extend the flood protection project with the following activates associated with the construction of the project in and along approximately 1,870 linear feet (approximately 2.5 acres) of Mill Creek (CWF, perennial):

1. The upstream end of the project will tie into the existing Route 315 South Bridge and the downstream end will be just upstream of the junction of Mill Creek with Lidy Creek. The channel will follow the existing alignment of Mill Creek through a residential section of Dupont and will consist of the following work:
2. An 18-foot wide rectangular concrete channel between Route 315 South and Center Street. This channel will have wall heights between 9 feet and 7 feet high and will extend for a distance of 616 feet.
3. A 45-foot long precast concrete box culvert at Center Street. The box culvert is 18 feet wide and 6 feet high.
4. A 75-foot long rectangular concrete channel will be constructed downstream of Center Street. The channel width will vary between 18 feet and 23 feet and the wall height is 6 feet. This channel will connect to the existing stone walled channel.
5. Remove the sediment and debris from the existing stone walled channel downstream of Center Street. Re-

pair damaged portions of the stone walls and construct a concrete invert to prevent undermining of the stone walls. This portion of the project is 443 feet long.

6. Construct a trapezoidal channel with a concrete invert and grouted riprap side slopes for a distance of 657 feet. The upstream end of this reach is at the downstream outlet of the existing stone walled channel and the downstream end is just above the junction of Mill Creek with Lidy Creek.

The project is just downstream of the Route 315 South Bridge (Avoca, PA Quadrangle N: 13.4 inches, W: 17.0 inches) in the Borough of Dupont, Luzerne County.

SPECIAL NOTICES

Intent to Issue a Hazardous Waste Permit under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984; Opportunity for a Public Hearing

Draft Hazardous Waste Permit

Permittee: Bethlehem Apparatus Company, Inc.

Permit No.: PAD002390961

Facility: Bethlehem Apparatus Company, Inc., Hellertown Borough, Northampton County

The Department of Environmental Protection (Department) intends to issue to Bethlehem Apparatus Company a Solid Waste Management Act Permit. This draft permit is to operate a hazardous waste facility in Hellertown Borough.

Public Review and Public Comment

Section 270a.80(b) of 25 Pa. Code requires that the public be given 45 days to comment on each draft permit prepared under the Solid Waste Management Act. The comment period will begin on September 28, 2004, and will end on November 11, 2004. Persons interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the hazardous waste facility may be reviewed at the Bethlehem District Office, 4530 Bath Pike (Route 512), Bethlehem, PA 18017. Contact Robert C. Wallace at (570) 826-2511 for further information.

Further Information and Public Hearing

Persons wishing to comment on permit conditions or the permit application should submit the comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Attn: William Tomayko, Regional Solid Waste Manager. Comments should include reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for Wednesday, November 10, 2004, at 7 p.m. at the Hellertown Borough Municipal Building, 685 Main Street, Hellertown, PA 18055. The public hearing will be held on the Department's draft permit for hazardous waste storage and processing.

Final Determination

When making a determination regarding the issuance of a hazardous waste permit to Bethlehem Apparatus Company, the Department will consider written comments received during the comment period and oral or written statements received during the public hearing, the requirements of 25 Pa. Code Chapters 260–270 and the Department's permitting policies.

Facility Description

The Hellertown Borough facility of Bethlehem Apparatus Company in Northampton County is a treatment and storage facility for primarily mercury bearing materials.

The facility manufactures and refurbishes mercury-containing apparatus. In addition to the recycling/reclamation of mercury bearing hazardous waste and the manufacturing and refurbishing of mercury containing apparatus, the facility also refines by distillation liquid elementary mercury for sale to commercial and industrial users. The treatment process for mercury bearing waste results in the generation of residual and/or hazardous waste, which no longer contain mercury, as well as recovering mercury contained within the waste materials into its elemental form. The facility currently has an office area, a receiving dock, an incoming material sorting area, a container storage area, 23 mercury reclamation retorts and associated equipment and battery and drum crushers. Facility operations include drum sorting and liquid separation, container storage and mercury recovery treatment in the retort recovery furnaces. Storage and treatment operations take place within the enclosed building.

Public Hearing for NPDES Permit No. PAI026404006

The Department will hold a public hearing to accept comment on Individual NPDES Permit Application PAI026404006 for the discharge of stormwater from construction activities at the proposed RETAIL at Texas Township in Texas Township, Wayne County.

The public hearing will be held on Wednesday, November 10, 2004, at 7 p.m. in the White Mills Fire Hall, 47 Main (SR 006), White Mills, Texas Township, Wayne County by the Department of Environmental Protection, Water Management Program, Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2553. The hearing is in response to an application submitted by R. D. Honesdale, LLC. The NPDES permit application proposes the discharge of stormwater from construction activities to UNT to Lackawaxen River.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Retail at Texas Township Public Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application PAI026404006. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire. However, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Wayne County Conservation District Office, Wayne, PA, (570) 253-0930. For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Moose Creek Watershed in Clearfield County

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Moose Creek Watershed in Clearfield County. The meeting will be held on October 27, 2004, at 6:30 p.m. at the Clearfield County Multiservice Center, Daisy Street, Clearfield, PA. Individuals who plan to make a presentation at the public meeting should contact, by 4 p.m. on Friday, October 22, 2004, John Mital, Moshannon District Mining Office, (814) 342-8200. The Department will consider all comments in developing the final TMDL for the Moose Creek Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Moose Creek Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). Two stream segments in the Moose Creek Watershed have been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
26609	Moose Creek	5.9
26613	Woods Run	2.3

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), 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	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0–9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed 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 data set 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 proposed TMDL. The proposed TMDL for the Moose Creek Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 2 years was used to establish the proposed TMDL for the Moose Creek Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Moose Creek Watershed. Written comments must be postmarked by November 24, 2004, and sent to John Mital, Geologic Specialist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, jmital@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Clearfield

County Multiservice Center, contact John Mital at the previous phone number or e-mail address.

The proposed TMDL for the Moose Creek Watershed can be accessed through the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL). Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 04-1782. Filed for public inspection September 24, 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 (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

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

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance

DEP ID: 150-2302-004. Title: Procedures for the Approval and Accreditation of Laboratories in the Commonwealth of Pennsylvania Utilizing the National Environmental Laboratory Accreditation Conference (NELAC) Standard. Description: This policy establishes minimum criteria that laboratories must meet to obtain and maintain accreditation under the Pennsylvania National Environmental Laboratory Accreditation Program (NELAP). The guidance applies to all laboratories desiring to obtain and maintain accreditation under the Pennsylvania NELAP as an alternative within the Environmental Laboratory Accreditation Program. A draft of this policy was published at 34 Pa.B. 3985 (July 24, 2004) with provision for public comment that ended on August 17, 2004. The Department did not receive any comments on the draft policy. Effective Date: September 25, 2004.

DEP ID: 150-2302-005. Title: Procedures for the Approval and Accreditation of Drinking Water Laboratories in the Commonwealth of Pennsylvania. Description: This policy establishes minimum criteria that laboratories must meet to obtain and maintain accreditation to perform and report environmental analyses on samples from public drinking water supplies in this Commonwealth. A draft of this policy was published at 34 Pa.B. 3985 with provision for public comment that ended on August 17, 2004. The Department did not receive any comments on the draft policy. Effective Date: September 25, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1783. Filed for public inspection September 24, 2004, 9:00 a.m.]

Certification Program Advisory Committee for Water and Wastewater System Operators Meeting Cancellation

The Certification Program Advisory Committee for Water and Wastewater System Operators has cancelled its meeting scheduled for October 6, 2004. The next scheduled meeting will be held on December 9, 2004, at 10 a.m. in the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The agenda and meeting materials for the December 9, 2004, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate).

Questions concerning the cancellation of the October 6, 2004, meeting or the December 9, 2004, meeting should be directed to Lynn Rice, (717) 787-5236, mlrice@state.pa.us.

Persons with a disability who require accommodations to attend the December 9, 2004, meeting should contact the Department at (717) 787-5236 or through Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1784. Filed for public inspection September 24, 2004, 9:00 a.m.]

Council of Great Lakes Governors; Great Lakes Water Management Initiative Draft Annex 2001 Implementing Agreements; Public Meeting

The Department of Environmental Protection (Department) will hold a public meeting on September 30, 2004, at the Erie County Conservation District, Headwaters Park, 1927 Wager Road, Erie, PA. The purpose of the meeting is to discuss the draft Annex 2001 Implementing Agreements released by the Council of Great Lakes Governors (Council). The first session will be held from 9:30 a.m. to 11 a.m. for the Presque Isle Bay Public Advisory Committee and the Great Lakes Regional Water Resources Advisory Committee to hear a brief presentation and discuss the documents. A second session, with a brief presentation and open house, will be held from 6:30 p.m. to 8 p.m. at the same location. Both sessions are open to the public.

The Council, as part of the Great Lakes Water Management Initiative, released the draft agreements on July 19, 2004. The agreements were created to update the way the Great Lakes and the waters of the Great Lakes Basin are managed and protected. The draft documents are available on the Council's website: www.cglg.org. A 90-day public comment period on the draft agreements extends until October 18, 2004.

Questions concerning this meeting should be directed to Lori Boughton, (814) 332-6155, l Boughton@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lori Boughton at (814) 332-6155 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-1785. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chronic Renal Disease Advisory Board Meeting

The Renal Advisory Committee, established by 35 P. S. § 6204, will hold a public meeting on Friday, October 29, 2004, from 10 a.m. to 3 p.m. in the Health and Welfare Building, Room 812, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Elaine E. Gible, Program Administrator, Chronic Renal Disease Program, Division of Child and Adult Health Services, (717) 772-5138, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-1786. Filed for public inspection September 24, 2004, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P. S. §§ 876-1—876-9), will hold a public meeting on Wednesday, November 3, 2004, from 9:30 a.m. to 2:30 p.m. in 125N, Training Room A, Commonwealth Keystone Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Disease Prevention and Identification, (717) 783-

8143, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.
 CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-1787. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Application for Plan Approval and Permit for a Liquefied Petroleum Gas Facility

The Department of Labor and Industry (Department) publishes this notice of application under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P.S. § 1329.10). The Department received an application for plan approval and permit from the following liquefied petroleum gas (LPG) facility: UGI Energy Services, Inc., Bethlehem Propane Facility, Crest and Signet Streets, Bethlehem, PA 18015.

The application is for adding nine additional 60,000-gallon LPG storage tanks to the location. The addition of these 9 tanks would make a total of 32 LPG storage tanks at the location with a total storage capacity of 1.64 million gallons of propane. According to the application, the facility will have loading and offloading of transports and is used as a propane air peaking service during the winter.

The due date for protests or comments concerning this application is 45 days after the date of this published notice. A party that fails to file a timely protest will be barred from participation in the application process. However, a municipality or county may submit written comments within 45 days after the date of publication of this notice.

Written protests or written comments should be sent to Charles J. Sludden, Jr., Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 1629 Labor and Industry Building, Harrisburg, PA 17120.

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 04-1788. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Community Mental Health Block Grant Public Hearing

The Office of Mental Health and Substance Abuse Services (Office) is responsible for writing the Community Mental Health Block Grant (grant) for the Commonwealth. This block grant application is for the 2005-2006 year and is a 1-year grant. Previously, the grant application had been a multiyear application. The Office, with

the collaboration of the Mental Health Planning Council, wrote the grant application. A small workgroup gathered comments, suggestions and recommendations for the new application. In accordance to the rules set forth by the Federal government, a public hearing must take place on the block grant. The comments and feedback from the public hearing will be incorporated into the implementation report that is due to the Federal government on December 1, 2004.

The Office will hold two public hearings. The first hearing will be held on September 28, 2004, from 12 p.m. to 4 p.m. at the Harrisburg State Hospital, Beechmont Building No. 23, Harrisburg, PA 17105. The second hearing will be held on September 29, 2004, from 12 p.m. to 4 p.m. at the Mercer County Cooperative Extension Building, Rt. 19N, 463 N. Perry Highway, Mercer, PA 16137.

Questions should be directed to Meri Haunstein, Office of Mental Health and Substance Abuse Services, Beechmont Building, P. O. Box 2675, Harrisburg, PA 17105, (717) 346-0752, fax: (717) 772- 7964.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

[Pa.B. Doc. No. 04-1789. Filed for public inspection September 24, 2004, 9:00 a.m.]

Intention to Establish an Additional Class of Disproportionate Share Payments

The purpose of this notice is to provide prior public notice of the Department of Public Welfare's (Department) intent to establish an additional class of disproportionate share payments for certain qualifying hospitals.

The Department intends to make this payment, in addition to the classes of disproportionate share payments already made under the Medical Assistance (MA) Program, to certain hospitals, which the Department has determined provide a high volume of services to MA eligible and low income populations in medically underserved areas. This payment is intended to assure the hospitals' continued participation in the MA Program. For a hospital to qualify for payments, the hospital must be an acute care hospital that met all of the following criteria in State Fiscal Year 1999-2000:

- a) The ratio of MA days to total hospital patient days exceeds 35%.
- b) The hospital provides in excess of 50,000 patient days of service.
- c) The hospital has an occupancy ratio (total patient days used divided by total bed days available) of at least 70%.
- d) The hospital has a Low-Income Utilization Rate of at least 40%.
- e) The hospital is located in a census tract (United States Census 2000) designated by the Bureau of Primary Health Care of the Health Resources and Services Administration as a Medically Underserved Area and serves a market area that is at least 95% minority based.

f) The hospital has a government dependency ratio, comprised of MA Percentage of Net Patient Revenue plus Medicare Percentage of Net Patient Revenue, in excess of the 95th percentile for all Commonwealth acute care hospitals.

The Department intends to allocate \$1.5 million in State Fiscal Year 2004-2005 from the State General Fund for this additional class of payments. Payments will be divided proportionately between qualifying hospitals based on the percentage of each qualifying hospital's MA inpatient days to total MA inpatient days of all qualifying facilities. Payment limitations are still applicable, including those limitations that the Commonwealth may not exceed its aggregate annual disproportionate share allotment and that no hospital may receive disproportionate share payments in excess of its hospital-specific limit.

Fiscal Impact

For Fiscal Year 2004-2005, the fiscal impact as a result of this additional class of disproportionate share payments will be \$3.316 million in total funds (\$1.5 million in State General funds and \$1.816 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments to this notice within 30 days of publication to the Department of Public Welfare, Office of Medical Assistance Programs c/o Deputy's Secretary Office, Attn: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-399. (1) General Fund; (2) Implementing Year 2004-05 is \$1,500,000; (3) 1st Succeeding Year 2005-06 is \$0; 2nd Succeeding Year 2006-07 is \$0; 3rd Succeeding Year 2007-08 is \$0; 4th Succeeding Year 2008-09 is \$0; 5th Succeeding Year 2009-10 is \$0; (4) 2003-04 Program—\$429,061,000; 2002-03 Program—\$372,670,000; 2001-02 Program—\$407,104,000; (7) Medical Assistance—Inpatient; (8) recommends adoption. The costs outlined have been included in the General Appropriation Act of 2004 (Act 7A).

[Pa.B. Doc. No. 04-1790. Filed for public inspection September 24, 2004. 9:00 a.m.]

Payments to Nursing Facilities; Proposed Rates for State Fiscal Year 2003-2004

This notice announces the Department of Public Welfare's (Department) intent to make changes in the payment rates for Medical Assistance (MA) nursing facility providers for the State Fiscal Year 2003-2004 (FY 03-04). The Department is proposing to make these changes because they are required by the case-mix rate-setting methodology in 55 Pa. Code Chapter 1187 (relating to nursing facility services) and the Commonwealth's approved Medicaid State Plan.

Under the Department's case-mix payment methodology, the Department establishes a new case-mix per diem payment rate for each MA nursing facility provider once for each fiscal year. See 55 Pa. Code § 1187.95 (relating to general principles for rate and price setting). Each provider's annual case-mix per diem rate is comprised of

four cost components: (i) resident care; (ii) other resident related; (iii) administrative; and (iv) capital. For each quarter of the fiscal year, the Department adjusts the resident care cost component of each provider's rate by multiplying the resident care cost component by the provider's MA Case-Mix Index for the appropriate picture date as follows: July 1 rate—February 1 picture date; October 1 rate—May 1 picture date; January 1 rate—August 1 picture date; and April 1 rate—November 1 picture date. See 55 Pa. Code § 1187.96 (relating to price and rate setting computations). The Department pays the provider for nursing facility services provided to MA recipients during that quarter using the provider's adjusted quarterly per diem rate.

The Department has calculated new annual case-mix per diem payment rates for FY 03-04 for MA nursing facility providers. The Department is proposing to adopt and make payments to MA nursing facility providers using these rates. Before adopting these rates, the Department is making them available for public review and comment. The proposed FY 03-04 annual per diem rates are available on the Office of Medical Assistance Programs' (OMAP) website: www.dpw.state.pa.us/omap. The proposed FY 03-04 annual per diem rates are also available at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Care Programs, (717) 705-3705.

The Department has also calculated adjusted quarterly rates for the July, October, January and April quarters of FY 03-04 for each MA nursing facility provider. These adjusted quarterly rates are also available on the OMAP's website, at local county assistance offices and from Tom Jayson.

The database that the Department used to calculate the rates is available on the OMAP's website. Since some of the audited cost reports in the database relate to fiscal periods beginning prior to January 1, 2001, the Department revised the audited costs in the database as specified in 55 Pa. Code § 1187.91(1)(iv)(D) (relating to database) to disregard certain audit adjustments disallowing minor movable property or linen costs. The criteria that the Department used to make these revisions are available on the OMAP's website or by contacting Tom Jayson.

Fiscal Impact

The estimated increase in annual aggregate expenditures for MA nursing facility services for FY 03-04 is \$142.5 million (\$64.467 million in State funds).

Public Comment

Interested persons are invited to submit written comments about the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to the Department of Public Welfare, Attn: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Services, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-387. (1) General Fund; (2) Implementing Year 2003-04 is \$64,467,000; (3) 1st Succeeding Year 2004-05 is \$65,450,000; 2nd Succeeding Year 2005-06 is \$65,450,000; 3rd Succeeding Year 2006-07 is \$65,450,000; 4th Succeeding Year 2007-08 is \$65,450,000; 5th Succeeding Year 2008-09 is \$65,450,000; (4) 2002-03 Program—\$777,084,000; 2001-02 Program—\$761,877,000; 2000-01 Program—\$722,565,000; (7) Medical Assistance—

Long Term Care; (8) recommends adoption. Funding for 2003-04 is included in Act 9-A of 2003. Funding for 2004-05 is included in Act 7-A of 2004.

[Pa.B. Doc. No. 04-1791. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Monopoly '04 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 Monopoly '04.

2. *Price:* The price of a Pennsylvania Monopoly '04 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Monopoly '04 instant lottery game ticket will contain one play area featuring a "HOTEL NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "HOTEL NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN) and 20 (TWTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SNTN), 18 (EGTN), 19 (NINTN), 20 (TWTY) and GO Symbol (AUTO).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$2,000 (TWO THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$400, \$2,000 and \$20,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Monopoly '04 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$2,000 (TWO THO) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$2,000 (TWO THO) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$400 (FOR HUN) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$100 (ONE HUN) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$40\$ (FORTY) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears to the right of the matching "YOUR NUMBERS" play symbol, 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 is a GO Symbol (AUTO), and a prize symbol of \$20\$ (TWENTY) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, 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 is a GO Symbol (AUTO), and a prize symbol of \$10⁰⁰ (TEN DOL) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$5.⁰⁰ (FIV DOL) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$4.⁰⁰ (FOR DOL) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$2.⁰⁰

(TWO DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO Symbol (AUTO), and a prize symbol of \$2.⁰⁰ (FOR DOL) appears to the right of the GO Symbol (AUTO) on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "HOTEL NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

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

	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 7,200,000 Tickets</i>
\$1 x 2	\$2	37.5	192,000
\$2	\$2	37.5	192,000
\$2 w/GO	\$2	23.08	312,000
\$1 x 4	\$4	37.5	192,000
\$4	\$4	37.5	192,000
\$4 w/GO	\$4	37.5	192,000
\$1 x 5	\$5	150	48,000
\$5	\$5	75	96,000
\$5 w/GO	\$5	150	48,000
\$1 x 10	\$10	300	24,000
\$2 x 5	\$10	300	24,000
\$5 x 2	\$10	300	24,000
\$10	\$10	300	24,000
\$10 w/GO	\$10	300	24,000
\$5 x 4	\$20	500	14,400
\$20	\$20	500	14,400
\$20 w/GO	\$20	375	19,200
\$4 x 10	\$40	2,553	2,820
\$5 x 8	\$40	3,000	2,400
\$10 x 4	\$40	3,000	2,400
\$20 x 2	\$40	3,000	2,400
\$40	\$40	3,000	2,400
\$40 w/GO	\$40	3,000	2,400
\$10 x 10	\$100	6,000	1,200
\$20 x 5	\$100	6,000	1,200
\$40 x 2 + \$5 x 4	\$100	6,000	1,200
\$100	\$100	6,000	1,200
\$100 w/GO	\$100	6,000	1,200
\$40 x 10	\$400	17,143	420
\$100 x 4	\$400	17,143	420
\$400	\$400	17,143	420
\$400 w/GO	\$400	20,000	360
\$400 x 5	\$2,000	120,000	60
\$2,000	\$2,000	120,000	60
\$2,000 w/GO	\$2,000	120,000	60
\$20,000	\$20,000	720,000	10

GO = Win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Monopoly '04 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 Monopoly '04, prize money from winning Pennsylvania Monopoly '04 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 Monopoly '04 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 Monopoly '04 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1792. Filed for public inspection September 24, 2004, 9:00 a.m.]

Pennsylvania Poker Showdown Instant Lottery Game; Change to Game Rules

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 changes to the Pennsylvania Poker Showdown instant lottery game rules that were published at 34 Pa.B. 4979 (September 4, 2004).

This amendment clarifies a description of a \$35 prize level. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 34 Pa.B. 4979 and 4980:

* * * * *

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>
	* * * * *		
\$35 BONUS	\$35	300	20,000
3 of a Kind + 2 Pair + \$5 BONUS	\$35	600	10,000
	* * * * *		

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1793. Filed for public inspection September 24, 2004, 9:00 a.m.]

Public Utility Realty Tax Act Surcharge Rate for the Tax Year Beginning January 1, 2005

The Secretary of Revenue is required under 72 P. S. § 8111-A(d) to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1,

2005, is .0006 mill. Therefore, a PURTA surcharge under 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2005. The additional 0.0006 mill shall be paid upon each dollar of gross receipts reported and settled in accordance with 72 P. S. § 8101, except gross receipts from providing mobile telecommunication services and telegraph or telephone messages transmitted in interstate commerce.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-1794. Filed for public inspection September 24, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding York 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 plans to replace the existing Kralltown Road Bridge over Bermudian Creek in Washington Township, York County. The project includes minor approach roadway work in conjunction with replacing the Kralltown Road Bridge. The Kralltown Road Bridge is listed in the National Register of Historic Places. The effect of this project on the National Register-listed Kralltown Road Bridge will be mitigated by a Memorandum of Agreement (MOA) for the proposed action, which has been signed by all appropriate agencies. The MOA includes a stipulation for a marketing plan and a commitment to prepare a Historic American Engineering Record documentation package as a permanent record of the Kralltown Road Bridge's existence.

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 the Kralltown Road Bridge.

GARY L. HOFFMAN, P. E.,
Deputy Secretary for Highway Administration

[Pa.B. Doc. No. 04-1795. Filed for public inspection September 24, 2004, 9:00 a.m.]

Pennsylvania Unified Certification Program

Under 49 CFR 26.81, the Department of Transportation (Department) is announcing the establishment of the Pennsylvania Unified Certification Program (program). Under 49 CFR 26.81, all recipients of funds from the Federal Aviation Administration (FAA), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) in this Commonwealth are required to create and implement a unified certification program for disadvantaged business enterprises (DBE). The program provides one-stop shopping for DBE certification. A DBE certified by the program will be recognized by all recipients of FAA, FHWA and FTA funds in this Commonwealth.

The Department partnered with four other certifying agencies in this Commonwealth to establish the program.

Reciprocity among certifying agencies is a component of the program. Certifying participants in the program are the City of Philadelphia, Minority Business Enterprise Council, Allegheny County, Office of Minority, Women and Disadvantaged Business Enterprises, Port Authority of Allegheny County, Office of Equal Opportunity, South-eastern Pennsylvania Transportation Authority, Small & Disadvantaged Utilization Department and the Department's Bureau of Equal Opportunity. The certifying participants will retain their certification functions and abide by the same forms, guideline and procedures. DBEs are now certified by the program, instead of having DBE certification from a specific agency.

For more information regarding the program, visit www.paucp.com. Information can also be obtained by contacting Michael Schirmer, Director, DBE Supportive Services, Cheyney University of Pennsylvania, P. O. Box 527, Cheyney, PA 19319-0200, (877) 736-6323, (610) 399-2206, mschirmer@cheyney.edu.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1796. Filed for public inspection September 24, 2004, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Applications

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined, consistent with 58 Pa. Code § 71.7(e)(3), to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Robert Merritt	Merritt Pond	Bedford Township, Bedford County	10-acre lake which discharges into Shobers Run	Elodea canadensis Filamentous algae

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
John K. Wolff	Le Lac du Loup Restocking request	Oregon Township, Wayne County	13-acre lake which discharges into an unnamed tributary to South Branch Calkins Creek	Potamogeton spp.
Deer Lake Improvement Association	Deer Lake	Wharton Township, Fayette County	60-acre lake which discharges into Meadow Run	Myriophyllum sp.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 04-1797. Filed for public inspection September 24, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 9:30 a.m., Thursday, September 9, 2004, and announced the following:

Regulation Deemed Approved under section 5(g) of the Regulatory Review Act—Effective September 8, 2004

Department of Transportation # 18-387: Vehicles Required to Stop at Railroad Grade Crossings (Rescinds 67 Pa. Code Chapter 103)

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-1798. Filed for public inspection September 24, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Jack J. Hetherington, Esq.; Doc. No. SC04-08-040

Notice is hereby given of the Order to Show Cause issued on September 9, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 46, 47, 234, 237, 252 and 279.

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 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), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1799. Filed for public inspection September 24, 2004, 9:00 a.m.]

Alleged Violation of Insurance Laws; Richard P. Wilson, Esq.; Doc. No. SC04-08-039

Notice is hereby given of the Order to Show Cause issued on September 9, 2004, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. §§ 46, 47, 234, 237, 252 and 279.

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 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), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at the hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1800. Filed for public inspection September 24, 2004, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Carl A. Mason; file no. 04-267-03010; State Farm Fire and Casualty Insurance Company; doc. no. PH04-08-036; October 21, 2004, 11 a.m.

Appeal of Jeffery and Kathleen F. Hofmann; file no. 04-266-03453; AAA Mid-Atlantic Insurance Company; doc. no. PH04-08-037; October 21, 2004, 12:30 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Toni S. Roberts; file no. 04-303-71484; Erie Insurance Exchange; doc. no. PI04-08-035; October 15, 2004, 10 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 represen-

tatives. 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. 04-1801. Filed for public inspection September 24, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Patricia A. Port; file no. 04-265-02826; State Farm Fire and Casualty Insurance Company; doc. no. PH04-08-042; October 21, 2004, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Jeffrey Wallace, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-1802. Filed for public inspection September 24, 2004, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Pamphlet Laws and Slip Laws of Pennsylvania Printing and Binding

Sealed proposals will be received by the Legislative Reference Bureau (Bureau), 641 Main Capitol Building, Harrisburg, PA 17120-0033, until 10 a.m. on Wednesday, October 20, 2004, and then publicly opened and read, for a contract for printing and binding of the *Pamphlet Laws* and a contract for printing and binding of the *Slip Laws of Pennsylvania* for the contract period beginning January 1, 2005, and ending December 31, 2006, with provision for optional renewal for one additional 2-year period.

Facilities for offset printing and pamphlet binding are required. The *Pamphlet Law* contract requires case binding by Smyth sewing. At the discretion of the Bureau, subcontracting by bidders will be considered.

Bids must be accompanied by a certified or bank cashier's check in the sum of \$1,000. The Bureau reserves the right to reject any or all parts of bids and to waive technical defects in bids. Blanks and information may be obtained upon application to Marilyn Puskarich, (717) 787-6060, at the previous address.

ROBERT W. ZECH, Jr.,
Director

[Pa.B. Doc. No. 04-1803. Filed for public inspection September 24, 2004, 9:00 a.m.]

Pennsylvania Consolidated Statutes Printing, Binding, Storage and Distribution

Sealed proposals will be received by the Legislative Reference Bureau (Bureau), 641 Main Capitol Building, Harrisburg, PA 17120-0033, until 10 a.m. on Wednesday, October 20, 2004, and then publicly opened and read, for printing, binding, storage and distribution of the *Pennsylvania Consolidated Statutes* for the contract period beginning January 1, 2005, and ending December 31, 2006, with provision for optional renewal for one additional 2-year period.

Facilities for offset printing, pamphlet binding, storage and periodic mailing or other distribution are required. At the discretion of the Bureau, subcontracting by bidders will be considered.

Bids must be accompanied by a certified or bank cashier's check in the sum of \$1,000. The Bureau reserves the right to reject any or all parts of bids and to waive technical defects in bids. Blanks and information may be obtained upon application to Marilyn Puskarich, (717) 787-6060, at the previous address.

ROBERT W. ZECH, Jr.,
Director

[Pa.B. Doc. No. 04-1804. Filed for public inspection September 24, 2004, 9:00 a.m.]

PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

Interest Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the change in interest rates for loans approved by the PIDA Board of Directors (Board). Loan applications submitted after September 1, 2004, and until further notice will be subject to the interest rate schedule that follows in the respective counties as determined by the most recent applicable unemployment statistics and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

The PIDA Board retains the right to waive or modify the interest rates on a case by case basis for good cause shown.

Note: Loan applications are subject to the schedule of interest rates in effect at the time the application is received by the Department of Community and Economic Development. A loan application that is deferred shall be subject to the schedule of interest rates in effect on the date of the PIDA Board meeting at which the application is considered, regardless of when the application was originally submitted.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 787-6245.

DENNIS YABLONSKY,
Chairperson

PIDA Participation and Interest Rates for Counties and Municipalities* Over 25,000 Population

	Maximum PIDA Participation		Interest Rate**	
	(S)	(L)	%	
ADAMS	40	30	***	4.25
ALLEGHENY	40	30	***	4.25
McKeesport City	60	50		3.25
West Mifflin Borough	40	30	***	3.25
ARMSTRONG	50	40	***	3.25
BEAVER	50	40	***	3.25
BEDFORD	60	50		3.25
BERKS	50	30	***	3.25
Reading City	60	50		3.25
BLAIR	40	40	***	4.25
BRADFORD	40	30	***	3.25
BUCKS	40	30	***	4.25
BUTLER	40	30	***	4.25
CAMBRIA	50	40	***	3.25
Johnstown City	60	50		3.25
CAMERON	50	40	***	3.25

	Maximum PIDA Participation		Interest Rate**
	(S)	(L)	
CARBON	60	50	3.25
CENTRE	40 ***	30 ****	4.25
CHESTER	30 ****	30 ****	4.25
CLARION	40 ***	40 ***	4.25
CLEARFIELD	60	50	3.25
CLINTON	50	40 ***	3.25
COLUMBIA	50	40 **	3.25
CRAWFORD	50	40 **	3.25
CUMBERLAND	40 ***	30 ****	4.25
DAUPHIN	40 ***	30 ****	4.25
Harrisburg City	50	30 ****	3.25
DELAWARE	40 ***	30 ****	4.25
Chester City	60	50	3.25
ELK	50	40 **	3.25
ERIE	50	40 **	3.25
FAYETTE	60	50	3.25
FOREST	70	60	3.25
FRANKLIN	40 ***	30 ****	4.25
FULTON	50	40 **	3.25
GREENE	50	40 **	3.25
HUNTINGDON	60	50	3.25
INDIANA	50	40 **	3.25
JEFFERSON	50	40 **	3.25
JUNIATA	40 ***	40 **	4.25
LACKAWANNA	40 ***	40 **	4.25
LANCASTER	40 ***	30 ****	4.25
Lancaster City	50	30 ****	3.25
LAWRENCE	50	40 **	3.25
New Castle City	60	50	3.25
LEBANON	30 ****	30 ****	4.25
Lebanon City	40 ***	30 ****	4.25
LEHIGH	40 ***	30 ****	4.25
Allentown City	50	30 ****	3.25
Whitehall Township	50	30 ****	3.25
LUZERNE	50	40 **	3.25
LYCOMING	50	40 **	3.25
McKEAN	50	40 **	3.25
MERCER	40 ***	30 ****	4.25
MIFFLIN	50	40 **	3.25
MONROE	50	40 **	3.25
MONTGOMERY	40 ***	30 ****	4.25
Norristown Borough	50	30 ****	3.25
MONTOUR	40 ***	30 ****	4.25
NORTHAMPTON	40 ***	30 ****	4.25
NORTHUMBERLAND	50	40 **	3.25
PERRY	40 ***	30 ****	4.25
PHILADELPHIA	50	40 **	3.25

	Maximum PIDA Participation		Interest Rate**
	(S)	(L)	
PIKE	40 ***	30 ****	4.25
POTTER	50	40 ***	3.25
SCHUYLKILL	50	40 **	3.25
SNYDER	40 ***	30 ****	4.25
SOMERSET	50	40 **	3.25
SULLIVAN	50	40 **	3.25
SUSQUEHANNA	50	40 **	3.25
TIOGA	50	40 **	3.25
UNION	40 ***	30 ****	4.25
VENANGO	50	40 **	3.25
WARREN	50	40 **	3.25
WASHINGTON	50	40 **	3.25
WAYNE	40 ***	40 **	4.25
WESTMORELAND	40 ***	40 **	3.25
WYOMING	40 **	40 **	4.25
YORK	40 ***	30 ****	4.25
York City	60	50	3.25

* Municipalities are listed only if PIDA rate differs from County rate.

** Based on calendar year 2003 unemployment rate. Subject to change at discretion of the PIDA Board.

(S) Small business (less than 50 existing employees, including parent, subsidiaries and affiliates).

(L) Large Business.

Special Note: Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47, Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Brownfield Sites and companies designated as advanced tech firms will receive an interest rate of 3.25%.

*** 10% equity required.

**** 20% equity required.

[Pa.B. Doc. No. 04-1805. Filed for public inspection September 24, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commis-

sion, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 18, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for 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-00119867, Folder 1, Am-A. John C. Taylor and Ida Taylor, Copartners, t/d/b/a Top Notch Van Services (2809 Rhawn Street, Philadelphia, PA 19152)—persons in paratransit service, from points in the City and County of Philadelphia, to all State and Federal correctional facilities located in Pennsylvania, and return: *So As To Permit* the transportation of persons in paratransit service, for the Philadelphia Prison System, between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-1806. Filed for public inspection September 24, 2004, 9:00 a.m.]

West Penn Power Company Joint Petition for Settlement and for Modification of the 1998 Restructuring Settlement

R-00039022 and R-00973981. West Penn Power Company. West Penn Power Company, by its counsel, and on behalf of the joint petitioners, filed a joint petition, set forth as follows, for settlement and for modification of the 1998 restructuring settlement, requesting, inter alia: (1) approval of the terms of the joint petition; (2) direction to West Penn Power Company to file a tariff supplement to become effective on 1 day's notice incorporating the schedule of rates and charges; and (3) approval of certain amendments to West Penn Power Company's 1998 restructuring settlement, consistent with the terms of this joint petition. The joint petition resolves issues relating to the company's stranded cost under-recoveries, by authorizing securitization of the stranded cost under-recovery and extending the stranded cost recovery period and corresponding rate cap period.

Written comments may be filed within 20 days after publication of this notice in the *Pennsylvania Bulletin*. Comments must be filed with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Copies of the entire filing are available for full inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday.

Petitioner: West Penn Power Company

Through and By Counsel: John F. Povilaitis, Ryan, Russell, Ogden and Seltzer, LLP, Suite 101, 800 North Third Street, Harrisburg, PA 17102-2025.

JAMES J. MCNULTY,
Secretary

Petition of West Penn Power Company for Issuance of a Further Supplement to Its Previous Qualified Rate Orders Under Sections 2808 and 2812 of the Public Utility Code; Doc. No. R-00039022

Application of West Penn Power Company for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code; Doc. No. R-00973981

Joint Petition for Settlement and for Modification of the 1998 Restructuring Settlement

The active parties to the above-captioned proceeding, the Office of Consumer Advocate ("OCA"), the Office of Small Business Advocate ("OSBA"), the West Penn Power Industrial Intervenors ("WPPII") and West Penn Power Company ("West Penn" or "the Company"), all of whom may be referred to in this Joint Petition either in their individual capacities or collectively as the "Joint Petitioners," join in this Joint Petition for Settlement and for Modification of the 1998 Restructuring Settlement ("Joint Petition") and respectfully request that, following notice to the parties in the 1998 restructuring proceeding at Docket No. R-00973981 and to customers, as well as an opportunity for affected stakeholders and customers to be heard, the Presiding Officer and the Pennsylvania Public Utility Commission ("Commission"): (1) approve the terms of this Joint Petition, (2) direct West Penn to file a Tariff Supplement to become effective on one day's notice incorporating the schedule of rates and charges attached hereto as Appendix A, and (3) approve certain amendments to West Penn's 1998 Restructuring Settlement, as defined herein, consistent with the terms of this Joint Petition. The Joint Petition resolves issues relating to the Company's Commission-recognized stranded cost under-recoveries, by securitizing the stranded cost under-recovery and extending the stranded cost recovery period and corresponding rate cap, consistent with the underlying intent of the 1998 Restructuring Settlement and Commission precedent. In support of their Joint Petition, the Joint Petitioners represent the following:

INTRODUCTION

1. West Penn is a public utility and Pennsylvania corporation authorized pursuant to Commission regulation to provide electric utility service in all or parts of 23 counties in Pennsylvania. It currently provides electric service to approximately 697,000 customers in Pennsylvania. Pursuant to the Electric Generation Competition and Customer Choice Act, West Penn filed with the Commission a restructuring proceeding in August of 1997 at Docket No. R-00973981 that resulted in a settlement among the parties to that proceeding. The settlement at Docket No. R-00973981 was approved by the Commission by Final Order entered November 19, 1998 (collectively hereinafter referred to as the "1998 Restructuring Settlement").

2. On November 25, 2003, West Penn filed a Petition for Issuance of a Second Supplement to its Previous Qualified Rate Orders under Sections 2808 and 2812 of the Public Utility Code. West Penn sought a supplemental qualified rate order ("QRO") to securitize its remaining unsecuritized, unrecovered stranded costs allowed in its 1998 Restructuring Settlement, carrying costs, Company savings, transaction fees and expenses and to recover the supplemental intangible transition charge beyond December 31, 2008, which was to be the end point of West Penn's stranded cost recovery period and generation rate cap as set forth in the 1998 Restructuring Settlement. West Penn proposed securitizing approximately \$115 million in transition bonds. By correspondence dated February 25, 2004, West Penn waived its request for expedited resolution of its supplemental QRO in anticipation of temporary financing being obtained to satisfy maturing debt.

3. The OCA, the OSBA and the WPPII each filed Answers to West Penn's Petition on December 15, 2003. In general, the OCA, OSBA and WPPII opposed West Penn's petition on the grounds, among several reasons, that it sought recovery of stranded cost beyond the stranded cost recovery period and generation rate cap period which were to conclude simultaneously in 2008, without providing for extension of the generation rate caps in 2009 and 2010.

4. The Joint Petitioners, via a Joint Motion to Admit Materials into the Evidentiary Record (Joint Motion), filed with this Joint Petition, have stipulated to the admission of testimony and further exhibits to the evidentiary record of this proceeding. In addition, WPPII submitted testimony, which stressed, inter alia, the importance of West Penn avoiding a scenario in which stranded costs in the form of a competitive transition charge ("CTC") or ITC were still being collected from customers without rate cap protection. West Penn is also submitting testimony in support of the terms of the Joint Petition. Among other things, that testimony stresses the importance of avoiding a scenario in which West Penn would be recovering stranded costs in the form of a competitive transition charge ("CTC") or ITC, but customers would be without rate cap protection. Other Joint Petitioners may submit statements in support of the Joint Petition. Pursuant to the Joint Motion, the record is to include:

a. Statement No. 1, Direct Testimony of John R. Howells and associated Exhibits JRH-1, JRH-2, JRH-3, JRH-4, JRH-5, JRH-6, JRH-7, JRH-8 (Attachment A).

b. Rebuttal Statement No. 1, Rebuttal Testimony of John R. Howells (Attachment B).

c. Petition of West Penn Power Company with Exhibits A, B and C (Attachment C).

d. West Penn Power Company Restructuring Settlement (Attachment D).

e. WPPII Statement No. 1, Direct Testimony of Victor Sawicki (Attachment E).

f. WPPII Statement No. 2, Direct Testimony of Michele Ponchione (Attachment F).

g. Exhibit titled West Penn ITC-2 Projected Annual Activity, (Attachment G).

h. Table depicting breakout of components of West Penn requested securitization (Attachment H).

i. Informal Data Requests Nos. 1, 2 and 3 of OSBA and West Penn responses (Attachment I).

j. Exhibit depicting Projected Shopping Credit Adjustments (Attachment J).

k. It is also agreed to by the parties that OCA shopping statistics may be considered part of the record.

5. The testimony of West Penn witness Howells (Statement No. 1) that accompanied the November 2003 Petition described the background of this proceeding. In its 1998 Restructuring Proceeding at Docket No. R-00973981, the Commission approved the parties' Joint Petition for Full Settlement by Order entered November 19, 1998. West Penn was authorized to recover \$670 million in stranded costs. The Commission also authorized West Penn to securitize the full stranded cost amount of \$670 million. The Commission's Order of November 19, 1998 was the Qualified Rate Order (QRO) necessary for securitization and issuance of transition bonds under Section 2812 of the Public Utility Code. (Howells St. No. 1, pp. 4-5). On April 23, 1999, West Penn requested that

the Commission enter a Supplemental QRO to clarify the mechanics of the issuance and reconciliation of transition bonds. The Commission entered the Supplemental QRO August 12, 1999 at Docket No. R-00994649. (Howells St. No. 1, p. 5). In May of 1999 West Penn Funding LLC was formed as a special purpose entity for the sole purpose of purchasing and owning intangible transition property, and issuing transition bonds. West Penn Funding LLC was formed by West Penn Funding Corporation, a wholly owned subsidiary of West Penn. In November 1999 West Penn Funding issued \$600 million of transition bonds. (Howells St. No. 1, pp. 6-7).

6. West Penn continued to attempt to recover the remainder of its non-securitized stranded costs through its CTC. Since the inception of its CTC, West Penn was underrecovering or not recovering its full authorized CTC. The reason for the underrecovery was that West Penn revenues were constrained by the rate cap and sales levels. Each year since the inception of its CTC in 1999, West Penn as part of its CTC reconciliation proceeding, requested that the Commission direct the deferral of the undercollected CTC amounts as a regulatory asset for full and complete recovery at a future date. The underrecovery in 1999 was \$15.9 million. (Docket No. M-FACE9905). The underrecovery in 2000 was \$6.4 million which, when added to the existing underrecovery of \$15.9 million, resulted in cumulative underrecovery of \$22.3 million. (Docket No. M-FACE0006). The underrecovery in 2001 was approximately \$9.6 million which, when added to the existing underrecovery of \$22.3 million, resulted in a cumulative underrecovery of \$31.9 million. (Docket No. M-FACE-0109). The underrecovery in 2002 was approximately \$16.9 million which, when added to the existing underrecovery of \$31.9 million, resulted in a cumulative underrecovery of \$48.8 million (Docket No. M-FACE0210). In West Penn's CTC Reconciliation Statement for 2003, West Penn showed an underrecovery of \$16.1 million which, when added to the existing underrecovery of \$48.8 million, resulted in a cumulative underrecovery in the amount of \$64.9 million. (Docket M-FACE0308). On August 30, 2004, West Penn filed its CTC reconciliation for the 12 months ended July 31, 2004 showing a 12-month underrecovery of \$13.2 million, for a total cumulative underrecovery of \$78.1 million. The reconciliation and deferral filings and Orders were attached as Exhibits JRH-4 through JRH-8 in the Petition filed November 25, 2003. (Howells St. No. 1, pp. 7-8).

7. The Joint Petitioners have engaged in extensive settlement discussions with the procedural cooperation of the Office of Administrative Law Judge ("ALJ") that have resulted in this mutually acceptable Joint Petition that all parties believe to be in the public interest and that all parties believe should be promptly approved by the Commission so that the benefits to the public achieved by this Joint Petition can be realized as soon as possible. Consistent with Section 2804(4)(ii) of the Competition Act, and the intent of the 1998 Restructuring Settlement Agreement, this Joint Petition satisfies the Intervenor's concerns that customers would not be exposed to unrestricted market prices for generation, while still being responsible for payment of stranded costs.

8. The terms of the Joint Petition reflect the fact that West Penn's need for additional time to recover the stranded costs established in the restructuring proceeding essentially means that the electric competition transition period must be extended for the Company. It is important to note that the Joint Petition does not address West Penn's post-transition POLR period, but rather the continued transition to the POLR period while West Penn

continues to collect stranded costs from its ratepayers. In recognition of the extension of the transition period, the Joint Petition continues the same principles in the Company's 1998 Restructuring Settlement: stranded cost collection, distribution rate caps and gradually increasing generation rates subject to caps.

9. In trying to resolve these issues that arose from the 1998 Restructuring Settlement, the Joint Petitioners sought to reach a settlement that is consistent with the manner in which the parties to the 1998 Restructuring Settlement dealt with issues of stranded costs and generation rate caps. The 1998 Restructuring Settlement provided for stranded cost collection and generation rate caps ending simultaneously by December 31, 2008. The 1998 Restructuring Settlement also called for generation rate increases to occur in 2006 and 2008. Since West Penn has not been able to collect all of its stranded costs within the rates provided in the 1998 Restructuring Settlement, and has had to defer such stranded cost amounts, the Joint Petition provides for a longer period (through 2010) to collect the stranded costs and associated carrying charges previously approved in the 1998 Restructuring Settlement. As set forth below, the Joint Petition provides for additional increases in generation rates in 2007 and 2008. The Joint Petition also provides that during the extended period when these stranded costs are collected (from January 1, 2009 through 2010), West Penn's generation rates will be subject to a rate cap. Furthermore, the Joint Petition extends West Penn's distribution rate cap from December 31, 2005, as agreed in the 1998 Restructuring Settlement, through December 31, 2007, with an additional distribution rate cap in effect throughout 2009. Any distribution rate increase shall become effective no later than October 1, 2008. The 2007 generation rate increase is mitigated by the distribution rate cap extension throughout 2007, which is part of the Joint Petition.

10. The resolution of the issues raised by West Penn's request results in certain modifications and extensions of provisions of West Penn's 1998 Restructuring Settlement. Due to the request for modifications and extensions of the 1998 Restructuring Settlement, the Joint Petition has been served on all parties to the Company's restructuring proceeding at Docket No. R-00973981. West Penn is also providing notice to its customers of the Joint Petition proceeding by way of notices in its regular monthly customer bills during the next available month-long billing cycle. West Penn further requests Commission publication of the Joint Petition in the *Pennsylvania Bulletin*. West Penn requests that the *Pennsylvania Bulletin* notice establish a reasonable deadline for interventions. Customers and other parties with interest in the subject matter of the Joint Petition will thereby have full and adequate notice of these proposals. After full notice of the Joint Petition proposals has been provided, the Administrative Law Judge can determine whether hearings must be scheduled prior to the preparation of a Recommended Decision.

11. TERMS AND CONDITIONS

11a.) The Joint Petitioners agree that the Restructuring Settlement at Docket No. R-00973981, as approved by the Commission by Order entered November 19, 1998, should be amended to provide for changes in rates and rate caps, as set forth herein. The Joint Petitioners agree that the changes in rates and rate caps described in this Joint Petition are reasonable and in the public interest.

11b.) The generation rate cap, consisting of the CTC/ITC plus the generation rates, provided in Section B.3 of

the 1998 Restructuring Settlement, shall continue without amendment for the years 2004, 2005, and 2006, including the system-wide generation rate increase to a West Penn system average rate of 4.135 cents/KWh for 2006, as set forth in Appendix A.¹

11c.) The system average generation rate cap for year 2007 is amended to provide for an increase from a West Penn system average generation rate of 4.135 cents/kwh to a West Penn system average generation rate cap of 4.431 cents/KWh beginning in 2007. The system average generation rate cap increase to 4.41 cents/KWh anticipated in the 1998 Restructuring Settlement for 2008 is amended to be an increase to the system average generation rate cap of 4.743 cents/KWh beginning in 2008, as set forth in Appendix A. The percentage of the rate increase for 2008 under the Joint Petition is consistent with the percentage rate increase for 2008 established in the 1998 restructuring settlement.

11d.) The period of the generation rate cap shall be extended from the end of 2008 through 2009 and 2010, provided however, that the level of the system average generation rate cap shall increase to 5.587 cents/KWh in 2009 and to 6.061 cents/KWh in 2010, as set forth in Appendix A.

11e.) The cap on distribution charges through the end of the year 2005 as provided in Paragraph B.3 of the 1998 Restructuring Settlement is amended to provide that the cap on distribution charges is extended until December 31, 2007, for all retail customers. West Penn may file to increase distribution rates to become effective on or after January 1, 2008, provided such rates become effective prior to October 1, 2008. In addition, West Penn agrees to distribution rates for the year 2009 at the level of distribution rates in effect as of January 1, 2009. The changes to the distribution rate cap described in this Joint Petition do not apply to, nor do they affect, West Penn's transmission-related charges. West Penn may file to increase or decrease transmission-related charges to be effective at any time after December 31, 2005. West Penn further agrees that it will continue to meet or exceed the reliability requirements for distribution service contained in the applicable Commission regulations and orders.

11f.) West Penn agrees that it shall not recover through customer rates any charges from an automatic rate adjustment mechanism (a "distribution system improvement charge" or "DSIC") that provides rate recovery for fixed costs associated with delivery system improvement and relocation projects made prior to January 1, 2010, even if such DSICs are permitted by state statute. Should a jurisdictional government body direct that certain costs or category of costs may be recovered solely through a DSIC mechanism, the prohibition of DSIC recovery shall not apply. To the extent that West Penn seeks a DSIC mechanism, parties reserve the right to oppose West Penn's request.

11g.) West Penn shall securitize the currently remaining deferred portion of its CTC, including carrying charges, that has been deferred pursuant to Commission Orders each year from 1999 through 2003. West Penn shall also securitize the remaining unrecovered portion of its stranded costs. West Penn shall request additional deferral of its unrecovered 2004 CTC amounts in its annual CTC reconciliation proceeding for 2004. The currently remaining deferred portion of the CTC, plus the remaining unrecovered portion of stranded costs, is approximately \$50 million. Together with Company savings

¹ As used in this Joint Petition, the generation rate cap means the sum of the CTC, the ITC, and the generation rates.

and transaction fees and expenses, the total amount to be securitized is approximately \$115 million. See Attachment H to the Joint Motion to Admit Materials into the Evidentiary Record. Consistent with the terms of the 1998 Restructuring Settlement, savings from securitization will be shared between West Penn and its customers on a 25%-75% basis, respectively.

11h.) West Penn shall be permitted to recover the ITC-2 resulting from the securitization of the approximate \$115 million so long as the ITC-2 ends no later than December 31, 2010. The issuance of Series 2 transition bonds will terminate collection of CTC. Quarterly reconciliation, and potential monthly reconciliations in 2010, will ensure full collection of ITC-2 by December 31, 2010. Shopping credits will be adjusted as necessary pursuant to any necessary ITC-2 reconciliations.

11i.) The Joint Petitioners request that the Commission issue a Supplemental Qualified Rate Order requested by West Penn, as attached hereto as Joint Petition Appendix B. The Qualified Rate Order shall include the following Paragraphs:

1. West Penn is authorized to issue transition bonds up to \$115 million, the "Series 2 Bonds." At the issuance of the Series 2 Bonds, such Bonds shall be entitled to the benefits of the accounts established under the Indenture in connection with the issuance of the Series 1 Bonds. Amounts in the over-collateralization sub-account remaining after the repayment in full of the Series 1 Bonds will remain in the over-collateralization sub-account for the benefit of the Series 2 Bonds. In any event, amounts in such accounts shall be no less than the amounts required to achieve an AAA rating from the rating agencies. West Penn is authorized to charge customers a separate Intangible Transition Charge ("ITC-2") in an amount sufficient to pay principal and interest on the Series 2 Bonds, plus provide credit enhancement by funding the accounts under the Indenture, and to pay servicing fees and other ongoing fees and costs related to Series 2 Bonds contemplated by the Indenture.

2. ITC-2 will be recovered from customers beginning when the Series 1 Bonds have been paid in full and ITC-1 ceases to be collected from customers (estimated to be mid-2008) until the Series 2 Bonds are paid in full, but no later than December 31, 2010. The Series 2 Bonds will be issued as "accretion bonds." During the period from the issuance of the Series 2 Bonds until the beginning of the ITC-2 collection period, interest will not be paid currently but will accrue and be added to principal on a quarterly basis. Current interest payments and principal amortization will commence on a quarterly basis after the commencement of the ITC-2 collection period. Reconciliation of the ITC-2 recovery will occur at least annually, but may occur on a quarterly basis if deemed necessary by the Company or, during 2010, on a monthly basis if deemed necessary by the Company.

3. West Penn's ITC-2 business structure may use the existing business structure used for the issuance and recovery of its ITC-1 bonds, or in the discretion of West Penn, it may use a new or altered business structure. The existing business structure consists of West Penn Funding Corporation, which is a direct subsidiary of West Penn, and West Penn Funding LLC, which is owned by West Penn Funding Corporation. West Penn Funding LLC is the issuer of the transition bonds.

4. This Supplemental QRO is consistent with the QRO (and the First Supplemental QRO), and the QRO together with all Supplements have been validly adopted by the

Commission and are irrevocable and, after the appeal period, are non-appealable, and no further regulatory approvals are required for the issuance of the Series 2 Bonds.

11j.) The Joint Petitioners also request that the Commission approve West Penn's proposed Intangible Transition Charge 2 tariff, attached as Joint Petition Appendix C.

11k.) West Penn agrees to a revenue neutral tariff rate design adjustment for customers at Rate Schedule 20, as attached hereto as Appendix D. The first adjustment is a modification of the hours use provision in the first block, which makes the tariff more equitable and which has minimal impact on other Rate 20 customers. The second adjustment mitigates the rate increases for the first block generation charge, which has the effect of reducing the relative rate increases for smaller and lower load factor customers in the Rate 20 class. These adjustments produce a shopping credit which is more consistent and more equitable among customers within the class.

12. Pursuant to Paragraph D.3 of the Restructuring Settlement, West Penn agreed to establish a sustainable energy fund (SEF), which West Penn agreed to fund with a payment of \$11,425,721 on December 31, 1998. The purpose of that payment was to provide funding for the SEF through December 31, 2005, which was the end of the transmission and distribution rate cap period to which West Penn agreed as part of the Restructuring Settlement. Paragraph D.3 of the Restructuring Settlement further stated that, beginning January 1, 2006, the SEF would be funded from the Company's 1.73 cents per kWh transmission and distribution rate at .01 cents per kWh (less applicable gross receipts tax) on all power sold after that date, unless the Commission established new distribution rates. The settlement also stated that the .01 cents per kWh shall not automatically be considered a cost of service element upon expiration of the transmission and distribution rate cap. In order to provide funding of the SEF at no additional expense to ratepayers during the continuation of the distribution rate cap period proposed this Joint Petition, West Penn agrees that it shall make lump sum payments to the SEF at a level equal to the amount that the .01 cents per kWh charge would have accrued for the period from January 1, 2006, until a new distribution rate becomes effective. West Penn shall not be permitted to seek recovery of such payments for ratemaking purposes. West Penn's tariff, Supplement No. 140 to Electric-Pa. P. U. C. No. 39, Original Page No. 5-2, shall be amended effective January 1, 2006, to eliminate the 0.01 cents per kWh Sustainable Energy Surcharge (less applicable gross receipts tax) on all kWh's delivered to all customers. Elimination of this Surcharge shall not impact West Penn's current state jurisdictional distribution service rates. In its next distribution rate filing, West Penn shall have the option to request from the Commission recovery of future payments to the SEF as an expense for ratemaking purposes, for the period after a new distribution rate is effective. Nothing in this Joint Petition binds any of the parties, in any manner whatsoever, from taking any position in any other proceeding or forum on the issues of the recoverability from customers of an electric distribution company of payments to sustainable energy funds (including, but not limited to, the West Penn SEF), the operation and management of such funds, or the use of the payments made to such funds.

MISCELLANEOUS

13. The provisions of the 1998 Restructuring Settlement and Commission Orders relating thereto shall remain applicable except as specifically amended in the proceeding pursuant to this Joint Petition. In particular the rate cap exceptions provided in the 1998 Restructuring Settlement, which expressly incorporate the rate cap exceptions of Section 2804 of the Public Utility Code, shall remain applicable during the rate cap extensions provided in this Joint Petition.

14. This Joint Petition is conditioned upon the Commission's approval of the terms and conditions contained herein in their entirety. If the Commission should fail to grant such approval in whole or in part, or should it modify the terms and conditions contained herein, participation in this Joint Petition may be withdrawn by any Party upon written notice to the Commission and all Parties within five (5) business days. In the event the Commission does not approve the Joint Petition in its entirety or any Party elects to withdraw, the Parties reserve their respective rights to proceed in any manner allowable under the law. Should the Commission approve the Joint Petition and one or more elements of the Commission's order is reversed on appeal, each of the Joint Petitioners reserve their right to withdraw from the terms of the Joint Petition. Pending any appellate review of a Commission Order adopting the Joint Petition, the parties shall continue to implement the terms of the Joint Petition in good faith as feasible or appropriate.

15. This Joint Petition is proposed by the Joint Petitioners solely for the purpose of fully and completely settling this proceeding and is made without any admission by any party hereto as to any matter of fact or law, is without prejudice to any position advanced by any Party or Joint Petitioner on the record in this proceeding or other proceedings, and is without prejudice to any position that might be adopted or advocated during subsequent litigation before the Commission or elsewhere in this or any other proceeding. This Joint Petition is conditioned upon the Commission's approval of the terms set forth herein in a final order as aforesaid. In the event the Commission does not approve this Joint Petition and the proceeding continues before the Commission or elsewhere, the Joint Petitioners reserve all of their respective rights.

16. This Joint Petition may be executed in counterparts, and when all the Joint Petitioners have each executed a counterpart, they shall be bound hereby as if all of said Joint Petitioners had executed the same counterpart.

17. The Joint Petitioners agree to cooperate with one another and do those things and execute such documents as are reasonably necessary to effectuate the terms and intent of this Joint Petition.

18. If the ALJ, in a Recommend Decision, recommends that the Commission adopt the Joint Petition as herein proposed, the Joint Petitioners agree to waive the filing of Exceptions. However, the Joint Petitioners do not waive their rights to file Exceptions with respect to any modifications to the terms and conditions of this Joint Petition, or any additional matters proposed by the ALJ in the Recommended Decision. In the event Exceptions are filed, the Joint Petitioners reserve the right to file a Reply to those Exceptions.

19. The Joint Petitioners are in full agreement that this Joint Petition represents a fair, just and reasonable resolution of the matters that have been at issue in this proceeding. The benefits reflected in this Joint Petition, and the related concessions and compromises agreed to by each of the Joint Petitioners, are the result of a considerable effort to achieve a reasonable negotiated resolution involving complex matters. In arriving at this Joint Petition, the Joint Petitioners have balanced diverse interests in order to achieve a result that is reasonable and supportable. The Joint Petitioners urge the Administrative Law Judge and Commission to approve this Joint Petition in its entirety.

[Pa.B. Doc. No. 04-1807. Filed for public inspection September 24, 2004, 9:00 a.m.]

STATE HARNESS RACING COMMISSION

Evidentiary Hearing Regarding Vorum Stables LLC Application

The State Harness Racing Commission (Commission) gives notice that an application for a license to conduct a harness horse race meeting with pari-mutuel wagering was filed on September 19, 2002, by Vorum Stables LLC, in which the corporation seeks approval to conduct live harness racing and pari-mutuel wagering at a proposed facility to be built in Canton Township, Washington County. An evidentiary hearing concerning this matter will be held on November 17, 2004, at 9 a.m. at the Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA 17110. The hearing will be held to receive evidence concerning the application.

The hearing will be conducted in accordance with 58 Pa. Code § 185.83 (relating to Commission hearings) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). Testimony shall be under oath and witnesses may be cross-examined. The Commission will receive testimony from the applicant.

Individuals who believe they qualify as an intervenor must Petition to Intervene as provided under 1 Pa. Code §§ 35.27—35.32 (relating to intervention). Petitions to Intervene must be filed with Anton J. Leppler, Executive Secretary, State Harness Racing Commission, Agriculture Building, Room 301, 2301 N. Cameron Street, Harrisburg, PA 17110-9408 with a copy to Edward S. Finkelstein, Esq., 700 Green St., Harrisburg, PA 17102-3015, Hearing Examiner for the Commission, on or before October 7, 2004, by 4:30 p.m. and served on all participants by that date and time. Proof of service shall be attached to the Petition to Intervene. No Petition to Intervene will be accepted after October 7, 2004. Answers to a Petition to Intervene must be filed within 7 calendar days after date of service at the previous addresses.

Testimony will only be taken from the applicant and any intervenors. No one else will be entitled to testify.

ANTON J. LEPLER,
Executive Secretary

[Pa.B. Doc. No. 04-1808. Filed for public inspection September 24, 2004, 9:00 a.m.]