

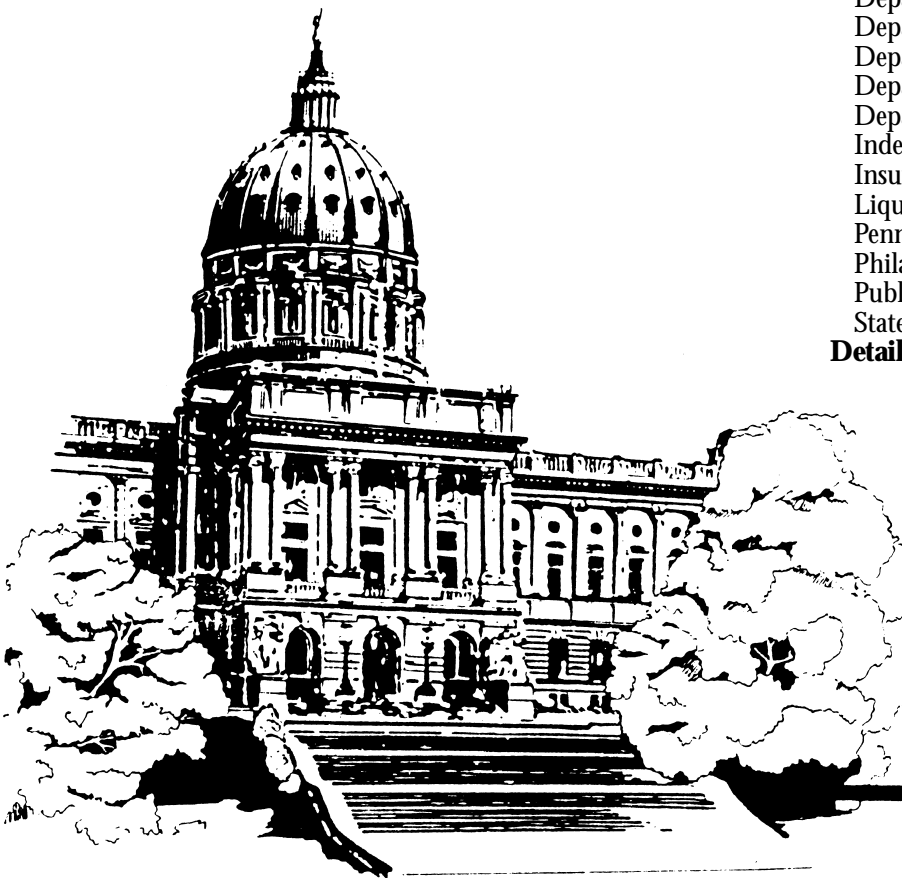
PENNSYLVANIA BULLETIN

Volume 34
Saturday, November 6, 2004 • Harrisburg, Pa.
Number 45
Pages 6007—6118

Agencies in this issue:

The Courts
Department of Agriculture
Department of Community and Economic
Development
Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
Public School Employees' Retirement Board
State Board of Nursing

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 360, November 2004

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

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

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

published weekly by Fry Communications, Inc. for the

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

Fry Communications, Inc.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2004 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT	
Notice of suspension	6018
LOCAL COURT RULES	
Carbon County	
Criminal fee schedule for court appointed counsel in non-homicide and homicide cases; 71 MI 04	6017
PHILADELPHIA RULES	
Philadelphia County	
Termination of inactive citations issued between December 13, 1990 and December 31, 1998; administrative order no. 01 of 2004	6017

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE	
Rules and Regulations	
Lifetime licensure of dogs	6019
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT	
Rules and Regulations	
Industrialized housing and components	6024
Notices	
Emergency shelter grant program	6054
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	
Notices	
Conservation and Natural Resources Advisory Council meeting	6054
Snowmobile and ATV Advisory Committee meeting ..	6055
DEPARTMENT OF EDUCATION	
Notices	
Application of Lebanon Valley College for approval of amendment of its articles of incorporation	6055
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Notices	
Applications, actions and special notices	6055
Availability of technical guidance	6105
Request for comment and notice of public meeting for the proposed total maximum daily load (TMDL):	
Elk Creek Watershed in Cambria County	6102
Little Deer Creek Watershed in Allegheny County	6102
Logway Run Watershed in Centre County	6100
Middle Branch Big Run Watershed in Centre County	6101
North Fork Beech Creek Watershed in Centre County	6101
Plum Creek Watershed in Allegheny County	6103
Solomon Creek Watershed in Luzerne County ..	6104
South Branch Blacklick Creek Watershed in Cambria and Indiana Counties	6103
Request for comment for the proposed total maximum daily loads (TMDLs) for an Unnamed Tributary (24679) to Trout Run in Elk County	6104
DEPARTMENT OF GENERAL SERVICES	
Notices	
State contracts information	6115
DEPARTMENT OF HEALTH	
Notices	
Application of St. Clair Hospital for exception	6106
Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee public meeting	6106
Pennsylvania Cancer Control Prevention and Research Advisory Board meeting	6106
Requests for exception; long-term care nursing facilities	6106
DEPARTMENT OF LABOR AND INDUSTRY	
Proposed Rulemaking	
Boiler and unfired pressure vessel regulations	6033
DEPARTMENT OF TRANSPORTATION	
Rules and Regulations	
Vehicles required to stop at railroad grade crossings	6031
Proposed Rulemaking	
Access to and occupancy of highways by driveways, local roads and structures; extension of public comment period	6053
Notices	
Section 5310 program State management plan change	6107
INDEPENDENT REGULATORY REVIEW COMMISSION	
Notices	
Action taken by the Commission	6107
Notice of comments issued	6108
Notice of filing of final rulemakings	6110
INSURANCE DEPARTMENT	
Notices	
Application for approval of a proposed merger (2 documents)	6111
LIQUOR CONTROL BOARD	
Notices	
Expiration of leases	6111
PENNSYLVANIA PUBLIC UTILITY COMMISSION	
Notices	
Continuation of fuel cost recovery surcharge	6112
Service of notice of motor carrier applications	6112

Now Available Online at <http://www.pabulletin.com>

6010

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 6113

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Notices

Hearing scheduled 6114

STATE BOARD OF NURSING

Notices

Application for licensure as a professional nurse
without examination of Marie A. Anders; doc. no.
0844-51-04 6114

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

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

1 Pa. Code (General Provisions)

Adopted Rules

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

4 Pa. Code (Administration)

Adopted Rules

1	2057, 2685
5	366, 2287
6 (with correction)	366, 2162, 2164, 2288, 3236, 4550
7	3238, 4013
91	1442
93	1442
95	1442
97	1442
99	1442
101	1442
105	1442
110	1442

Proposed Rulemaking

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

Statements of Policy

9	855, 1234, 1335, 1337, 1966, 2075, 2332, 2830, 3277, 3608, 3723, 4154, 4734, 5264
114	63

7 Pa. Code (Agriculture)

Adopted Rules

21	6019
76	4139
104	4573
130d	4575
138	2421
138e	2421, 4435
138l	2421

Proposed Rulemaking

76	831
104	561

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

Adopted Rules

145	6024
-----	------

Statements of Policy

123	488, 4925
-----	-----------

22 Pa. Code (Education)

Adopted Rules

11	5798
14	2324
403	2975, 3355, 3358

Statements of Policy

52	5267
----	------

25 Pa. Code (Environmental Protection)

Adopted Rules

86	388
109	1758, 1762, 3130, 4435
207	2041
215	3823
216	3823
217	3823
218	3823
219	3823
220	3823
221	3823
223	3823
224	3823
225	3823
226	3823
227	3823
228	3823
230	3823
240	3823

Proposed Rulemaking

83	4361
91	4353
92	4353
93	2067
401	1329
901	5557, 5559

28 Pa. Code (Health and Safety)

Adopted Rules

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

Proposed Rulemaking

25	5807
----	------

31 Pa. Code (Insurance)

Adopted Rules

146c	4146
147	4591
151	4598

Proposed Rulemaking

147	844
151	850
167	3255

34 Pa. Code (Labor and Industry)

Adopted Rules

401	319
403	319
405	319

Proposed Rulemaking

3	6033
3a	6033

Statements of Policy
 123 1684

37 Pa. Code (Law)
Adopted Rules
 41 5134

Proposed Rulemaking
 42 853
 91 3010
 93 3010
 94 3010
 191 5032
 411 5032

Statements of Policy
 200 2573

40 Pa. Code (Liquor)
Proposed Rulemaking
 1 3411
 3 3411
 5 3411
 7 3411
 9 3411
 11 3411
 13 3411
 15 3411

49 Pa. Code (Professional and Vocational Standards)
Adopted Rules
 3 (with correction) 1574, 1683, 3699
 7 2467
 9 235
 11 1768
 13 39
 15 4684
 16 40, 4686
 18 43
 19 3410, 4689, 4691, 4693
 23 1453, 4147
 25 47
 31 388
 33 2326, 4882
 35 4883
 39 4696
 40 3700, 4697

Proposed Rulemaking
 9 1948
 13 1961
 16 56, 1963
 17 4887
 21 851, 4890, 4897
 25 58, 563
 27 3146, 4901, 5598
 29 565, 4902
 31 1331
 33 1949, 5596
 35 61, 4913
 39 55
 41 60, 4903
 43b 5552
 45 3143
 47 4908
 48 4908
 49 4908

Statements of Policy
 43b 5809

52 Pa. Code (Public Utility)
Adopted Rules
 57 5135

Proposed Rulemaking
 1 5895
 3 5895
 5 5895
 29 3258
 31 3258
 62 2071
 63 1784, 1795
 101 3138

Statements of Policy
 41 3912

55 Pa. Code (Public Welfare)
Adopted Rules
 1150 3596
 3040 1575

Proposed Rulemaking
 41 4447
 285 1774
 1187 4462, 4465
 3040 5044
 3041 5044

Statements of Policy
 6000 1234

58 Pa. Code (Recreation)
Adopted Rules
 63 1231, 1232, 3598
 65 1231, 3599, 3600
 93 1231, 1232
 105 4444
 111 3601
 135 3703, 5153
 137 5154, 5155
 139 3704
 141 2328, 2825, 3710, 3711, 3712, 3713, 5156
 143 2826, 3713, 3715
 147 2329, 2827, 2828, 3716, 5157
 147a 2329
 147b 2329

Proposed Rulemaking
 51 5161
 61 3603
 63 1457
 65 1458, 1460, 1461, 3603, 4605, 5162
 69 3603
 91 (with correction) 4151, 4887
 103 4466
 105 4466
 107 4466
 111 (with correction) 4152, 4466, 4887
 135 1941, 3137
 137 3015
 139 1776
 141 484, 1781, 1941, 3016, 5164
 143 484, 1782, 1944, 5165
 147 485, 486, 1946, 3017, 3411, 5166, 5167

61 Pa. Code (Revenue)
Adopted Rules
 872 50
 873 4599

Proposed Rulemaking
 901 5563

64 Pa. Code (Securities)
Proposed Rulemaking
 203 5168
 303 5168
 304 5168
 404 5168

Adopted Rules
 207 1940

67 Pa. Code (Transportation)
Adopted Rules
 83 3718
 103 6031
 175 1327

Proposed Rulemaking
 63 5159
 86 5160
 88 4885
 94 4705
 102 5684
 103 843
 201 4712
 203 4712
 204 4712
 211 4712
 212 951, 4712
 217 4712
 441 5355, 6031

Statements of Policy
 86 567
 88 567
 214 5075

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 29 5887
 71 2062, 2063, 3102
 81 9, 2537, 4553, 4818, 5126
 83 1547, 2537, 5244
 85 948, 5013
 87 948
 89 948
 91 5013
 211 5888

Proposed Rulemaking
 71 1749
 81 1752, 5549
 83 1749, 3243, 3245, 3862, 4682
 303 5748

210 Pa. Code (Appellate Procedure)
Adopted Rules
 1 1670
 9 1670
 11 1670
 13 1670
 15 1670, 3862, 5677
 17 1670, 3870
 19 2064
 21 1320, 2688, 5888
 31 2688
 33 3870
 37 2688
 65 379

Proposed Rulemaking
 3 5014

225 Pa. Code (Rules of Evidence)
Adopted Rules
 VII 2065
 IX 1492

Proposed Rulemaking
 I 2689
 VI 2987
 VIII 4020, 4021

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 9, 557, 3103, 3677, 4107, 4879, 5351, 5889, 5890
 400 9
 1000 9, 1926, 4880, 5351, 5889
 1300 22
 1500 9, 5889
 1600 9
 1900 1754
 1910 1754
 1915 1754
 1920 1754
 1930 1754
 1940 4107
 2000 9
 2020 9
 2050 9
 2100 9
 2120 9
 2150 9
 2170 9
 2200 9
 2220 9
 2250 9
 2300 9
 2320 9
 2350 9
 2950 22, 5551, 5890
 3000 9, 22, 5889
 4000 9, 1926, 4881
 Part II 5891

Proposed Rulemaking
 1910 5246
 3000 476
 3300 476
 Part II 3104

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 1 1547, 1671, 1929, 2541, 2910, 3105, 5016, 5892
 4 1547, 1929
 5 1547, 1932, 2543, 2910, 3105, 5016
 6 3105
 7 1547, 3105
 8 3105
 9 1547, 1671, 3105
 10 5016

Proposed Rulemaking
 1 1429, 4412
 2 4412
 4 34, 4412
 5 4412
 6 2543

6016

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

300 2464
400 2465

Proposed Rulemaking

200 480
300 480
400 4022
500 480
1000 1933

249 Pa. Code (Philadelphia Rules)

Unclassified 36, 6017

252 Pa. Code (Allegheny County Rules)

Unclassified 2912

255 Pa. Code (Local Court Rules)

Unclassified 37, 231, 379, 482, 483, 557, 829,
830, 949, 1229, 1230, 1320, 1321, 1326, 1433, 1570,
1571, 1573, 1674, 1936, 1937, 2289, 2312, 2545,
2551, 2690, 2704, 2705, 2706, 2710, 2798, 2801,
2912, 2914, 2987, 2991, 2998, 3008, 3009, 3110,
3125, 3247, 3248, 3249, 3250, 3251, 3252, 3253,
3254, 3371, 3394, 3401, 3404, 3406, 3585, 3587,
3593, 3678, 3681, 3683, 3687, 3688, 3691, 3873,
3875, 3876, 3877, 3880, 3881, 3882, 3883, 3884,
3910, 3911, 4023, 4026, 4107, 4110, 4112, 4121,
4122, 4127, 4425, 4426, 4428, 4429, 4432, 4433,
4554, 4572, 4682, 4683, 4881, 5028, 5030, 5126,
5132, 5247, 5250, 5259, 5263, 5352, 5677,
5678, 5683, 5794, 5796, 6017

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Termination of Inactive Citations Issued Between
December 13, 1990 and December 31, 1998;
Administrative Order No. 01 of 2004

Order

And Now, this 28th day of September, 2004, the Traffic Court having determined that 190,803 citations issued between December 13, 1990 and December 31, 1998 have not resulted in a plea, payment, adjudication or judgment against the named Defendants; the Traffic Court having determined that there has been no activity on these citations for a period of two years or more, and that the citations are thus both legally and practically unenforceable; a Notice having been published in the *Legal Intelligencer* commencing on August 13, 2004, informing interested parties that a full list of citations to be terminated was available for public inspection at the Philadelphia Traffic Court for thirty days, and further notifying interested parties that unless they petitioned the Court to show cause why any citation on the termination list should not be removed from that list, the citations would be terminated;

Now, Therefore, there having been no objection to the termination of the citations, upon compliance with the Procedure for Terminating Inactive Traffic Court Citations pursuant to Pa.R.J.A. No. 1901, and as provided in Administrative Docket No. 1 of 2001,

It Is Hereby Ordered, Adjudged and Decreed that the 190,803 Traffic Court citations previously referenced, issued between December 13, 1990 and December 31, 1998, for which there has been no plea, adjudication or payment, and for which there has been a lack of activity for a period of two (2) years or more, shall be terminated effective immediately.

This Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedural Rules Committee, and the Minor Court Rules Committee. Copies of the Order shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania.

By the Court

FRANCIS E. KELLY,
President Judge
Traffic Court

[Pa.B. Doc. No. 04-1990. Filed for public inspection November 5, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Criminal Fee Schedule for Court Appointed Counsel in Non-Homicide and Homicide Cases; 71 MI
04

Administrative Order No. 23-2004

And Now, this 21st day of October, 2004, it is hereby *Ordered and Decreed* that, effective January 1, 2005, Carbon County *Amends* the following schedule for payment of court-appointed counsel in Non-Homicide and Homicide criminal cases as follows:

Non-Homicide Criminal Cases

1. Counsel shall be assigned to represent defendants charged with non-homicide criminal offenses or in any post-conviction proceedings, and juveniles formally charged with delinquency where a conflict of interest or other sufficient reason exists and the individual cannot properly be represented by the Public Defender's Office.

2. At the conclusion of the representation, or any segment thereof, counsel shall be compensated at a rate of forty dollars (\$40) per hour for time expended in Court and at a rate of thirty dollars (\$30) per hour for time reasonably expended out of Court and shall be reimbursed for all reasonable expenses. Such compensation shall not exceed four thousand dollars (\$4,000).

3. Where one or more felonies are charged or for proceedings under the Post Conviction Hearing Act, the compensation paid to an attorney shall not exceed one thousand five hundred dollars (\$1,500). Where only misdemeanors or juvenile delinquencies are charged, payment shall not exceed seven hundred and fifty dollars (\$750).

4. Investigative, expert, or other services authorized by Order of Court shall not exceed five hundred dollars (\$500) and are reimbursable upon completion of services.

Homicide Cases

1. Counsel appointed shall not exceed one, except in cases of extreme complexity and those involving the death penalty where a conflict of interest or other sufficient reason exists and the individual cannot properly be represented by the Public Defender's Office.

2. At the conclusion of the representation, or any segment thereof, counsel shall be compensated for services rendered at a rate of fifty dollars (\$50) per hour for time reasonably expended in Court, and forty dollars (\$40) per hour for time reasonable expended out of Court and shall be reimbursed for all reasonable expenses.

3. Such compensation shall not exceed four thousand dollars (\$4,000) where one counsel has been assigned,

and shall not exceed a total of six thousand (\$6,000) where two counsels have been assigned.

4. Investigative, expert, or other services authorized by Order of Court shall not exceed one thousand five hundred dollars (\$1,500) and are reimbursable upon completion of services.

It Is Further Ordered and Decreed that appointments made pursuant to this rule shall continue through all stages of the proceedings. Compensation payments shall be a charge upon the County of Carbon. Any payment in excess of the limits stated herein may only be made because of extraordinary circumstances that are necessary to provide fair compensation for representation and have been approved by the Court.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 04-1991. Filed for public inspection November 5, 2004, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Vincent James Milita, II, having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated October 22, 2004 suspending Vincent James Milita, II, from the practice of law in this Commonwealth for a period of three months, effective November 21, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-1992. Filed for public inspection November 5, 2004, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 21]

Lifetime Licensure of Dogs

The Department of Agriculture (Department), under the Dog Law (3 P. S. §§ 459-101—459-1205), adopts amendments to §§ 21.1 and 21.51 (relating to definitions; and lifetime dog license issuance). This final-omitted rulemaking is made under a suggestion from the Independent Regulatory Review Commission (IRRC) to toll the regulations delivered on September 1, 2004, to IRRC, the House and Senate Agriculture and Rural Affairs Committees (Committees) and the Office of Attorney General to add clarifying language to § 21.51(e)(6). Subsection (e)(6) has been modified to contain language that is consistent with the language and approach taken by the Department in § 21.51(c) and (e)(1) and (5). The language also provides flexibility if the State Board of Veterinary Medicine (Board), through its regulations, authorizes a person other than a licensed veterinarian to implant microchips. The modified language is contained in the first sentence of § 21.51(e)(6). Although it still references a veterinarian, it now contains language that would allow any other person authorized by the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.35) and the regulations promulgated thereunder to implant a microchip. This change is consistent with and within the scope of the recommendation suggested by IRRC. In addition, the Department modified language contained in sentences three and four of § 21.51(e)(6). The modified language is the same as set forth in the first sentence of § 21.51(e)(6) and serves to further clarify the intent of this subsection.

Authority

The Department has the power and authority to amend and adopt these regulations. This authority includes:

(1) The general duty to implement the policy set forth in section 101 of the act (3 P. S. § 459-101), which states this is an act “. . . relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs . . . providing for the abandonment of animals” and “providing for . . . liability of the owner of keeper of dogs for such damages.” The Department has a duty to assure the proper and humane licensure of dogs, to allow for the proper identification of dogs and a means by which a person may obtain reimbursement for certain dog-caused damages.

(2) The specific authority conferred by section 201 of the act (3 P. S. § 459-201) which bestows upon the Department the power to promulgate regulations regarding the lifetime licensure of dogs.

Need for the Amended Regulation and Reason for Submission as Final-Omitted

Public notice of intention to amend the lifetime licensure regulations under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(2)), known as the Commonwealth Documents Law (CDL), has been omitted as authorized under section 204(1) of the CDL (45 P. S. § 1204(1)), because the Department finds these procedures under the circumstances unnecessary because the amendments pertain to topics where comments from the public are not appropriate, necessary or beneficial.

The current lifetime licensure regulations of the Department are in direct conflict with the statutory provisions of the Veterinary Medicine Practice Act and therefore, must be amended. The Department is submitting the amended lifetime licensure regulations as a final-omitted rulemaking because the regulatory amendments are pursuant to a statutory amendment to the Veterinary Medicine Practice Act, which makes provisions of the current lifetime licensure regulations illegal. Therefore, this final-omitted rulemaking pertains to topics where comments from the public are not appropriate, necessary or beneficial.

The current lifetime licensure regulations in § 21.51 were published at 33 Pa.B. 1329 (March 15, 2003). The regulations were previously amended to effectuate amendments to the act, which became effective December 11, 1996. The amendments included changes to the licenses, tags and kennels provisions in sections 200—219 of the act (3 P. S. §§ 459-200—459-219), which contain the lifetime license provisions in section 201(b) of the act. The amendments to the act expanded the type of permanent identification means that could be utilized in conjunction with a lifetime license to include a microchip. The current lifetime licensure regulations allow the use of a microchip or a tattoo as a permanent means of identification, set forth who may apply a tattoo or implant of a microchip and delineate the procedure for obtaining a lifetime license. The regulations state that a tattoo “. . . shall be applied by a licensed veterinarian” (§ 21.51(d)(5)) and allow a microchip to be implanted by a licensed veterinarian or licensed kennel owner (§ 21.51(e)(1)). This language is now in direct opposition to provisions of the Veterinary Medicine Practice Act.

The Veterinary Medicine Practice Act was amended on December 9, 2002, and became effective 60 days later. The pertinent amendment to the Veterinary Medicine Practice Act involved changing the definition of the “practice of veterinary medicine” to specifically include implanting “. . . electronic identification, as determined by the board, upon any animal . . .” See section 3(10)(viii) of the Veterinary Medicine Practice Act (63 P. S. § 485.3(10)(viii)). The Department, upon learning of the amendment, requested that the Board inform the Department as to whether a microchip constituted electronic identification, “as determined by the board.” In addition, the Department sought clarification as to whether a tattoo fell under the definition of the “practice of veterinary medicine.” The Board responded that a microchip was electronic identification and the practice of implantation of a microchip was the “practice of veterinary medicine” and that application of a tattoo did not fall under the definition of the “practice of veterinary medicine.”

Given this information the current lifetime licensure regulations of the Department are in direct conflict with the statutory provisions of the Veterinary Medicine Practice Act and therefore, must be amended. This final-omitted rulemaking revises § 21.1 to include a citation for the Veterinary Medicine Practice Act and makes changes to § 21.51 that remove the mandate that only a licensed veterinarian may tattoo a dog and impose the restriction that a microchip must be implanted in a dog in a manner that is consistent with the provisions of the Veterinary Medicine Practice Act and its attendant regulations.

In the interest of continuing to carry out the policy of the act, which is to assure the health, safety and humane treatment of dogs, and to assure the regulations are consistent with the act and the Veterinary Medicine Practice Act, the Department has amended §§ 21.1 and 21.51, to effectuate the changes.

Comments

Although these regulations are being submitted as a final-omitted rulemaking, the Department under section 902 of the act (3 P. S. § 459-902), held a public hearing on May 24, 2004. Notice of the public hearing was published at 34 Pa.B. 2576 (May 15, 2004). In addition, members of the Dog Law Advisory Board, the Executive Directors of the Committees and other known interested parties, such as those who regularly attend public meetings of the Dog Law Advisory Board, were notified by regular mail. An official record of the public is available for public inspection.

The Department received four written comments regarding the final-omitted rulemaking and three persons presented testimony at the public hearing. All of the comments and testimony were in support of the changes. The only minor change made, based on a discussion with Counsel to the Board, was to include a reference to the regulations promulgated under the Veterinary Medicine Practice Act.

Fiscal Impact

Commonwealth

The final-omitted rulemaking will impose minimal costs and have minimal fiscal impact upon the Commonwealth. The changes will not increase or decrease the regulatory workload. The changes do not increase the scope of the regulations or the duties of the Department.

Political Subdivisions

The final-omitted rulemaking will impose no additional costs and have no fiscal impact upon political subdivisions. The changes merely set forth the requirement that microchips be inserted into a dog in a manner consistent with the provisions of the Veterinary Medicine Practice Act and remove the previous restriction requiring a veterinarian to administer a tattoo. The Department will be able to provide licensing agents with any additional information or training material necessary to clarify the provisions of the Veterinary Medicine Practice Act.

Private Sector

The final-omitted rulemaking may impose an increased cost with regard to implantation of a microchip, however the Veterinary Medicine Practice Act does provide an exemption, which allows the owner of a dog to implant a microchip in his own dog. The change removing the requirement that a veterinarian apply a tattoo will actually reduce the cost of applying a tattoo and allow more persons to profit. Furthermore, purchasing a lifetime license is voluntary and the regulations endeavor to streamline and provide as much flexibility to the process as is possible.

General Public

The final-omitted rulemaking will impose no additional costs and have no fiscal impact on the general public. The final-omitted rulemaking may impose an increased cost with regard to implantation of a microchip, however the Veterinary Medicine Practice Act does provide an exemption, which allows the owner of a dog to implant a microchip in his own dog. The change removing the requirement that a veterinarian apply a tattoo will

actually reduce the cost of applying a tattoo as a permanent means of identification. Once again, purchasing a lifetime license is voluntary and the regulations endeavor to streamline and provide as much flexibility to the process as is possible.

Paperwork Requirements

The final-omitted rulemaking will not result in any appreciable increase in paperwork.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: Rick Burd (717) 787-4833.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 1, 2004, the Department submitted a copy of this rulemaking with proposed rulemaking omitted to IRRC and to the Chairpersons of the Committees. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval as provided in Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5a(j.1) of the Regulatory Review Act, the final-omitted rulemaking was deemed approved by the Committees on October 6, 2004, and was approved by IRRC on October 7, 2004.

Findings

The Department finds that:

(1) Public notice of intention to amend the lifetime licensure regulations by this order under the procedures specified by sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(1) of the CDL because the final-omitted rulemaking pertains to topics where comments from the public are not appropriate, necessary or beneficial. The current lifetime licensure regulations of the Department are in direct conflict with the statutory provisions of the Veterinary Medicine Practice Act pertaining to the practice of veterinarian medicine and therefore, must be amended.

(2) The final-omitted rulemaking, in the manner provided in this order, is necessary and appropriate for the proper administration of its authorizing statute and to assure there is no conflict with another Commonwealth statute pertaining to the practice of veterinarian medicine.

(3) The modifications that were made to these regulations are intended to bring them into compliance with the provisions of the Veterinary Medicine Practice Act and its attendant regulations and do not increase the scope of the regulations.

Order

The Department, acting under authority of the authorizing statute, orders the following:

(1) The regulations of the Department, 7 Pa. Code Chapter 21, are amended by amending §§ 21.1 and 21.51 to read as set forth in Annex A.

(2) The Secretary of Department shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General for review and approval as to legality and form, as required by law.

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

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

DENNIS C WOLFF,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 34 Pa.B. 5859 (October 23, 2004).)

Fiscal Note: 2-146. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART II. DOG LAW ENFORCEMENT BUREAU

**CHAPTER 21. GENERAL PROVISIONS; KENNELS;
LICENSURE; DOG-CAUSED DAMAGES**

GENERAL PROVISIONS

§ 21.1. Definitions.

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

Account—The Dog Law Restricted Account under section 1001 of the act (3 P. S. § 459-1001).

Act—The Dog Law (3 P. S. §§ 459-101—459-1205).

Agent—A district justice or other person within the county authorized by the county treasurer or the Department to process and issue dog license certificates and tags, as set forth under section 200(a) of the act (3 P. S. § 459-200(a)).

Attending veterinarian—A person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education or has a Certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, and who is either a licensed doctor of veterinary medicine in accordance with the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33) or the holder of a valid temporary permit to practice veterinary medicine issued under authority of that act, and who has received training or experience in the care and management of dogs, and who is familiar with the relevant aspects of the kennel or kennel procedures with respect to which that person renders an opinion.

Department—The Department of Agriculture of the Commonwealth.

Domestic fowl—Chickens, turkeys, ducks, geese and guinea fowl.

Employee of the Department—An employee of the Department who is assigned responsibility in regard to enforcement of the act, including a State dog warden.

Housing facility—Any land, premises, shed, barn, building, trailer or other structure or area housing or intended to house dogs.

Licensed veterinarian—A licensed doctor of veterinary medicine as defined in section 901-A of the act (3 P. S. § 459-901-A).

Microchip—A passive transducer encapsulated in a biocompatible material activated by a 125-kilohertz scanner, or any similar device approved by the Department.

Primary conveyance—The main method of transportation used to convey dogs from origin to destination, such as a motor vehicle.

Primary enclosure—A structure used to immediately restrict a dog to a limited amount of space, such as a room, pen, run, cage, crate or compartment.

Rest board—A waterproof or water resistant platform that dogs may use to recline on, positioned off the floor of the kennel.

Sanitize—To make physically clean and to remove and destroy, to a practical minimum, agents injurious to the health of a dog.

Secretary—The Secretary of the Department or a person to whom authority has been delegated by the Secretary.

Veterinary Medicine Practice Act—63 P. S. §§ 485.1—485.35.

LICENSURE

§ 21.51. Lifetime dog license issuance.

(a) *Eligibility.* The owner of a dog 3 months of age or older may apply to the county treasurer or agent, on a form prescribed by the Department for a lifetime license.

(b) *Lifetime license requirement.* A lifetime license shall consist of the following:

(1) A lifetime license number issued by the county treasurer or agent and a tag bearing that lifetime license number.

(2) A tattoo or microchip permanently identifying the dog.

(c) *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the dog. The person applying for a lifetime license is responsible for having the dog tattooed or a microchip implanted to permanently identify the dog. Application of a tattoo or implantation of a microchip must be done in a manner consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 (relating to State Board of Veterinary Medicine).

(d) *Tattoo as permanent identification.* If the applicant chooses to have the dog tattooed as a means of permanent identification, the following rules and procedures apply:

(1) Prior to having the dog tattooed, the dog owner shall obtain and complete a lifetime license application from the county treasurer or agent of his respective county. The dog owner shall obtain and complete the lifetime license application in person or by mail and shall return the completed lifetime license application to the county treasurer or agent. The dog owner shall include the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act (3 P. S. §§ 459-200(b) and 459-201(b)), with the completed lifetime license application.

(2) Upon receipt of a completed lifetime license application the county treasurer or agent shall follow the procedures in subsection (g). If the lifetime license application is determined to be complete, the county treasurer or agent shall issue a lifetime license number as set forth in subsection (g) and issue a verification of permanent identification form, prescribed by the Department.

(3) Upon receiving the lifetime license number and verification of permanent identification form issued by the county treasurer or agent, the dog owner shall have the dog tattooed in accordance with this chapter.

(4) The tattoo number applied to the dog must be the same number as the lifetime license number issued by the county treasurer or agent.

(5) The tattoo must be applied on the right hind leg on the inner part of the upper thigh of the dog. The dog owner may have the letters "PA" tattooed on the dog immediately preceding the tattoo number.

(6) The dog owner and the person applying the tattoo shall complete, date and sign the verification of permanent identification form for the dog receiving the tattoo and return it to the county treasurer or agent that issued the lifetime license number and tag. The verification of permanent identification form must set forth the exact number tattooed on the dog, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it must contain the name, address and phone number of the dog's owner and the name, address and phone number of the person applying the tattoo.

(7) The dog owner shall have 30 days from receipt of a lifetime license number and verification of permanent identification form to have the dog tattooed and return the verification of permanent identification form to the county treasurer or agent that issued the lifetime license number.

(8) Upon receiving the completed verification of permanent identification form, the county treasurer or agent shall issue the lifetime license and tag to the dog owner.

(9) A dog owner who fails to have the dog tattooed and return the completed verification of permanent identification form to the issuing county treasurer or agent within 30 days after receiving a lifetime license number and verification of permanent identification form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52 (relating to recordkeeping for lifetime dog licenses). The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(e) *Microchip as permanent identification.* If the applicant chooses to have a microchip implanted in the dog as a means of permanent identification, the following rules and procedures apply:

(1) The dog owner shall have a microchip implanted in the dog in a manner consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 (relating to State Board Veterinary Medicine). The microchip implanted shall be of a type consistent with the definition of "microchip" in § 21.1 (relating to definitions) and shall be implanted in accordance with the manufacturer's specifications.

(2) The dog owner shall obtain and complete both a lifetime license application and a verification of permanent identification form prescribed by the Department.

(3) The dog owner shall obtain a lifetime license application from the county treasurer or agent of his respective county. The dog owner may obtain the lifetime license application in person or by mail.

(4) The lifetime license application may be obtained and completed either prior to or after implantation of a microchip in the dog. The application and a verification of permanent identification form must be completed and

signed prior to the issuance of a lifetime license and tag. The final packet submitted by the dog owner to the county treasurer or agent must contain the properly completed lifetime license application and verification of permanent identification form and the appropriate fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(5) If the dog owner obtains a lifetime license application prior to having a microchip implanted in the dog, the dog owner may request and the county treasurer or agent shall issue a verification of permanent identification form along with the lifetime license application. If the dog owner has not yet applied for a lifetime license prior to implantation of the microchip, the licensed veterinarian implanting the microchip shall supply the verification of permanent identification form. A licensed veterinarian shall obtain the verification form from the Department. When the dog owner, consistent with the provisions of the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31, personally implants the microchip in his own dog the dog owner may obtain the verification of permanent identification form from the county treasurer or agent and shall fill out the required information.

(6) The dog owner and when the dog owner does not implant the microchip himself but, instead has a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 implant the microchip, the licensed veterinarian shall complete, date and sign the verification of permanent identification form for the dog in which the microchip is implanted. The completed verification of permanent identification form must set forth the identifying number of the microchip implanted, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it shall contain the name, address and phone number of the dog's owner and when a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 has implanted the microchip, the name, business address and phone number of the licensed veterinarian. If a licensed veterinarian or person authorized to implant a microchip consistent with the Veterinary Medicine Practice Act and 49 Pa. Code Chapter 31 implants the microchip, the licensed veterinarian shall set forth his veterinary practice license number on the verification of permanent identification form.

(7) The dog owner shall complete the lifetime license application and take or mail the completed lifetime license application and verification of permanent identification form to the county treasurer or agent of his respective county.

(8) Upon receiving a properly completed lifetime license application and verification of permanent identification form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(9) A dog owner who fails to have the dog microchipped and return the completed verification of permanent identification form to the issuing county treasurer or agent within 30 days after receiving a lifetime license number and verification of permanent identification form shall be in violation of the licensure provisions of the act and this chapter and subject to the penalties prescribed therein. In addition, the lifetime license number and tag shall be void. The issuing county treasurer or agent shall return

the lifetime license fee to the dog owner and record and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act.

(f) *Dog previously microchipped.* If a person has already had a microchip implanted in his dog and seeks to obtain a lifetime license for the dog, the applicant is not required to have a new microchip implanted in the dog as a means of permanent identification. Instead the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of permanent identification form prescribed by the Department. The lifetime license application may be obtained and completed either prior or subsequent to having the dog scanned for a microchip as set forth in this subsection. The verification of permanent identification form must be filled out at the same time the dog is scanned.

(2) Have a licensed veterinarian or kennel owner scan the dog to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The dog owner and the licensed veterinarian or kennel owner shall complete, date and sign the verification of permanent identification form for the dog in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the dog by breed and delineate the dog's age, sex, color and markings and whether the dog has been spayed or neutered. In addition, it must contain the name, address and phone number of the dog's owner and the name, business address and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his veterinary practice license number on the verification of permanent identification form.

(4) The dog owner or licensed veterinarian may obtain a verification of permanent identification form.

(i) The dog owner may obtain a verification of permanent identification form, along with a lifetime license application, from the county treasurer or agent in his respective county of residence prior to scanning of the dog for an existing microchip. If the dog owner takes his dog to a licensed veterinarian for implantation of the microchip and has not yet applied for a lifetime license, the licensed veterinarian shall supply the verification of permanent identification form.

(ii) A licensed veterinarian shall obtain verification of permanent identification forms from the Department.

(5) The dog owner shall deliver to the county treasurer or agent, in person or by mail, the properly completed lifetime license application and verification of permanent identification form and the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act.

(6) Upon receiving a properly completed lifetime license application and verification of permanent identification form, as well as the appropriate fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, the county treasurer or agent shall issue a lifetime license number and tag as set forth in subsection (g).

(g) *County treasurer or agent procedure for issuance of lifetime license.*

(1) *General.*

(i) *One lifetime license per lifetime license application.* A lifetime license application must be completed for each dog for which a lifetime license is requested. The county treasurer or agent shall issue only one lifetime license and tag for each properly completed lifetime license application. The county treasurer or agent shall collect the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, for the lifetime license before issuing the lifetime license and tag.

(ii) *Assignment of lifetime license number.* The lifetime license must list a number. The county treasurer or agent shall assign a lifetime license number for each dog for which a properly completed lifetime license application has been submitted and approved. The county treasurer or agent shall issue the lifetime license number on the lifetime license certificate and tag. The number shall be at least six digits with the first two digits designating the county. For example, Adams County number must begin with 01; York County, with 67. The county number must be followed by at least four digits assigned by the county treasurer or his agent. For example, the lifetime license number assigned by York County for the first dog licensed would be 670001.

(2) *Tattoo procedure.* If the dog owner intends to tattoo the dog as the means of permanent identification the dog owner shall complete a lifetime license application and pay the applicable fees, as set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing a lifetime license and tag. The county treasurer or agent, upon receipt of a properly completed lifetime license application and the applicable fees, shall complete the lifetime license from information on the lifetime license application. The county treasurer or agent shall assign a lifetime license number as set forth in paragraph (1)(ii) and issue a verification of permanent identification form, prescribed by the Department, to the dog owner. The dog owner shall have 30 days from receipt of a lifetime license number and verification of permanent identification form to have the dog tattooed and return a completed verification of permanent identification form to the issuing county treasurer or agent. If the dog owner fails to return the verification of permanent identification form within the 30-day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

(3) *Microchip procedure.* If the dog owner intends to use a microchip as the means of permanent identification, the dog owner may have a microchip implanted in the dog prior to completing an application for a lifetime license. The dog owner shall complete a lifetime license application and verification of permanent identification form and pay the applicable fees, set forth on the lifetime license application and in sections 200(b) and 201(b) of the act, prior to the county treasurer or agent issuing the lifetime license and tag. The county treasurer or agent shall, upon request of the dog owner, issue a lifetime license application and a verification of permanent identification form. Upon receiving a completed lifetime license application, verification of permanent identification form and the

applicable fees, the county treasurer or agent shall complete the lifetime license from information on the lifetime license application and verification of permanent identification form, assign a lifetime license number as set forth in paragraph (1)(ii) and issue the lifetime license and tag. The county treasurer or agent may not issue a lifetime license and tag until the dog owner has properly completed both the lifetime license application and the verification of permanent identification form. The county treasurer or agent shall record both the lifetime license number issued and the microchip number set forth on the verification of permanent identification form. The dog owner shall have 30 days from receipt of a verification of permanent identification form to have a microchip implanted in the dog or have a currently microchipped dog scanned and return a completed verification of permanent identification form to the issuing county treasurer or agent. If the dog owner fails to return the verification of permanent identification form within the 30 day time period, the issuing county treasurer or agent shall void the lifetime license, refund the lifetime license fee, record and designate the lifetime license number as void and report the noncompliance to the Department as set forth in § 21.52. The issuing county treasurer and, if applicable, the agent shall retain the applicable issuance fees, set forth in section 200(b) of the act. The lifetime license number may not be reissued to future applicants other than the original applicant.

[Pa.B. Doc. No. 04-1993. Filed for public inspection November 5, 2004, 9:00 a.m.]

Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Industrialized Housing and Components

The Department of Community and Economic Development (Department), under the authority of section 5 of the Industrialized Housing Act (act) (35 P. S. § 1651.15), amends Chapter 145 (relating to industrialized housing and components).

The purpose of the final-form rulemaking is to further clarify and strengthen the Department's and third parties' roles in monitoring the installation of industrialized housing; adopt the "ICC International Building Code"; update definitions to bring them into conformance with current terminology and with proposed changes to the placement of insignia of certification; place the determination regarding the frequency of inspection reports on the inspection agency; require manufacturers to ensure that instructions for installation are given to those installing industrialized housing; and increase the fees charged by the Department to offset increases in the cost of administering and enforcing the industrialized housing program.

Introduction

The act authorizes the Department to establish uniform State standards and procedures for the identification, inspection of, manufacture and assembly, and certification of industrialized housing and those components forming

integral parts of housing structures for use in communities in this Commonwealth. The purpose of this final-form rulemaking is to ensure that industrialized housing and housing components intended for sale, lease or installation for use in this Commonwealth will be manufactured, transported and installed onsite in compliance with the uniform standards in this final-form rulemaking.

The Department received comments from the Modular Building Systems Association (Association) and the Independent Regulatory Review Commission (IRRC). The Association voiced concerns that amendments to § 145.53 (relating to variations) could be interpreted to require a third party to review and approve plans for every model that goes on line. This was not the Department's intent and the language has been revised to clarify that only material deviation from variations contained within the approved building system documentation have to be approved prior to the start of construction.

IRRC voiced several concerns. The first involved an exception added to § 145.36 (relating to applicability of locally-enacted codes and ordinances) which would have permitted the final-form rulemaking to apply to local codes, ordinances or regulations where local codes, ordinances or regulations would preclude the siting of industrialized housing in a manner that does not show a reasonable relationship to legitimate public health, safety or welfare considerations. Because this exception was added for the sole purpose of alerting consumers and local governments that these preclusions are unconstitutional, the Department has removed this exception, even though the Department is confident that it has the statutory authority to create such an exception based upon the decision rendered in *Geiger v. Zoning Hearing Board of the Township of North Whitehall*, 507 A.2d 361 (1986).

The second concern was the same as that voiced by the Association. The third involved a perceived failure on the part of the Department to set criteria to be used to judge "in a manner and frequency necessary" in § 145.72a (relating to frequency of inspections), as well as the lack of a specified time frame for production of onsite inspection documentation. In response to these concerns, the Department has added language referencing the criteria in § 145.72a(e), as well as language indicating that the onsite inspection documentation shall be provided within 30 days of the Department's request for the information.

The final concern involves the deletion of the word "shall" and the insertion of the words "may be required to" in § 145.94(e) (relating to fees) and the necessity of the unchanged language in § 145.94(f). In response, the Department has changed the language back to its original state so that the payment is now mandatory, but has decided that the language in § 145.94(f) should remain.

Additionally, the Department received some informal comments from the Department of Labor and Industry (L & I). L & I's first concern involved a possible conflict between the stair geometry provided for in sections 301(a)(6) and 304(a)(2) of the Pennsylvania Construction Code Act (35 P. S. §§ 7210.301(a)(6) and 7210.304(a)(2)) and that which is permitted under this final-form rulemaking, even though the current amendment to this final-form rulemaking did not change the stair geometry requirement for industrialized housing. This issue has been resolved because the Pennsylvania Construction Code Act has been amended by the act of February 19, 2004 (P. L. 141, No. 13) to provide for the same stair geometry as specified in the industrialized housing regulations. L & I's next concern involved the inclusion of the "ICC International Building Code" in § 145.41(a)(1) (re-

lating to adoption of standards) as the ICC does not apply to residential construction. "Industrialized housing" is defined as a structure primarily for residential occupancy and classified within Use Group R. "Use Group R" is defined in the ICC as including boarding houses, hotels and motels. The "ICC International Building Code" sets the requirements for these structures. L & I requested that the Department incorporate the "International Residential Code for One and Two Family Dwellings" into this final-form rulemaking. The "International Residential Code for One and Two Family Dwellings" is already incorporated in § 145.42 (relating to alternate standards).

L & I's last concern was that this final-form rulemaking should include reference to the "Uniform Construction Code" in the definition of "building system documentation" in § 145.1 (relating to definitions) and in § 145.36. The act and this final-form rulemaking do not preclude the activities provided for in the "Uniform Construction Code" such as permitting and inspection, alterations, repairs or additions to the industrialized housing unit after delivery to the site and connection to required utilities. However, blanket citation of the "Uniform Construction Code" could be a cause of confusion. Activities not addressed in these regulations are subject to the "Uniform Construction Code." For the previous reasons, none of L & I's concerns resulted in changes to this final-form rulemaking as proposed.

Analysis

Section 145.1 is amended to include within the definition of "building system documentation" the installation component; to delete the term "mobile home" and replace it with the updated term "manufactured home"; to add the term "module" which permits the further delineation of the broader term "industrialized housing"; and to include a definition for the acronym "ICC."

The proposal to amend § 145.36 has been withdrawn. The language originally proposed attempted to prevent local authorities from prohibiting the installation of industrialized housing unless the local authorities show a legitimate threat to the public health, safety or welfare.

Section 145.41 is amended to recognize the adoption of the "ICC International Building Code" and to further control the identification of materials used in the construction of industrialized housing.

Section 145.42 is amended to recognize the adoption of the "ICC International Residential Code."

Section 145.47 (relating to acquisition of adopted codes and amendments) is amended to add the address from which copies of the ICC codes can be obtained.

Section 145.53 is amended to include a requirement that any material deviation from variations contained within the approved building system documentation must be approved by the evaluation agency, consistent with this chapter, prior to the start of construction.

Section 145.60 (relating to insignia of certification) is amended to require insignia of certification on each module of industrialized housing, rather than requiring only one insignia of certification for the entire industrialized housing structure. Under the existing regulations, one fee is paid regardless of the size of the structure. The final-form rulemaking evenly distributes the cost based upon the number of modules used in the industrialized housing structure. The larger the structure, the larger the fee.

Section 145.61 (relating to insignia of inspection agencies) is amended to require inspection agency to attach insignia of certification on each module of industrialized housing.

Section 145.62 (relating to data plates) is amended to reflect the existence of multiple insignia of certification numbers to be affixed to the data plate in an industrialized housing structure.

Section 145.72a(d) is amended to replace the minimum required number of inspections to be made by inspection agencies with a subjective determination, based on factors established in § 145.72a(e), to be made by the inspection agencies and to include a requirement that documentation of onsite inspections be on file in each manufacturing facility and be provided to the department within 30 days of the Department's request for such documentation.

Section 145.82 (relating to issuance of building permits) is amended to require, among other things, that the application for a building permit be consistent with the approved building system documentation.

Section 145.91 (relating to reports to the Department) is amended to require the preparation and submission of a site installation inspection report, which form will now be required to be furnished by the manufacturer as part of their approved compliance control program, for all installations of industrialized housing or housing components for use on a site in this Commonwealth. This report is currently required only when installation occurs on a site in this Commonwealth without a local enforcement agency.

Section 145.94 is amended to: increase the fees charged by the Department for the industrialized housing program; delete proposed language which would have given the Department the discretion not to charge fees where the Department is authorized to monitor, inspect or evaluate industrialized housing; and delete the "\$15 per housing component produced" fee for inspection and follow-up services.

Fiscal Impact

Commonwealth. Increased fees generated from this final-form rulemaking will allow the Department to continue to effectively administer and enforce the industrialized housing program. Funds are currently insufficient to run the program.

Political Subdivisions. None.

Public. Evaluation and inspection agencies will be required to pay higher application and reapproval fees. Manufacturers will be required to pay higher fees for insignia of certification for each module of industrialized housing and housing components. However, the current fees are low in comparison to other states and have not been increased since 1979.

Paperwork

The final-form rulemaking will require persons installing industrialized housing to prepare and submit a site installation inspection report in all cases, not just in jurisdictions without local enforcement.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 9, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 5075 (October 12, 2002), to IRRC and the Chairpersons of the House Commerce and Eco-

conomic Development Committee and the of the Senate Community and Economic Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 25, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 26, 2004, and approved the final-form rulemaking.

Effective Date/Sunset Date

The final-form rulemaking will take effect upon publication in the *Pennsylvania Bulletin*. The final-form rulemaking will be monitored on a regular basis and updated as needed.

Contact Person

For an explanation of the final-form rulemaking, contact Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7314.

Findings

The Department finds that:

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

(2) The amendments are necessary and appropriate.

Order

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

(a) The regulations of the Department, 12 Pa. Code Chapter 145, are amended by amending §§ 145.1, 145.41, 145.42, 145.47, 145.53, 145.60—145.62, 145.72a, 145.82, 145.91 and 145.94 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

DENNIS YABLONSKY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 5019 (September 11, 2004).)

Fiscal Note: Fiscal Note 4-72 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS

GENERAL PROVISIONS

§ 145.1. Definitions.

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

* * * * *

Building system documentation—The plans, specifications and other documentations which together describe industrialized housing or a housing component including variations and installation detail, consistent with § 145.41 or § 145.42 (relating to adoption of standards; and alternate standards).

* * * * *

Housing component—A manufactured subsystem or subassembly, designed for use as an integral component part of a structure designed primarily for residential occupancy, which contains concealed parts or processes of manufacture that cannot be inspected at the site without disassembly, damage or destruction and which is identified in § 145.35 (relating to applicability of Fire and Panic Act) as being subject to this chapter.

Housing structure—A structure designed primarily for residential occupancy.

ICC—International Code Council.

* * * * *

Manufactured home—

(i) A structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected onsite, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

(ii) The term includes any structure which meets the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

(iii) The term does not include any self-propelled recreational vehicle.

Manufacturing facility—A place, other than the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming or assembling industrialized housing or housing components.

Module—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.

* * * * *

STANDARDS

§ 145.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing and housing components for purposes of this chapter:

(1) The ICC International Building Code, with the following exceptions:

- (i) The specific article on energy conservation.
(ii) A manufacturer may elect to utilize the 1993 BOCA National Building Code, section 1014.6, exception # 8, with regard to stair geometry (rise & run).
(2) The ICC International Mechanical Code.
(3) The ICC International Plumbing Code.
(4) The National Electrical Code (NFPA No. 70).

(b) Except as provided in § 145.43 (relating to amendment policy), the codes shall be the latest edition including supplements. The effective date of all code changes or supplements shall be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

(c) Insulation requirements shall have the following minimum thermal resistance ("R" values) through building sections—the total "R" value of a building section may be calculated by simply adding the individual "R" values of a building components—with the exception that the stated "R" value of one assembly, such as roof/ceiling, or wall or floor, may be increased and the "R" value for other components decreased if the overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance to the following individual requirements or the standards:

- (1) Ceilings adjacent to unheated areas: R=30.
(2) Exterior walls and partition walls between heated and unheated areas: R=16.
(3) Foundation walls applicable to heated basements and crawl spaces: R=10.
(4) Partition walls between apartments and other heated areas: R=11.
(5) Floors over areas open to the outside and crawl spaces if foundation walls are not insulated in accordance with paragraph (3): R=19.
(6) Floors over unheated basements: R=11.
(7) Entrance doors: R=4.
(8) Supply ducts in unheated areas: R=5.
(9) Return ducts in unheated areas: R=3.5.
(10) Edge insulation for concrete slabs: R=8.
(11) Windows must be double glazed or single glazed plus storm windows.
(12) Vapor barriers, weather stripping and still sealer must be used where applicable.
(13) Ventilation must be provided for the air spaces between insulated ceilings and roofs.

(d) Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. Industrialized-modular-housing dealers, builders or contractors may supply and install

the required floor or foundation wall insulation. If the dealer, builder or contractor supplies and installs the required floor or foundation wall insulation, an assignment of responsibility shall be used. The assignment of responsibility shall be signed by the authorized respective dealer, builder or contractor prior to the industrialized-modular-housing unit leaving the manufacturing plant. A manufacturer is required to retain the copies of the assignment of responsibility sheets in his files for inspection by the Department. Periodic inspections will be made on units with dealer, builder or contractor-installed floor or foundation wall insulation. Assignment of responsibility shall be on forms provided by the Department which will conform to the following:

ASSIGNMENT OF RESPONSIBILITY

To: _____

I HEREBY ASSUME FULL RESPONSIBILITY FOR COMPLYING WITH THE FLOOR AND/OR FOUNDATION WALL INSULATION REQUIREMENTS AS MANDATED BY AMENDMENT TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT RULES AND REGULATIONS UNDER THE PENNSYLVANIA INDUSTRIALIZED HOUSING ACT OF MAY 11, 1972.

THIS ASSIGNMENT OF RESPONSIBILITY SHALL APPLY TO THE FOLLOWING HOME(S):

DEALER NAME: _____
CUSTOMER NAME: _____
MODEL: _____
SERIAL NO.: _____
_____ Date: _____

AUTHORIZED SIGNATURE
DEALER, BUILDER, CONTRACTOR

(TO BE COMPLETED AND RETURNED TO THE ABOVE ADDRESS WITH SIGNED CONFIRMATION.)

(e) The provisions of the codes in subsection (a) that relate specifically to the interpretation, administration and enforcement of the codes and to matters which are not within the authority conferred on the Department by the act and this chapter are not adopted under this chapter and are not applicable in the administration and enforcement of this chapter. If there is an inconsistency or conflict between the provisions of a code adopted under this chapter and this chapter, this chapter will prevail.

(f) Only listed and labeled materials listed for use as documented shall be used in all construction.

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

- (1) ICC International Residential Code except that with regard to stair geometry (rise and run), a manufact-

urer may elect to utilize the 1992 CABO One and Two Family Dwelling Code, Section R-213.1, Figure No. R-213.1; and HUD Minimum Property Standards for One and Two Family Dwellings (24 CFR 200.926 (relating to minimum property standards for one- and two-family dwellings)).

(2) Insulation requirements and minimum requirements of § 145.41(c)(1)–(13).

(3) Electrical Code for One and Two Family Dwellings, NFPA No. 70.

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition including supplements. The effective date of code changes or supplements must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

§ 145.47. Acquisition of adopted codes and amendments.

(a) Copies of the ICC International Building Code, ICC International Residential Code, ICC International Mechanical Code and ICC International Plumbing Code adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards) may be obtained from:

International Code Council
5203 Leesburg Pike
Suite 708
Falls Church, Virginia 22041-3401.

(b) Copies of the National Electrical Code, adopted under §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards), including supplements, may be obtained from:

National Fire Protection Association
Battery March Park
Quincy, Massachusetts 02269

(c) Copies of the 1993 BOCA National codes adopted in part under § 145.41, may be obtained from:

Building Officials and Code
Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, Illinois 60477

(d) Copies of other alternate standards adopted under § 145.42, including supplements, may be obtained from:

Standard	Address
CABO One and Two Family Dwelling Code (1992 edition)	Building Officials and Code Administrators International, Inc. 4051 West Flossmoor Road Country Club Hills, Illinois 60477

(e) The Department will provide, on request, a copy of currently applicable amendments of and additions to codes which are adopted under this chapter and are not published by NFPA, BOCA, ASHRAE or NCSBCS, as the case may be. The Department may charge a reproduction and handling fee not to exceed \$25, plus applicable postage, for each set of amendments and additions.

CERTIFICATION

§ 145.53. Variations.

Building system documentation approved under § 145.52 (relating to approval of building system documentation) may contain variations or a range of variations for one or more elements of the industrialized housing or housing components described in the building system documentation, provided that the approved build-

ing system documentation conforms to all of the applicable requirements of the applicable codes and standards under each variation or set of variations within the range of variations. Any material deviation from variations contained within the approved building system documentation must be approved by the evaluation agency, consistent with this chapter, prior to the start of construction.

§ 145.60. Insignia of certification.

(a) Certified industrialized housing constituting a single dwelling unit must bear insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). The manufacturer shall permanently attach the insignia of certification for each module to the data plate located in a visible location in the utility room or utility area or other area identified in the building system documentation and in the Building System Approval Report as provided in § 145.62(a) (relating to data plates). Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED HOUSING

Serial No.

This insignia certifies that this dwelling unit of industrialized housing has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act, Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12, and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(b) Each certified housing component must bear an insignia of certification. The insignia of certification must be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification to the housing component in a visible location identified in the building system documentation and in the Building System Approval Report. Each insignia of certification must bear an insignia serial number furnished by the Department and shall contain the following language:

INSIGNIA OF CERTIFICATION FOR HOUSING COMPONENTS

Serial No.

This insignia certifies that this housing component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act, Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12, and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania. If the size, shape or other physical characteristic of the housing component make impractical the use of such insignia of certification, the Department may specify such alternative forms of insignia as may be appropriate.

(c) Insignia of certification issued by the Department will be of a size and design and of materials and will provide for the methods of attachment as determined by the Department.

§ 145.61. Insignia of inspection agencies.

(a) The inspection agency shall attach its label, seal or other insignia to the data plate for each industrialized housing module.

(b) The inspection agency shall attach its label, seal or other insignia or other identification to each housing component which is transported to the building site for installation in a housing structure and to each separate element, if any, of the housing component which is transported to the building site for assembly and installation.

(c) The label, seal or other insignia of the inspection agency must identify the name and address of the inspection agency and have a serial number. In other respects, the inspection agency may design its label, seal or other insignia as it wishes, provided that the label, seal or other insignia does not contain statements which the Department determines are inconsistent with the act or this chapter. Each label, seal or other insignia must be attached in a clearly visible location to the housing component or element of the industrialized housing or housing component, as applicable, by the time of its arrival at the building site, but the label, seal or other insignia may be covered up during the process of assembly and installation at the building site so that it is not permanently visible.

§ 145.62. Data plates.

(a) A dwelling unit of certified industrialized housing must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location in the utility room or utility area, if feasible, and otherwise in other areas identified in the building system documentation. The data plate must contain sufficient space to permit the attachment of insignia of certification as provided in § 145.60(a) (relating to insignia of certification) and of the label, seal or other insignia of the inspection agency as provided in § 145.61(a) (relating to insignia of inspection agencies). The data plate must contain, but not be limited to, the following information:

- (1) Name of manufacturer.
- (2) Address of principal office of manufacturer.
- (3) Address of manufacturing facility where the industrialized housing or its principal elements were produced.
- (4) Manufacturer's model name.
- (5) Manufacturer's serial number for dwelling unit and date of manufacture.
- (6) Inspection and evaluation agencies' serial numbers.
- (7) Department insignia of certification numbers.
- (8) Serial or other identifying numbers of each module of industrialized housing.
- (9) Minimum Btu output of furnace needed to maintain average 70°F interior temperature at outside design temperature of _____ F.
- (10) Annual degree days for which the house has been designed.
- (11) Snow loads—maximum.
- (12) Wind loads—maximum.
- (13) Floor loads—maximum, sleeping/nonsleeping.
- (14) Other special environmental factors.
- (15) Tests required and actually conducted.

(b) A housing structure containing certified housing components shall contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location in the utility room or utility area, if feasible, and otherwise in other areas identified in the plans for the housing structure. The insignia of certification of the Department may not be attached to the data plate. The data plate must contain, but not be limited to, the following information relating to the housing components:

- (1) Name of manufacturer.
- (2) Address of principal office of manufacturer.
- (3) Address of manufacturing facility where housing components were produced.
- (4) Manufacturer's model name.
- (5) Manufacturer's serial number for housing components.
- (6) Inspection and evaluation agencies' serial numbers.
- (7) Serial number of Department's insignia of certification attached to each housing component.
- (8) Snow loads—maximum.
- (9) Wind loads—maximum.
- (10) Other special environmental factors, if applicable.
- (11) Applicable codes, including name of code, edition, year of publication and applicable supplement, if any.
- (12) Date data plate attached to dwelling unit.
- (13) Tests required and actually conducted.

(c) Additional information may be included on the data plate for dwelling units of certified industrialized housing and housing structures containing certified housing components if there is no conflict with the requirements of the act or this chapter. If less than the minimum data required in this section is deemed necessary, prior approval shall be obtained from the Department.

(d) To insure that proper installation equipment is utilized for the lifting of industrialized housing units or housing components, a manufacturer shall indicate on the data plate the total shipping weight in tons per component.

THIRD-PARTY AGENCIES

§ 145.72a. Frequency of inspections.

(a) In carrying out its monitoring responsibilities under § 145.72(1) and (2) (relating to responsibilities of inspection agencies), an inspection agency shall observe the following minimum frequency of inspection requirements for factory inspections when the inspection agency label is being attached to every dwelling unit produced in the factory:

- (1) The inspection agency shall inspect each major subsystem of each unit produced by the factory during its start-up period or during the inspection agency's initial work at the factory.
- (2) At any time after a minimum of ten complete units have been inspected as required by paragraph (1), the inspection agency may reduce the frequency of inspection, but not to less than a 20% frequency of inspection level. A "20% frequency of inspection" means that the inspection agency will inspect either one complete dwelling unit (including four major subsystems) out of every five dwelling units produced or one-fifth of major subsystems

approximately evenly distributed among a larger sampling of dwelling units, that is 20 major subsystems in 25 dwelling units of production.

(b) In carrying out its monitoring responsibilities under §§ 145.72(1), an inspection agency shall inspect every major subsystem of every dwelling unit produced which is to bear the insignia of certification when the inspection agency label is not being attached to every dwelling unit produced in the factory.

(c) An inspection agency's monitoring responsibilities under § 145.72(1) and (2) shall include the periodic inspection of the storage and transportation methods and facilities employed by or on behalf of the manufacturer for as long as the manufacturer retains title to or effective control over the dwelling units to insure that the units are not altered from the manner in which they were approved.

(d) In carrying out its monitoring responsibilities under § 145.72(1) and (2) an inspection agency shall inspect industrialized housing at the site after installation is complete in a manner and frequency, consistent with factors set forth in subsection (e), necessary to confirm that the manufacturer's approved compliance control program is effective in assuring installation consistent with the manufacturer's approved building system documentation. Documentation of the onsite inspections must be on file in each manufacturing facility and be provided to the Department within 30 days of the Department's request for the documentation.

(e) The minimum frequency of inspection requirements of this section are not intended to substitute for the professional judgment of an inspection agency in determining whether a greater frequency of inspections is necessary to discharge its responsibilities properly. Factors that should be considered in establishing an appropriate frequency of inspection level for any manufacturer are the production volume of the factory, the design complexity of the dwelling units, the qualifications of the manufacturer's compliance control personnel and the experience record of the manufacturer.

LOCAL ENFORCEMENT AGENCIES

§ 145.82. Issuance of building permits.

(a) A person seeking a building permit from a local enforcement agency for industrialized housing or a housing structure in which will be installed housing components shall furnish a statement signed by the person seeking the building permit or, if a corporation, by an officer or authorized representative of the corporation, that the work to be performed under the building permit will include the installation of certified industrialized housing or certified housing components, bearing the insignia of certification issued by the Department under the act and this chapter.

(b) The local enforcement agency may not withhold the issuance of a building permit for certified industrialized housing or a housing structure in which will be installed certified housing components if the applicant submits the documents required by this section, and the application for a building permit complies with applicable locally-enacted codes and ordinances with regard to set-up and site details, consistent with the approved building system documentation.

ADMINISTRATIVE PROVISIONS

§ 145.91. Reports to the Department.

(a) The Department is authorized to require that evaluation agencies, inspection agencies and manufacturers

with approved building system documentation shall prepare and submit to the Department regular periodic reports regarding their activities relating to industrialized housing and housing components falling within the scope of the act and this chapter. These reports shall be promptly filed with the Department on forms and at times the Department may specify.

(b) The Department is authorized to require that evaluation agencies, inspection agencies and manufacturers with approved building system documentation shall promptly furnish to the Department the special reports and other information as the Department may require which relate in any way to the administration and enforcement of the act and this chapter.

(c) Evaluation agencies and inspection agencies are required to notify the Department of the following:

(1) A change of facts which would render inaccurate in material respect their application for approval submitted to the Department under § 145.75 (relating to procedures for obtaining approvals of evaluation and inspection agencies), as updated by the latest application for reapproval submitted to the Department under § 145.76 (relating to reapprovals of third-party agencies), as provided more particularly in § 145.75(e).

(2) A fact or circumstance of which the third-party agency has actual knowledge which could lead a reasonable person to believe that a manufacturer, third-party agency or other person in violating the act or this chapter, the notification to be promptly given to the Department.

(d) Manufacturers with approved building system documentation are required promptly to notify the Department of any fact or circumstance of which the manufacturer has actual knowledge which could lead a reasonable person to believe that a third-party agency or other person is violating a provision of the act or of this chapter.

(e) A person installing industrialized housing or housing components for use on a site in a jurisdiction in this Commonwealth shall prepare and mail to the inspection agency a Site Installation Inspection Report on a form furnished by the manufacturer as part of their approved compliance control program. The manufacturer is responsible for furnishing to the person performing the installation a copy of the Site Installation Inspection Report form and instructions as to its intended use.

§ 145.94. Fees.

(a) A person submitting an application to the Department under § 145.75(a) (relating to procedures for obtaining approvals of evaluation and inspection agencies) for approval as an evaluation agency or inspection agency shall pay a fee of \$1,000. If the person seeks approval as both an evaluation agency and an inspection agency, the combined fee shall be \$2,000.

(b) A third-party agency submitting an application to the Department under § 145.76 (relating to reapprovals of third-party agencies), for reapproval as an evaluation agency or inspection agency shall pay a fee of \$500. If the person seeks reapproval as both an evaluation agency and an inspection agency, the combined fee shall be \$1,000.

(c) Each manufacturer requesting the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification) to issue insignia of certification shall pay a fee of \$40 for the insignia of certification for each module of industrialized housing.

(d) Each manufacturer requesting the Department under § 145.63 to issue insignia of certification for housing components shall pay a fee of \$40 for each housing component which will bear insignia of certification. The fee payable under this subsection for housing components to be installed in a single-dwelling unit may not exceed \$100.

(e) When the Department is authorized to monitor or inspect under § 145.93 (relating to factory inspections; right of entry) or otherwise, or provide evaluation or inspection services, or both, under § 145.70 (relating to Departmental evaluation and inspection), the manufacturer shall pay to the Department the following fees:

(1) Engineering services—\$400 per day or \$60 per hour.

(2) Administrative services—\$175 per day or \$25 per hour.

(3) Travel and per diem expenses—current Commonwealth travel and per diem expenses.

(f) The Department may establish reasonable handling and other administrative fees as indicated elsewhere in this chapter, subject to the stated limitations in amount.

(g) Fees paid to the Department under this chapter are nonrefundable except as otherwise specifically set forth in this chapter. Fees must be paid by check or money order.

[Pa.B. Doc. No. 04-1994. Filed for public inspection November 5, 2004, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 103]

Vehicles Required to Stop at Railroad Grade Crossings

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering (Bureau), under 75 Pa.C.S. §§ 6103, 6105, 6121 and 6122, deletes Chapter 103.

Purpose of this Chapter

Chapter 103 described the type of motor vehicles required to stop at a crossing where a railroad track crosses a highway at grade. The final-form rulemaking was mandated by 75 Pa.C.S. § 3342(d) (relating to vehicles required to stop at railroad crossings).

Purpose of this Final-Form Rulemaking

The purpose of this final-form rulemaking is to delete Chapter 103. Chapter 103 is no longer needed because 75 Pa.C.S. § 3342(d) was amended by the act of December 21 1998 (P. L. 1126, No. 151) and no longer requires the Department to adopt regulations describing the vehicles which must comply with the stopping requirements at railroad grade crossings. Section 3342(d) of 75 Pa.C.S. now mandates that the Department publish, as a notice in the *Pennsylvania Bulletin*, a list of the vehicles that must stop at railroad grade crossings.

On February 17, 2001, the Department, acting through the Bureau and in compliance with 75 Pa.C.S. § 3342(d), published a notice at 31 Pa.B. 1007 (February 17, 2001) designating the vehicles which must comply with the stopping requirements in 75 Pa.C.S. § 3342. In the course

of determining the types of vehicles to be included in the list, the Department adopted the same criteria as contained in 49 CFR 392.10 (relating to railroad grade crossings; stopping required). Prior to publication, the Bureau circulated the proposal internally within the Department and with the State Police, Bureau of Patrol, and the Pennsylvania Public Utility Commission, Bureau of Transportation and Safety.

Publication for Public Comment

The proposed rulemaking was published at 34 Pa.B. 843 (February 14, 2004) and the public was invited to submit comments. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees. No comments or objections to the rulemaking were received from the public, IRRC or the Committees.

Persons and Entities Affected

The final-form rulemaking affects Commonwealth law enforcement, the motoring public, operators of buses and commercial motor vehicles that, in accordance with 49 CFR 392.10, are required to stop at railroad grade crossings.

Fiscal Impact

Deleting this chapter will not impose any increased costs on private persons, State or local governments. This final-form rulemaking action will not occasion the development of any additional reports or other paperwork.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 4, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 843, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 8, 2004, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC effective September 8, 2004, and confirmed at IRRC's meeting on September 9, 2004.

Effective Date

This final-form rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

The Department is not establishing a sunset date for these regulations, since these regulations are being rescinded as no longer needed to administer provisions required under 75 Pa.C.S. (relating to the Vehicle Code).

Contact Person

The contact person for technical questions about the final-form rulemaking is Arthur H. Breneman, P. E., Chief, Traffic Engineering and Operations Division, Bureau of Highway Safety and Traffic Engineering, Com-

monwealth Keystone Building, 6th Floor, 400 North Street Harrisburg, PA 17120, (717) 787-3620.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 103, are amended by rescinding §§ 103.1 and 103.2 to read as set forth at 34 Pa.B. 843.

(b) The Secretary of the Department shall submit this order and 34 Pa.B. 843 to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and 34 Pa.B.

843 and deposit them with the Legislative Reference Bureau, as required by law.

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

ALLEN D. BIEHLER, P. E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 34 Pa.B. 5322 (September 25, 2004).)

Fiscal Note: Fiscal Note 18-387 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 04-1995. Filed for public inspection November 5, 2004, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CHS. 3 AND 3a]

Boiler and Unfired Pressure Vessel Regulations

Under section 14 of the Boiler and Unfired Pressure Vessel Law (act) (35 P. S. § 1331.14), the Department of Labor and Industry (Department) is submitting a proposed rulemaking for boilers and unfired pressure vessels.

The Department proposes to delete Chapter 3 (relating to boilers and unfired pressure vessels) and to add Chapter 3a (relating to boiler and unfired pressure vessel regulations) under the act (35 P. S. §§ 1331.1—1331.19) to read as set forth in Annex A.

Statutory Authority

This proposed rulemaking is issued under section 14 of the act, which provides: "The department may make, alter, amend or repeal regulations for the construction, stamping, installation, maintenance, repair, inspection and operation of boilers and unfired pressure vessels used or destined for use in this Commonwealth. The regulation may be based upon generally accepted national or international engineering standard, formulas and practices. . . ."

Section 11 of the act (35 P. S. § 1331.11) also mandates that the Department conduct commission examinations, renew commissions and set fees for the issuance and renewal of commissions. The Department may also suspend or revoke a commission for due cause.

Background

Boilers and pressure vessels are operated under conditions that produce and contain pressure. These vessels can pose a serious threat to life and property because a catastrophic failure of the vessel will release energy and shrapnel similar to the explosion of a bomb. The Commonwealth enacted several laws to ensure the safe manufacturing and operation of this equipment. These laws were consolidated into a single statute by the act of May 2, 1929 (P. L. 1513, No. 451) (Act 451). In 1998, the General Assembly replaced Act 451 with the act and brought the boiler and pressure vessel program up to the current National standards of safety, construction and inspection. The act's primary improvement was ensuring that the Commonwealth's program was consistent with Nationally and internationally accepted standards by requiring National Board of Boiler and Pressure Vessel Inspectors (National Board) registration of manufacturers' documents, requiring Nationally accepted standards for repairs and providing for consistent application of safety inspections for boilers.

Since the passage of the act, the Department has sought input and approval from the Boiler Advisory Board (Board). The Board was created under section 2214 of The Administrative Code of 1929 (71 P. S. § 574(g)) to provide technical advice to the Industrial Board. The Board consists of representatives from insurance underwriters, insurance inspection services, boiler manufacturers, boiler and unfired pressure vessel engineers, power generation engineers, organized labor and the Department's boiler division. The Board has reviewed several drafts of this proposed rulemaking and provided comment

and input on a number of substantive issues such as the Department's fees and the manner in which the proposed rulemaking deals with beverage dispensing systems.

The Department also met with the Pennsylvania Restaurant Association, the Pennsylvania Food Merchants Association and Chart Industries concerning beverage dispensing systems.

Purpose

This proposed rulemaking is necessary to implement the improvements to the Commonwealth's boiler and pressure vessel programs in the act. The proposed rulemaking adopts "Nationally recognized" standards, which bring the Commonwealth's program to the most current "state-of-the-art" technology and safety. The proposed rulemaking identifies equipment in business locations that are included in the safety inspection program in the act and does not pertain to boilers located in single-family dwellings or multi-unit dwellings with four or fewer units. It also implements the accident reporting provisions of section 16 of the act (35 P. S. § 1331.16), provides requirements for testing and certification under section 11 of the act, provides for the revocation or suspension of commissions for due cause and sets fees. The proposed rulemaking clarifies the requirements for persons performing repairs on boilers and pressure vessels.

Summary of the Proposed Rulemaking

Subchapter A. General Provisions

§ 3a.1. Definitions.

This section provides definitions for the terms provided in the proposed rulemaking.

It provides the statutory citation for the act.

This section identifies and provides addresses for the American Gas Association (AGA), the American National Standards Institute (ANSI), the American Society of Engineers (ASME), the National Board of Boiler Inspectors (NBBI) and the National Fire Protection Association (NFPA).

It also provides information on the National standards adopted by this proposed rulemaking: ANSI/NB 23, the National Board Inspection Code; ASME Code, Rules for Construction of Power Boilers; ASME B 31.1, ASME Code for Pressure Piping; ASME/CSD1, Controls and Safety Devices for Automatically Fired Boilers; National Electric Code; and Standard Qualification Procedures of the American Welding Society, D1.1, Structural Welding Code.

It contains definitions of apparatus such as "boiler," "heat exchanger," "instantaneous water heater," "locomotive boiler," "low pressure heating boiler," "miniature boiler," "nonstandard boiler," "nonstandard unfired pressure vessel," "Pennsylvania special boiler," "Pennsylvania special unfired pressure vessel," "portable boiler," "power boiler," "power boiler," "process boiler," "secondhand boiler unfired pressure vessel," "standard boiler or unfired pressure vessel," "steam coil vessel," "storage water heater," "unfired pressure vessel" and "unfired steam boiler."

§ 3a.2. Fees.

This section sets out the fees for references in section 613-A of The Administration Code of 1929 (71 P. S. § 240.13A), which establishes fees for commissions, certificates of operation and inspections. The fees are enumerated because they were increased by statutory amend-

ment to The Administrative Code of 1929. This section also establishes a fee for an application for an Industrial Board variance. The fee is consistent with the variance application fee in § 401.2(h) (relating to Department fees).

§ 3a.3. Scope.

The proposed rulemaking applies to the boiler and pipe connections up to the stop valves and unfired pressure vessels. The proposed rulemaking does not apply to residential occupancy; piping between reheaters connections; boiler and unfired pressure vessels owned and operated by the Federal government; boilers on farms, certain storage water heaters and instantaneous water heaters; unfired pressure vessels used in interstate commerce; coil-type hot water boilers which meet ASME Code standards; and certain air tanks. These exemptions are based on the statute and ASME Code exemptions.

Boilers installed prior to July 1, 1916, and unfired pressure vessels and power boilers installed prior to September 1, 1937, are regulated by Subchapters E—G (relating to boilers installed prior to July 1, 1916, and unfired pressure vessels and power boilers installed prior to September 1, 1937; low pressure heating boilers installed prior to July 1, 1916; and unfired pressure vessels installed prior to September 1, 1937). These boilers and unfired pressure vessels were installed in this Commonwealth before the enactment of any applicable legislation.

§ 3a.4. Adoption of National standards.

This section states that the Department adopts ANSI/NB23, ASME Code and its published cases and interpretations, ASME B 31.1, ASME/CSD1, National Electric Code and NFPA 85 as part of this proposed rulemaking.

§ 3a.5. Examinations for inspector commission.

This section establishes the examination cycle for National Board inspector examinations. This section further requires an applicant for a boiler inspection commission to meet National Board rules and regulations and education and experience requirements.

This section also requires applicants to pass the Pennsylvania Certificate of Competency examination, which is based on the act, this proposed rulemaking and the ASME Codes with a grade of 70% or more before conducting inspections of boilers and unfired pressure vessels in this Commonwealth. The Department will use the National Board application for the Pennsylvania Certificate of Competency application. An applicant must meet one of the following educational and experience requirements: a 4-year degree in mechanical or chemical engineering and 1 year experience in the design, construction, inspection or repair of boiler or pressure vessels; a 2-year degree in mechanical or chemical engineering and 2 years experience in the design, construction, inspection or repair of boilers or pressure vessels; or a high school diploma or GED and 3 years as a high pressure boiler operator in charge or 3 years in the construction, repair or inspection of high pressure boilers or vessels.

§ 3a.6. Certificates of competency, commissions, credential card and renewal application.

This section establishes the requirements for a certificate of competency, credential card and commission. To receive a certificate of competency and credential card, the applicant must meet the NBBI standards, pass an examination and pay the appropriate fee. This section also establishes an annual renewal for commissions and

credential cards. To renew a certificate and credential card, the applicant must submit a renewal application and pay the appropriate fee.

§ 3a.7. Reexamination.

This section allows an applicant for examination to take the examination three times in a 1-year period. This section requires an additional application and examination fee after three failed examinations.

§ 3a.8. Reciprocity.

This section allows the Department to grant a reciprocal commission to an inspector who holds a National Board commission and is currently employed by another state or an insurance company, upon passing a Department-administered written examination on the act.

§ 3a.9. Suspension or revocation of boiler inspection commission.

This section establishes that the Department may initiate an action to suspend or revoke a boiler inspector's commission for due cause. Due cause will consist of the following: practicing fraud or deceit or making untrue representations in obtaining a commission; failing to remit the required commission fee; violating the act or this chapter; incompetence or gross negligence; acting in a manner presenting a danger to public health and safety; having a commission or any other authorization to engage in the business of boiler inspection revoked or suspended or having other disciplinary action taken or an application for a commission or authorization to engage in the business of boiler inspection refused or denied by the National Board, the proper authority of another state or Federal district, territory or insular possession of the United States; engaging in fraud, deceit or an act of moral turpitude while acting as a boiler inspector; failing to enforce the act or this chapter; and engaging in activities of a commissioned boiler inspector without a current commission issued by the Department.

This section provides the Department's procedure for suspension or revocation, and the notice and hearing provisions for suspension or revocation according to 2 Pa.C.S. (relating to administrative law and procedure) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Subchapter B. Requirements for Boilers and Unfired Pressure Vessels

§ 3a.21. Stamping.

This section requires ASME stamping and a registration number on boilers and unfired pressure vessels destined for use in this Commonwealth. This section allows stamping of a Pennsylvania special number on boilers and unfired pressure vessels that are not built to ASME Code standards and which meet the requirements of section 7(b) of the act (35 P. S. § 1331.7(b)). This section also allows the use of boilers and unfired pressure vessels with a registration number from another state if a National Board inspector inspects the boiler or vessel during construction. Registration and stamping is not required for cast iron boilers constructed under ASME code provisions.

This section requires the stamping to be exposed. It may not be concealed by paint or lagging.

§ 3a.22. Other state stamps.

This section allows a boiler with the stamp of another state to be installed and operated in this Commonwealth,

if a National Board-commissioned inspector witnessed its construction and the stop data report is provided to the Department.

§ 3a.23. Lap seam crack.

This section requires that a boiler or unfired pressure vessel in which a lap seam crack is discovered along a riveted joint be immediately taken out of service. Also, repairs may not be made without Department approval.

§ 3a.24. Boiler controls.

This section provides that boilers must be installed in accordance with ASME/CSD 1, NFPA 8501 and maintained in accordance with ANSI/NB 23.

§ 3a.25. Pressure reducing stations.

This section provides standards for installation and use of pressure reducing stations and valves. The provisions of ASME B 31.1 govern the installation of pressure reducing stations. This section allows hand-controlled by-passes to be used around reducing valves under certain circumstances. It also allows a pressure gauge to be installed at the low-pressure side of a reducing valve.

§ 3a.26. Valves and safety devices.

This section requires that a boiler or unfired pressure vessel to comply with § 3a.152 (relating to safety appliances) before it is placed in service.

This section provides standards for the use, resealing and repairs of valves and safety devices. This section requires a company holding a "VR" stamp to perform the resetting, resealing and repair of safety and relief valves. It provides that safety and relief valves may not be loaded to maintain working pressures in excess of certificate of operation maximum allowable working pressures. Additional or supplemental safety or relief valves may exceed the maximum working pressure if the valves comply with the applicable code of construction or this regulation.

§ 3a.27. Different working pressures.

This section provides for the range of settings for pressure valves on boilers. It requires that at least one safety valve on each boiler be set at or below the maximum allowable working pressure. This section also establishes safety requirements when a boiler has units with different maximum allowable working pressures which vary more than 6%.

§ 3a.28. Blowoff tanks.

This section establishes standards for blowoff tanks. Blowoff tanks are required when conditions do not provide an adequate and safe open discharge. This section includes standards for discharge, piping, vents, valves and access openings. It also allows for the use of blowoff tanks that are not vented under certain circumstances. Metal blowoff tanks must comply with ASME, Section VII, Division 1.

§ 3a.29. Discharge outlets.

This section provides for the discharge outlets. The discharge of safety valves in boilers that generate in excess of 500 pounds of steam per hour must be piped to the outside atmosphere and to a safe point of discharge.

§ 3a.30. Electric boilers.

This section establishes safety appliance requirements for electric boilers. It requires grounding cables, a screen around high-tension bushings, safety or relief valve ca-

capacity and boiler shell grounding connectors. It also requires that the power circuit and the power line be open during adjustments.

§ 3a.31. Forced circulation boilers.

This section provides that forced circulation boilers and boilers with no fixed steam or waterline meet the requirements of ASME Code, Section 1.

§ 3a.32. Supports.

This section provides that boiler and unfired pressure vessels will be supported by masonry or structural supports. It also requires air compressor vessels to be shock mounted.

§ 3a.33. Explosion doors.

This section requires stoker coal fired boilers under positive pressure to be equipped with explosion doors to relieve furnace pressure. The explosion doors must be in the wall setting within 7 feet of the firing floor or any platform. This section also requires that the explosion door be provided with substantial deflectors to divert the blast away from personnel.

§ 3a.34. Ventilation for combustion equipment.

This section requires adequate air to support combustion for equipment.

§ 3a.35. Ladders and runways.

This section provides standards for the construction of walkways, runways, platforms, stairways and ladders between, over and around boilers.

Walkways, runways and platforms must be made of metal by bolt, weld or rivet which must be constructed between or on top of boilers that are higher than 8 feet. The structures must have safety treads, standard grating or similar material of a 30-inch minimum width and 42-inch high handrails with an intermediate rail and a 6-inch toeboard.

This section provides that a stairway used as means of access to a walkway, runway or platform must not exceed an angle of 45 degrees.

This section provides that a ladder used as a means of access to a walkway, runway or platform must be metal. This section also provides rung construction standards. Only welders qualified under the Standard Qualification Procedures of the American Welding Society may weld walkways, runways, platforms and ladders.

§ 3a.36. Clearances.

This section establishes minimum clearance requirements between and around boilers and unfired pressure vessels. It provides special clearance provisions for multiple boiler installations in new buildings, pressure vessels of factory assembled package units, wall hung boilers, modular systems, miniature boilers and commercial beverage dispensing systems.

§ 3a.37. Special design.

This section requires owners and operators to submit construction specifications and plans for Department approval prior to the installation of boilers and unfired pressure vessels of special design. Specially designed boilers and unfired pressure vessels may not be operated in this Commonwealth without Department approval.

§ 3a.38. Commercial beverage dispensing systems.

This section reduces the clearance requirements for commercial beverage dispensing systems. Clearance of 18

inches is required for 50% of each vessel surface. The remaining portion of the vessel may have a 1-inch clearance.

§ 3a.39. Manufactured parts.

This section requires that parts manufactured for boilers and pressure vessels be manufactured and stamped in accordance with the ASME Code. It also requires that data reports are to be furnished in accordance with the ASME Code.

§ 3a.51. Compliance with the ASME Code for power boilers.

This section requires power boilers to comply with National standards, specifically, section 1 of the ASME Code, ASME/CSD1 and NFPA 85.

§ 3a.61. Compliance with the ASME Code for low-pressure boilers.

This section requires low-pressure heating boilers to comply with National standards, specifically, section IV of the ASME Code and ASME /CSD 1.

§ 3a.62. Registration and installation.

This section provides the registration and installation requirements for low-pressure steel heating boilers and low-pressure cast iron boilers. It further requires that boilers be hydrostatically tested at the time of installation.

§ 3a.71. Compliance with the ASME Code for installations of unfired pressure vessels.

This section requires installations of unfired pressure vessels to comply with either section VIII or section X of the ASME Code.

§ 3a.81. Major repairs and alterations.

This section establishes the requirements for repairs and alterations for boilers or unfired pressure vessels. It requires consultation with commissioned inspectors on major repairs. This section requires a manufacturer holding the appropriate ASME Code stamp to make alternations to a boiler or vessel. It also requires a manufacturer holding an ASNI/NB23 stamp to make alternations to a boiler or vessel.

This section requires that all welds must be documented on a Pennsylvania *Record of Welded Repair* form or an R-1 form. It also requires vessel owners and users to immediately notify the Department when a safety defect is discovered.

§ 3a.82. Reconstruction and repair.

This section requires the reconstruction or repair of boilers or unfired pressure vessels meet the requirements of ANSI/NB 23. It further requires that a commissioned inspector approve all repairs.

§ 3a.83. Repairs by welding.

This section establishes the requirements for welded repairs on boilers and unfired pressure vessels. It requires the performance of welding in accordance with National standards. A commissioned inspector may pre-approve routine weld repairs.

Subchapter C. Administration

§ 3a.91. Certificates of operation.

This section establishes the issuance and renewal of a boiler or unfired pressure vessel certificate of operation. This section also requires the owner or operator to post the certificate in a visible location as close to the boiler or unfired pressure vessel as possible.

§ 3a.92. Unsafe operation.

This section provides the Department will suspend a certificate of operation for any boiler or unfired pressure vessel that is unsafe to operate.

§ 3a.93. Insurance notification.

This section requires the owner or operator to notify the Department when insurance is written, cancelled, not renewed or suspended on a boiler or unfired pressure vessel. It allows the owner or operator to submit this notification with the next required inspection report.

§ 3a.94. Accident notification.

This section requires an owner or user to notify the Department within 24 hours after an accident occurs which renders the boiler or unfired pressure vessel inoperative, or when an explosion occurs. This section allows notification by telephone, fax, e-mail or messenger. It also prohibits the moving of the vessel or its parts until a Department inspection occurs, unless the moving is necessary to prevent harm to persons or property.

§ 3a.95. Restamping.

This section establishes the requirements for restamping a boiler or unfired pressure vessel. This occurs when the original stamping becomes indistinct or detached. This section further requires that only a Department inspector may restamp a vessel.

§ 3a.96. Condemnation.

This section establishes the stamping requirements for a boiler or unfired pressure vessel found unsafe for operation by a Department inspector. This section further provides that only a Department inspector may remove this stamping when the boiler or unfired pressure vessel has been restored or repaired to comply with this proposed rulemaking.

§ 3a.97. Removal from service.

This section requires the vessel owner or user to notify the Department when a vessel is removed from service for repair or alteration.

§ 3a.98. Reinstallation.

This section requires a boiler or unfired pressure vessel that is moved and reinstalled to comply with this proposed rulemaking upon reinstallation. This section further requires the owner or user to notify the Department of the new location of boiler or unfired pressure vessel within 10 days. It also requires inspection of the boiler or unfired pressure vessel be inspected before it is placed into service.

§ 3a.99. Plan approval.

This section requires a boiler owner to submit an intent-to-install form or other data showing that the equipment complies with the act and this proposed rulemaking before boiler installation. This section requires Department plan approval before a boiler can be installed. The plans must show a floor plan, section of the boiler room, proposed location of boiler parts and devices, exit ways, walkways and all clearance dimensions.

§ 3a.100. Notice of deficiency.

This section establishes the procedures the Department will follow if an inspection reveals a violation of the act or this proposed rulemaking. The Department will first issue a written notice of deficiency, a description of the violations and an order requiring correction of the violations and repairs within 30 days to the vessel owner. The Department will send a certification form with the notice

and order. The owner shall complete the certification form and return it to the Department when the violations have been corrected.

If the unfired pressure vessel owner or operator does not correct the deficiency within the period of time allowed in the notice of deficiency, the Department may initiate action to seal the boiler or unfired pressure vessel by issuing an order to show cause to the boiler or unfired pressure vessel owner or operator. The owner or operator shall submit a written answer within 30 days. The answer may contain a request for a variance or an extension of time for compliance. A timely filed request for variance or extension of time, or an appeal will act as a stay to an enforcement action.

The Department will inspect the boiler or unfired pressure vessel at the expiration of an extension of time or other time period granted for compliance under this section. If violations still exist, the Department may seal the boiler or unfired pressure vessel. The Department will serve the seal order upon the owner or operator by certified mail or personal service.

If the owner does not comply with the order within 30 days and does not appeal the order to show cause, the Department will issue a notice to discontinue operation of the vessel owner within 24 hours. The vessel cannot be returned to service until the violations have been corrected.

§ 3a.101 Appeals.

This section states that appeals to a notice of deficiency or notice to discontinue must be appealed to the Industrial Board within 30 days of issuance. The Industrial Board is required to hold a hearing on the appeal within 45 days and establishes the standards under which an appeal, variance or extension of time may be granted.

Subchapter D. Inspections

§ 3a.111. Field inspections.

This section establishes the frequency of internal and external inspections for different types of boilers and unfired pressure vessels. External and internal inspection of power boilers and process boilers while not under pressure must be conducted every 12 months. Internal and external inspection of low-pressure steam vapor boilers that are not under pressure and of low-pressure boilers in schools must be conducted every 24 months. An inspector may require internal inspection because of a vessel's age or condition.

External inspection of hot water supply boilers must be conducted every 24 months. External inspection of hot water supply boilers will be conducted every 24 months. Internal inspections will be conducted every 48 months. External inspections of cast iron boilers will be conducted every 24 months and will include an internal inspection of the firebox. Unfired pressure vessels will be inspected every 36 months.

This section further allows for the extension of inspection periods for certain vessels if certain maintenance and operation criteria are met.

§ 3a.112. Inspection preparation.

This section requires that boilers and unfired pressure vessels will be prepared for internal inspection in accordance with ANSI/NB23. It further provides that an inspector may decline inspection if the vessel is not properly prepared. The Department will issue a certificate of operation when a vessel passes an inspection.

§ 3a.113. Inspection accessibility.

This section requires that unfired pressure vessels installed or reinstalled underground after the effective date of this proposed rulemaking will be installed in a manner that allows for external inspection of the vessel.

§ 3a.114. Removal of covering for inspection.

This section requires that a portion of the jacket on a covered boiler or unfired pressure vessel will be removed so the inspector can view the size of the rivets, pitch of the rivets and other data necessary to determine the safety of the boiler or unfired pressure vessel during inspection.

§ 3a.115. Hydrostatic pressure test.

This section establishes the maximum allowable pressures for the performance of hydrostatic pressure tests. It also requires that the pressure must be under proper control at all times during testing. This section further establishes the minimum and maximum allowable temperature of the water used to apply a hydrostatic test.

§ 3a.116. Inspection during construction.

This section establishes that inspection during construction for cast iron boilers will be in accordance with ASME Code requirements.

§ 3a.117. Inspection report.

This section establishes reporting requirements for commissioned inspectors. It requires that the inspector submit a copy of each boiler or unfired pressure vessel inspection report to the Department within 30 days of the inspection.

Subchapter E. Boilers Installed Prior to July 1, 1916, and Unfired Pressure Vessels and Power Boilers Installed Prior to September 1, 1937

§ 3a.131. Allowable working pressure.

This section states that the ASME Code will determine allowable working pressure.

§ 3a.132. Fusible plugs.

This section requires that fire-actuated fusible plugs conform to the requirements of sections A19—A21, Appendix A, Section 1 of the ASME Code. The plugs will be replaced annually.

§ 3a.133. Repair and replacement.

This section requires that repairs or replacements to fittings or appliances comply with the requirements for installations in the ASME Code and ASME/CSD1.

§ 3a.134. Weighted safety valves.

This section prohibits the use of weighted safety valves.

Subchapter F. Low Pressure Heating Boilers Installed Prior to July 1, 1916

§ 3a.141. Riveted boilers.

This section establishes that the ASME Code will determine the maximum allowable working pressure of the shell of a riveted heating boiler. It also establishes the maximum allowable working pressure of a steam heating boiler, 15 psig, and of a hot water boiler, 160 psig at a temperature not exceeding 250°F.

§ 3a.142. Welded boilers.

This section establishes that the maximum allowable working pressure on the shell of a welded steel or wrought iron heating boiler cannot exceed the requirements in ASME Code, Section IV.

§ 3a.143. Cast iron boilers.

This section establishes the maximum allowable working pressure at psig on the shell of a cast iron boiler and a boiler having a cast iron shell or heads and steel or wrought iron tubes.

§ 3a.144. Safe pressure.

This section allows a commissioned inspector to reduce the operating pressure of an unsafe boiler based upon the remaining thickness of the pressure boundaries and the requirements of the code of construction.

§ 3a.145. Stop steam valves.

This section requires that a boiler equipped with a steam stop valve contain a check valve in the return line. This section also requires that a heating system equipped with a steam stop valve should have a check valve in the condensate return pipe.

Subchapter G. Unfired Pressure Vessels Installed Prior to September 1, 1937

§ 3a.151. Maximum allowable working pressure.

This section provides the formula for the calculation of the maximum allowable working pressure on the shell of a pressure vessel installed prior to September 1, 1937. The Department placed the full equation in the this proposed rulemaking because it is not readily available in published materials. The formula for this calculation is based on the 1971 edition of section 1 of the ASME. This formula is also reprinted in Appendix C of the NBIC, 2001 edition. This section also provides that the maximum allowable working pressure cannot be increased. This section sets values for tensile strength of steel shell plate and resistance of crushing of mild steel and other values to be used in calculating the maximum allowable working pressure.

This section also sets out the maximum permissible working pressure safety factors.

§ 3a.152. Safety appliances.

This section requires pressure vessels to be protected by safety and relief devices, and indicating and controlling devices. It establishes the requirements for these devices. This section requires safety valves for vapors, other than noxious liquids or toxic vapors, to be direct spring-loaded type valves designed with substantial lifting devices. It requires each safety valve to have a marking identifying the manufacturer, pipe size, pressure, blow down and difference between the opening and closing pressures.

This section also allows existing valves bearing different stampings with equivalent construction and relieving capacity to be used. It allows the use of more than one safety valve and calculates the discharge capacity by the combining capacity of all safety valves.

This section requires a safety device to be connected to the vessel in a manner to prevent a rise in pressure beyond the maximum allowable pressure when the vessel's pressure is derived from an outside source.

This section also requires that when pressure may be generated in a vessel, the vessel must have a safety device or devices connected directly to the vessel and meet the following requirements: (1) the safety valve or valves may be connected in a manner to avoid interference with the operation of the vessel or the safety valve; (2) an escape pipe may be used; and (3) an elbow may be

placed on an escape pipe if it is located close to the safety valve outlet or the escape pipe is securely anchored and supported.

This section requires that every safety valve which is exposed to a temperatures of 32°F or below have a drain at the lowest point where water can collect. It requires a spring in a safety or relief valve in service for pressures up of 250 psig or more. It requires that safety valves for compressed air tanks may not be larger than 3 inches in diameter.

This section allows a rupture disk to be used as a pressure safety device on vessels containing nontoxic gases. It requires safety valves on systems using toxic gases to discharge in accordance with the ASME Code, Section VIII, Division 2.

This section prohibits the use of safety valves with a cast iron seat or disk.

§ 3a.153. Pipe connections and fittings.

This section provides that the general arrangement of piping will be designed to reduce vibration, expansion and drainage and provide adequate support at the proper points. This section also provides that the ASME code of construction governs repairs of existing high-pressure/temperature piping systems installed before 1998.

§ 3a.154. Repair and renewal.

This section establishes that repairs made to fittings and controls be made in accordance the ASME Code and ASME/CSD1.

Subchapter H. Special Installations

§ 3a.161. Modular boilers.

This section establishes the requirements for installations of modular boilers. It establishes clearance and boiler controls requirements. It further requires that high-pressure steam and high temperature hot water piping should be designed and installed in accordance with ASME B31.1.

§ 3a.162. Portable boilers.

This section establishes the requirements for portable boilers. It provides stamping and clearance requirements for portable boilers. It provides that a portable boiler may be mounted in covered trailers if certain conditions are met. This section further provides that Department approval must be obtained before a portable boiler is moved and placed in service.

§ 3a.163. Fired coil water heaters and instantaneous water heaters.

This section establishes installation standards for fired coil water heaters.

§ 3a.164. Storage water heaters.

This section establishes installation standards for storage water heaters. It requires that temperature controls be designed not to exceed 210°F.

§ 3a.165. Steam/hot water coil storage water heater.

This section establishes design and construction standards and additional control requirements for steam/hot water coil storage water heaters. This section also provides that temperature controls must be designed to not exceed 210°F.

§ 3a.166. Miniature boilers and kitchen equipment.

This section establishes manufacturing and boiler control standards for miniature boilers. A miniature boiler must be manufactured under the ASME "S," "H" or "M"

Code. Those manufactured under the ASME "S" and "H" Codes must be stamped with a National Board registration number. This section also requires that a miniature boiler must be installed so that the sight glass and pressure gauge are always visible during operation. It requires that the discharge from safety valves be piped to a safe point.

§ 3a.167. Hot water/steam heat exchangers.

This section requires that heater exchangers be manufactured to ASME Code requirements. Over-pressure protection must be adequate to protect both systems and set a maximum temperature for exchangers used in domestic hot water supply.

§ 3a.168. Autoclaves and quick opening vessels.

This section establishes inspection standards for autoclaves and quick opening vessels. It also requires autoclaves and quick opening vessels to have interlocking systems to prevent the charging of the vessel until all openings and locking devices are fully in place.

This section further requires pressure-relieving devices to be sized in accordance with the data plate for pressure.

§ 3a.169. Fuel trains and piping systems.

This section requires piping of low-pressure steam systems and hydronic piping systems in accordance with the "International Mechanical Code."

This section also requires high-pressure steam and high temperature hot water piping to be designed and installed in accordance with ASME B31.1. Fuel trains and piping must be installed in accordance with ASME/CSD1. It also establishes that the code of construction governs the repair of high pressure/temperature systems installed before 1998.

§ 3a.170. Swimming pool heaters.

This section relates to swimming pool heaters as instantaneous water heaters and requires the heaters to meet the construction requirements of ASME Code, Section IV and the control requirements of ASME/CSD1. This section allows piping of pool heaters with polyvinyl chloride material rated for the pressure and temperature of the heater after the isolation valves.

§ 3a.171. Locomotive boilers.

This section requires new installations for boilers of locomotives to meet the requirements of ASME Code, Section I.

Affected Persons

This proposed rulemaking affects boiler owners and operators and current and prospective boiler inspectors including Department inspectors. Pool owners utilizing boilers regulated under the act will also be affected. The general public is also affected in that updating the regulation of boilers and unfired pressure vessels to current National standards will increase public safety.

Fiscal Impact

The Commonwealth will incur no additional cost under this regulation. The costs will be similar to costs now incurred by the Department's boiler and unfired pressure vessel inspection and inspector certification program. Increases in administrative, inspection and enforcement activities are not anticipated.

Reporting, Recordkeeping and Paperwork Requirements

This proposed rulemaking will not require the creation of new forms and reporting requirements except for possible updates of the present forms.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. However, the Department will continue to monitor the impact and effectiveness of the rulemaking.

Effective Date

This proposed rulemaking will take effect upon final-form publication in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Edward Leister, Administrator, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1613, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120, eleister@state.pa.us within 30 days of publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 21, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

STEPHEN M. SCHMERIN,
Secretary

Fiscal Note: 12-58. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART I. DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 3. (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the existing text of Chapter 3 which appears at 34 Pa. Code pages 3-1—3-49, serial pages (219751) to (219766), (256837) to (256838), (219769) to (219799).)

- §§ 3.1—3.7. (Reserved).
- §§ 3.11—3.34. (Reserved).
- §§ 3.41—3.68. (Reserved).
- §§ 3.71—3.76. (Reserved).
- §§ 3.81—3.87. (Reserved).
- § 3.91. (Reserved).
- § 3.101. (Reserved).
- §§ 3.111—3.116. (Reserved).
- §§ 3.121—3.129. (Reserved).
- §§ 3.131—3.136. (Reserved).
- §§ 3.141—3.145. (Reserved).

§§ 3.151—3.156. (Reserved).**§§ 3.161. (Reserved).****CHAPTER 3a. BOILER AND UNFIRED PRESSURE VESSEL REGULATIONS****Subchapter A. GENERAL PROVISIONS**

- Sec.
 3a.1. Definitions.
 3a.2. Fees.
 3a.3. Scope.
 3a.4. Adoption of National standards.
 3a.5. Examination for inspector commission.
 3a.6. Certificate of competency, commission, credential card and renewal application.
 3a.7. Reexamination.
 3a.8. Reciprocity.
 3a.9. Suspension or revocation of boiler inspection commission.

Subchapter B. REQUIREMENTS FOR BOILERS AND UNFIRED PRESSURE VESSELS

- 3a.21. Stamping.
 3a.22. Other state stamps.
 3a.23. Lap seam crack.
 3a.24. Boiler controls.
 3a.25. Pressure reducing stations.
 3a.26. Valves and safety devices.
 3a.27. Different working pressures.
 3a.28. Blowoff tanks.
 3a.29. Discharge outlets.
 3a.30. Electric boilers.
 3a.31. Forced circulation boilers.
 3a.32. Supports.
 3a.33. Explosion doors.
 3a.34. Ventilation for combustion equipment.
 3a.35. Ladders and runways.
 3a.36. Clearances.
 3a.37. Special design.
 3a.38. Commercial beverage dispensing systems.
 3a.39. Manufactured parts.

INSTALLATIONS OF POWER BOILERS

- 3a.51. Compliance with the ASME Code for power boilers.

INSTALLATIONS OF LOW-PRESSURE HEATING BOILERS

- 3a.61. Compliance with the ASME Code for low-pressure boilers.
 3a.62. Registration and installation.

INSTALLATIONS OF UNFIRED PRESSURE VESSELS

- 3a.71. Compliance with the ASME Code for installations of unfired pressure vessels.

REPAIRS AND ALTERATIONS

- 3a.81. Major repairs and alterations.
 3a.82. Reconstruction and repair.
 3a.83. Repairs by welding.

Subchapter C. ADMINISTRATION

- 3a.91. Certificates of operation.
 3a.92. Unsafe operation.
 3a.93. Insurance notification.
 3a.94. Accident notification.
 3a.95. Restamping.
 3a.96. Condemnation.
 3a.97. Removal from service.
 3a.98. Reinstallation.
 3a.99. Plan approval.
 3a.100. Notice of deficiency.
 3a.101. Appeals.

Subchapter D. INSPECTIONS

- 3a.111. Field inspections.
 3a.112. Inspection preparation.
 3a.113. Inspection accessibility.
 3a.114. Removal of covering for inspection.
 3a.115. Hydrostatic pressure test.
 3a.116. Inspection during construction.
 3a.117. Inspection report.

Subchapter E. BOILERS INSTALLED PRIOR TO JULY 1, 1916, AND UNFIRED PRESSURE VESSELS AND POWER BOILERS INSTALLED PRIOR TO SEPTEMBER 1, 1937

- 3a.131. Allowable working pressure.
 3a.132. Fusible plugs.
 3a.133. Repair and replacement.
 3a.134. Weighted safety valves.

Subchapter F. LOW PRESSURE HEATING BOILERS INSTALLED PRIOR TO JULY 1, 1916

- 3a.141. Riveted boilers.
 3a.142. Welded boilers.
 3a.143. Cast iron boilers.
 3a.144. Safe pressure.
 3a.145. Steam stop valves.

Subchapter G. UNFIRED PRESSURE VESSELS INSTALLED PRIOR TO SEPTEMBER 1, 1937

- 3a.151. Maximum allowable working pressure.
 3a.152. Safety appliances.
 3a.153. Pipe connections and fittings.
 3a.154. Repair and renewal.

Subchapter H. SPECIAL INSTALLATIONS

- 3a.161. Modular boilers.
 3a.162. Portable boilers.
 3a.163. Fired coil water heaters and instantaneous water heaters.
 3a.164. Storage water heaters.
 3a.165. Steam/hot water coil storage water heater.
 3a.166. Miniature boilers and kitchen equipment.
 3a.167. Hot water/steam heat exchangers.
 3a.168. Autoclaves and quick opening vessels.
 3a.169. Fuel trains and piping systems.
 3a.170. Swimming pool heaters.
 3a.171. Locomotive boilers.

Subchapter A. GENERAL PROVISIONS**§ 3a.1. Definitions.**

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

AGA—American Gas Association, 400 North Capital Street, NW, Washington, D.C. 2001.

ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10018.

ANSI/NB23—National Board Inspection Code, 2001 edition, issued by the National Board of Boiler and Pressure Vessel Inspectors.

ASME—The American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016-5990.

ASME Code—"Rules for Construction of Power Boilers," 2001 edition and its published cases and interpretations issued by ASME.

ASME B 31.1—"The ASME Code for Pressure Piping," 2001 edition issued by ASME.

ASME/CSD1—"Controls and Safety Devices for Automatically Fired Boilers," 2002 edition issued by ASME.

Act—The Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.19).

Alteration—

(i) A change in the item described on the original manufacturer's data report, which affects the pressure containing capability of the pressure retaining item.

(ii) The term also includes nonphysical changes such as an increase in maximum allowable working pressure or an increase in design temperature of a pressure-retaining item and a reduction in minimum temperature that requires additional mechanical tests.

American Welding Society—The American Welding Society, 550 N.W. Lejenuen Road, Miami, Florida 33126.

BTU—British thermal unit.

Boiler—

(i) A closed vessel in which water is heated, steam is generated, steam is superheated, or any combination of these actions, under pressure or vacuum, for use externally to itself, by the direct application of heat from the combustion of fuels, or from electricity.

(ii) The term includes fired vessels for heating of liquids other than water where these vessels are separate from processing systems and are complete within themselves.

Certificate of competency—A Department certificate issued to an individual who passed the examination prescribed by the Department which grants the individual the authority to inspect boilers and unfired pressure vessels in this Commonwealth.

Code of construction—ASME Code in effect at the time the boiler or unfired pressure vessel was manufactured.

Condemned boiler or unfired pressure vessel—A boiler or unfired pressure vessel which was inspected and declared unsafe or disqualified for use by the Department.

Department—The Department of Labor and Industry of the Commonwealth.

External inspection—An inspection made when a boiler or an unfired pressure vessel is in operation or in condition to be operational.

Fusion welding—The process of welding metals in a molten, or molten and vaporous state, without the application of mechanical pressure of blows.

Heat exchanger—A device having a shell and head, and a method to exchange heat between steam, hot water or any other liquid. This device may be fired or unfired.

IBC—The “International Building Code 2003” issued by the ICC.

ICC—International Code Council, 5203 Leesburg Pike, suite 600, Fall Church, Virginia 22041-3401.

IMC—The “International Mechanical Code 2003” issued by the ICC.

Industrial Board—The Department’s Industrial Board established under sections 445 and 2214 of The Administrative Code of 1929 (71 P.S. §§ 155 and 574) which hears requests for variances, extensions of time, and appeals of Department decisions under the act.

Instantaneous water heater—A vessel in which water is heated as it passes through the vessel. Water is not stored in the vessel.

Internal inspection—An inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are opened for inspection of the interior of the boiler or unfired pressure vessel.

Inspector—An inspector commissioned by the Department to field-inspect boilers or unfired pressure vessels in this Commonwealth.

Lap seam crack—A crack found in a lap seam, extending parallel to the longitudinal joint and located between or adjacent to rivet holes.

Locomotive boiler—

(i) A boiler mounted on a self-propelled track locomotive and used to furnish motivating power for travel on rails.

(ii) The term does not include locomotive cranes, tractors or other self-propelled apparatus.

Low pressure heating boiler—A steam boiler operated at a pressure not exceeding 15 psig or a hot water heating or hot water supply boiler operating at a pressure not exceeding 160 psig and a temperature not exceeding 250° F.

Miniature boiler—A boiler which is not more than 16 inches inside the diameter of the shell, 5 cubic feet gross volume, excluding casing and insulation; 100 psig maximum allowable working pressure; and, 20 square feet of heating surface.

NEC—The “National Electric Code, National Fire Protection Association’s Standard 70,” 2002 edition, issued by the NFPA.

NFPA—The National Fire Protection Association, 1 Batterymarch Park, Quincy Massachusetts 02269.

NFPA 85—The “Boiler and Combustion System Hazard Code,” 2001 edition, issued by the NFPA.

National Board—The National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229.

Nonstandard boiler—A boiler which does not bear ASME stamping.

Nonstandard unfired pressure vessel—An unfired pressure vessel which does not bear ASME stamping.

Owner or user—A person, firm, corporation or governmental body owning or operating any boiler or unfired pressure vessel within this Commonwealth.

Psig—Pounds per square inch gauge.

Psi—Pounds per square inch.

Pennsylvania special boiler—A boiler which does not bear standard stamping and bears special Pennsylvania stamping and a Department-approved number.

Pennsylvania special unfired pressure vessel—An unfired pressure vessel which bears special Pennsylvania stamping and a Department-approved number and does not bear standard stamping.

Portable boiler—A boiler which is designed to be moved from location to location and used on a temporary basis.

Power boiler—A closed vessel in which steam or other vapor is generated at a pressure of more than 15 psig by the direct application of heat.

Process boiler—A vessel in which steam is generated or superheated under pressure or vacuum for use external to itself by direct or indirect application of heat. The source of heat may come in part from a process other than the boiler. The boiler is directly tied to another process other than the generation of steam.

R stamp—A National Board designation indicating that a company is authorized to repair boilers and vessels.

R-1 form—National Board report of repair form.

Reinstalled equipment—Equipment removed from its original setting and reinstalled in the same location or a new location without change of ownership.

Repair—The process of restoring a boiler or unfired pressure vessel component or system to a safe and satisfactory condition.

Secondhand boiler—A boiler whose location and ownership have been changed after primary use.

Secondhand unfired pressure vessel—An unfired pressure vessel whose location and ownership have been changed after primary use.

Secretary—The Secretary of the Department.

Standard boiler or unfired pressure vessel—A boiler or an unfired pressure vessel which bears stamping in accordance with this chapter.

Standard Qualification Procedures of the American Welding Society, D1.1—The “Structure Welding Code, Steel 2002” issued by the American Welding Society.

Steam coil vessel—A vessel that stores hot water that contains an internal steam coil with controls used to heat hot water.

Storage water heater—A fired or an electrically heated vessel for storing or furnishing hot water supply.

Unfired pressure vessel—A vessel in which pressure is obtained from an external source or from an indirect application of heat.

Unfired steam boiler—An unfired pressure vessel which generates steam for power or heat to be used externally to itself.

VR stamp—A National Board designation that a company is authorized to repair and set safety relief valves.

§ 3a.2. Fees.

(a) The Department will charge commission, certificate of operation and inspection fees in accordance with section 613-A of The Administrative Code of 1929 (71 P. S. § 240.13A).

(b) The following fees apply to unfired pressures vessels and boilers:

- (1) Certificate of operation:
 - (i) Unfired pressure vessels \$44
 - (ii) Boilers..... \$22
- (2) Internal inspection of power boilers, high pressure, high temperature water boilers and miniature boilers:
 - (i) Boilers of 50 square feet of heating surface or less \$22
 - (ii) Boilers over 50 square feet of heating surface and less than 4,000 square feet of heating surface ... \$36
 - (iii) Boilers over 4,000 square feet of heating surface or more and less than 10,000 square feet of heating surface \$51
 - (iv) Boilers over 10,000 square feet of heating surface..... \$58
 - (v) Miniature boilers..... \$15
- (3) External inspection of power boilers, high pressure and high temperature water boilers:
 - (i) Boilers of 50 square feet of heating surface or less \$15
 - (ii) Boilers over 50 square feet of heating surface.. \$22
- (4) Not more than \$50 plus the annual certificate fee shall be collected for any and all inspections for boilers covered paragraphs (2) and (3) in any 1 year.
- (5) Internal or external inspection of low pressure boilers:
 - (i) Heating boilers without a manhole \$18
 - (ii) Heating boilers with a manhole \$22
 - (iii) Hot water supply boilers \$15
 - (iv) Not more than \$50 plus the annual certificate fee shall be collected for any and all inspections as above of any low pressure boiler in any required inspection period.
- (6) Internal or external inspection of pressure vessels:
 - (i) Each pressure vessel subject to inspection having a cross sectional area of 50 square feet or less ... \$15

(ii) Each additional 100 square feet of area in excess of 50 square feet \$15

(iii) Not more than \$75 shall be paid for each inspection on any one vessel.

(iv) A group of pressure vessels operating as a single machine or unit shall be considered one pressure vessel. Not more than \$75 plus the annual certificate fee shall be collected for any and all inspections as above of any pressure vessel in any required inspection period, except in cases where the vessel is moved.

(7) Plan approval:

- (i) Complete mechanical room drawings-boilers and other vessels \$73
- (ii) High pressure boilers \$29
- (iii) Low pressure boilers \$29
- (8) Boiler inspectors commissions:
 - (i) Inspection’s examination fee \$44
 - (ii) Certificate of competency and commission fee . \$22
 - (iii) New credential card fee (annual) \$15
- (9) Hydrostatic test (witnessed) \$22
- (10) Onsite consultation fee per hour \$29
- (11) Inspection of repair fee \$15
- (12) ASME and National Board “R” Stamp Shop survey fees:
 - (i) Full day \$726
 - (ii) Half day \$363
- (13) Copy of Department’s regulations \$7
- (14) Acceptance of boilers and pressure vessels not originally destined for use within the Commonwealth \$726
- (c) Industrial Board variance request. \$100

§ 3a.3. Scope.

(a) This chapter applies to:

(1) The boiler and the pipe connections up to and including the stop valve or valves nearest the boiler as required by the ASME Code and Power Piping, B31.1. Superheaters, reheaters, economizers and other pressure parts connected directly to the boiler without intervening valves will be considered as parts of the boiler and their construction must conform to ASME Code and Power Piping, B31.1 requirements.

(2) Unfired pressure vessels and hot water storage vessels.

(b) Boilers installed before July 1, 1916, and unfired pressure vessels and power boilers installed before September 1, 1937, must comply with §§ 3a.131—3a.154 (relating to boilers installed prior to July 1, 1916 and unfired pressure vessels and power boilers installed prior to September 1, 1937).

(c) Heat exchangers must comply with § 3a.167 (relating to hot water/steam heat exchangers) when the heat exchanger operates at 16 psi or greater, and has 5 cubic feet of volume not allowing for channel or tube nest displacements.

(d) This chapter does not apply to:

(1) Piping between the reheater connections and the turbine or other prime mover.

(2) Boilers and unfired pressure vessels regulated under the Atomic Energy Act of 1954 (42 U.S.C.A. §§ 2011—2297h-13).

(3) Boilers and unfired pressure vessels owned or operated by the Federal Government.

(3) Boilers located on farms, except in sales areas which are accessible to the public.

(4) Boilers located in single-family dwellings and multi-unit dwellings with four or less units.

(5) Storage water heaters and instantaneous water heaters if all the following limitations are not exceeded:

(i) A heat input of 200,000 BTUs/hr (58.6 kW).

(ii) A water temperature of 210° F (99°C).

(iii) A nominal water-containing capacity of 120 gallons (454 L).

(6) Unfired pressure vessels used for the transportation of compressed gases that are operated in compliance with specifications and regulations of the United States Department of Transportation (49 CFR Part 173 (relating to shippers general requirements for shipments and packaging)).

(7) Air tanks located on vehicles operating under other Commonwealth agency regulations or rules and used for carrying passengers or freight.

(8) Air tanks installed on the right-of-way of railroads and used directly in the operation of switches and signals and under Federal or other Commonwealth agency jurisdiction.

(9) Vessels having an internal or external operating pressure of no more than 15 psi with no limitation on size when equipped with approved safety devices.

(10) Unfired pressure vessels designed to ASME Code section VIII, Division 1 which meet one of the following specifications:

(i) 5 cubic feet (0.14m³) in volume and 250 psi (1720 kPa) design pressure.

(ii) 3 cubic feet (0.08m³) in volume and 350 psi (2410 kPa) design pressure.

(iii) 1.5 cubic feet (0.04m³) in volume and 600 psi (4140 kPa) design pressure.

(iv) Vessels having an inside diameter, width, height or cross section diagonal not exceeding 6 inches (152 mm), with no limitation on length of vessel or pressure.

(11) Unfired pressure vessels with a nominal water-containing capacity of up to 120 gallons containing water under pressure. These vessels include unfired pressure vessels that contain air, which is trapped in the system and where the compression air serves only as a cushion.

(12) Filters and softeners with a nominal water containing capacity of 120 gallons or less and pressures not exceeding 100 psi at ambient temperature.

(13) Air conditioner heat exchangers (chillers) with a design pressure not more than 300 psi and a water temperature not more than 210° F.

(14) Coil-type hot water boilers which meet the requirements of ASME Code, Section I, paragraph, PG 2.3.

§ 3a.4. Adoption of National standards.

The Department adopts and incorporates by reference the following codes:

(1) ANSI/NB23.

(2) ASME Code.

(3) ASME Code published cases and interpretations that have been approved by the Industrial Board.

(4) ASME B 31.1.

(5) ASME/CSD1.

(6) National Electric Code, NFPA 70.

(7) NFPA 85.

§ 3a.5. Examination for inspector commission.

(a) The Department will conduct National Board examinations four times a year at a location determined by the Department.

(1) An applicant for examination as a boiler inspector shall meet the National Board rules and regulations, and its education and experience requirements.

(2) When the applicant successfully passes the National Board examination, the Department will issue a certificate of competency so the National Board Commission may be issued

(b) The Department will conduct a Pennsylvania certificate of competency examination based on the act, this chapter and the ASME Codes. An applicant shall pass the examination with a grade of 70% or more before conducting inspections of boiler and unfired pressure vessels in this Commonwealth.

(1) The National Board application must be used to apply for a Pennsylvania certificate of competency.

(2) An applicant for the certificate of competency examination shall meet one of the following education and experience requirements:

(i) A 4-year degree in mechanical or chemical engineering and 1 year experience in the design, construction, inspection or repair of boiler or pressure vessels.

(ii) A 2-year degree in mechanical or chemical engineering and 2 years experience in the design, construction, inspection or repair of boilers or pressure vessels.

(iii) A high school diploma, or Graduate Equivalent Development (GED) and 3 years experience as a high-pressure boiler operator in charge or 3 years experience in the construction, repair, inspection of high-pressure boilers or vessels.

§ 3a.6. Certificate of competency, commission, credential card and renewal application.

(a) The Department will issue a certificate of competency, credential card and commission to an applicant who passes an examination for inspector, meets the requirements of this part and pays the required fee under § 3a.2 (relating to fees).

(b) An inspector shall renew a certificate of competency and obtain a new credential card each year to continue to act as an inspector. The inspector shall complete and submit a Department-provided renewal application and pay the required fee under § 3a.2 to renew the commission.

§ 3a.7. Reexamination.

(a) An applicant may take the examination for inspector three times in a 1-year period without submitting a new application and fee.

(b) An applicant may take the examination a fourth time within a 1-year period if the applicant fails to obtain a passing grade by submitting a new application and the required fee under § 3a.2 (relating to fees).

§ 3a.8. Reciprocity.

(a) The Department may grant a reciprocal commission to an applicant who meets one of the following requirements:

(1) The applicant holds a current National Board Commission in good standing.

(2) The applicant is currently employed by another state or an insurance company in good standing if the applicant passes a written Department-administered examination on the act.

(b) An applicant for reciprocal commission shall submit a completed Department-provided application form, a copy of the inspector's National Board commission and the required fee under § 3a.2 (relating to fees) to the Department.

§ 3a.9. Suspension or revocation of boiler inspection commission.

(a) *General.* The Department may suspend or revoke a boiler inspector's commission for due cause under section 11(d) of the act (34 P. S. § 1331.11(d)). Due cause includes the following:

(1) Practicing fraud or deceit or making untrue representations in obtaining a commission.

(2) Failure to remit the required commission fee under § 3a.2 (relating to fees).

(3) Violating a provision of the act or this chapter.

(4) Incompetence or gross negligence while acting as a boiler inspector.

(5) Acting in a manner presenting a danger to public health and safety.

(6) Having a commission or any other authorization to engage in the business of boiler inspection revoked or suspended or having other disciplinary action taken, surrendering a commission or other authorization in lieu of discipline, or having an application for a commission or authorization to engage in the business of boiler inspection refused or denied by the National Board, the proper authority of another state or Federal district, territory, insular possession of the United States or Canada.

(7) Engaging in fraud, deceit or other act of moral turpitude while acting as a boiler inspector.

(8) Failure to enforce the act or this chapter.

(9) Engaging in boiler inspection activities without a current commission issued by the Department.

(10) Pleading guilty, entering a plea of nolo contendere, being found guilty, receiving probation without verdict, disposition in lieu of trial or an Accelerated Rehabilitative Disposition for any felony or for any other crime relating to boiler inspection in the courts of this Commonwealth, a Federal court, a court of any other state, territory or insular possession of the United States or a court of Canada.

(b) *Notice and hearing.* Actions of the Department relating to suspension or revocation under this section will be taken subject to the right of notice, hearing and adjudication in accordance with 2 Pa.C.S. (relating to administrative law and procedure). All suspension and revocation proceedings will be conducted under 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(c) *Procedure for suspension or revocation.*

(1) The Department will serve the boiler inspector with an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The order to show cause will contain notification that the certification may be subject to action and the grounds for the action. The order to show cause will require that the boiler inspector respond in writing within 30 days after the date of service of the order. The Department will also serve a copy of the order to show cause upon the boiler inspector's current employer, if any.

(2) The boiler inspector shall file an answer in writing to the allegations set forth in the order to show cause in accordance with 1 Pa. Code § 35.37 (relating to answers to orders to show cause). If made, answers must be filed with the Department at the appropriate address within 30 days after the date of service of the order to show cause. Failure to file an answer will result in the entry of a default judgment against the inspector.

(3) At the request of any of the parties, the Department will hold a hearing on the matter. The Secretary will designate a presiding officer to preside at the hearing and to issue a proposed report under 1 Pa. Code §§ 35.201—35.207 (relating to proposed reports). The Secretary may delegate final authority to the hearing examiner.

(4) The presiding officer will have the power to conduct hearings under 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers). The presiding officer will issue a proposed report that must be served upon counsel of record or to the parties in the hearing. The presiding officer will transmit the proposed report and the certified record to the Secretary within 15-days after issuance of the proposed report.

(5) A participant desiring to appeal to the Secretary shall, within 30 days after the service of a copy of the proposed report, file exceptions to the proposed report under 1 Pa. Code § 35.211 (relating to procedure to except to proposed report). A response may be filed within 20 days to the exceptions.

(6) The Secretary or a designee will issue a final order under 1 Pa. Code § 35.226 (relating to final orders).

(d) The Department may not reinstate a commission that was revoked under this section unless ordered to do so by a court of competent jurisdiction. The Department will order the surrender of the commission documents following an order of revocation or suspension.

(e) Subsection (c) supplements 1 Pa. Code §§ 35.14, 35.37, 35.185—35.190, 35.201—35.207, 35.211 and 35.226.

Subchapter B. REQUIREMENTS FOR BOILERS AND UNFIRED PRESSURE VESSELS**§ 3a.21. Stamping.**

(a) A boiler and unfired pressure vessel destined for use in this Commonwealth must be built to the applicable ASME code of construction or meet the requirements of section 7 of the act (35 P. S. § 1331.7).

(b) A boiler and unfired pressure vessel built to the ASME Code must be stamped with the appropriate ASME symbol, the manufacturer's information in accordance with stamping requirements of the code of construction, and its National Board registration number. The stamping may be applied to a nameplate in accordance with the code of construction.

(c) National Board registration and stamping requirements do not apply to cast iron boilers, which are

constructed under ASME Code provisions and do not require final inspection by a National Board inspector.

(d) A new boiler or unfired pressure vessel installed in this Commonwealth must be stamped with an identifying serial number consisting of the keystone symbol and figures, which may not be less than 5/16 inches in height and arranged as follows:



(e) A boiler or unfired pressure vessel that is not built to the ASME Code may be stamped with a Pennsylvania special number if it meets the requirements of section 7(b) of the act.

(f) The Department may accept a boiler or unfired pressure vessel with a registration number from another state for use in this Commonwealth if a National Board inspector inspected and approved the boiler or unfired pressure vessel during construction.

(g) Stamping required under this section must be exposed at all times and may not be concealed by paint or lagging.

§ 3a.22. Other state stamps.

A boiler or unfired pressure vessel stamped with the ASME symbol and another state stamp may be installed and operated if a National Board inspector witnessed its construction and the shop data report is provided to the Department with a completed Department-provided intent to install form.

§ 3a.23. Lap seam crack.

The shell or drum of a boiler or unfired pressure vessel containing a lap seam crack along a longitudinal riveted joint shall be immediately taken out of service. Repairs may not be made without Department approval.

§ 3a.24. Boiler controls.

(a) The installation of boiler controls must comply with ASME CSD 1 and NFPA 85.

(b) The maintenance and inspection of boilers must comply with ANSI/NB 23.

§ 3a.25. Pressure reducing stations.

(a) The installation of pressure reducing stations must comply with ASME B 31.1.

(b) Hand-controlled bypasses around reducing valves may be used if the bypass has no greater capacity than the reducing valve. Hand control bypasses may be used around reducing valves at greater capacity than the reducing valve if the system or unfired pressure vessel has adequate relief or safety valve protection, or meets the requirements of the high pressure system.

(c) A pressure gauge must be installed on the low-pressure side of a reducing station.

§ 3a.26. Valves and safety devices.

(a) A boiler or unfired pressure vessel may not be placed in service unless it complies with § 3a.152 (relating to safety appliances).

(b) A company or organization holding a Department-issued certificate of authorization to reset and reseal

safety valves and relief valves or a current VR stamp is required to reset and reseal safety valves and relief valves.

(c) A company or organization holding a current VR stamp is required to repair safety valves and relief valves.

(d) A safety valve or relief valve may not be loaded to maintain a working pressure in excess of the maximum working pressure stated on the boiler or unfired pressure vessel's certificate of operation.

(e) Additional or supplemental safety or relief valves installed on a boiler or unfired pressure vessel, may exceed maximum working pressure if the valves comply with the applicable code of construction or this chapter.

§ 3a.27. Different working pressures.

(a) At least one safety valve on each boiler must be set at or below the maximum allowable working pressure. All other valves may be set within a range of 3.0% above the maximum allowable working pressure. The range of setting of all of the saturated steam valves on the boiler may not exceed 10% of the saturated steam valve set at the highest pressure.

(b) When a boiler system is comprised of boilers with different maximum allowable working pressures having minimum safety valve settings varying more than 6 % and connected so that steam flows toward the lower pressure boiler, the boiler system must meet one of the following requirements:

(1) A check valve must be installed in the steam line to protect the lower pressure boilers.

(2) Additional safety valves on the low-pressure side of the boiler system must protect lower pressure boilers and meet the following requirements:

(i) The additional safety valve capacity must be based on the maximum amount of steam that can flow into the low-pressure system.

(ii) Additional safety valves must have at least one valve set at a pressure that is not greater than the lowest maximum allowable pressure.

(iii) Other valves must be set within a range of not more than 3% above the lowest allowable pressure.

§ 3a.28. Blowoff tanks.

(a) Blowoff piping from a power boiler or a miniature boiler may not discharge directly into a sewer. A blowoff tank will be used if conditions do not provide an adequate and safe open discharge.

(b) ASME Section VIII, Division I governs the construction of metal blowoff tanks.

(c) The cross sectional area of the outlet from blowoff tanks must be twice the area of the inlet. The outlet pipe must be located to drain the blowoff tank to within 8-inches of the bottom of the tank.

(d) A vent pipe comprised of at least four times the area of the inlet pipe must lead to the outer atmosphere.

(e) Vents must lead as directly as possible to the outer air and discharge in a safe location. There may be no valve or other obstructions such as water pockets between the tank and the discharge end of the vent pipe.

(f) Pipe connections between the boiler blowoff valves and the tank must be as direct as possible and conform to the ASME Code.

(g) A manhole or an access opening must be installed for cleaning the tank.

(h) A blowoff tank that is not vented as required in this section must meet one of the following requirements:

(1) Constructed to withstand pressure equal to the pressure allowed on its attached boiler.

(2) Equipped with a safety valve or valves of sufficient capacity to prevent the pressure from exceeding the safe working pressure of the tank.

§ 3a.29. Discharge outlets.

Discharge of safety valves of a boiler generating in excess of 500 pounds of steam per hour must be piped to the outside atmosphere and to a safe point of discharge. Blowoff pipes and other outlets must be located to prevent injury to personnel.

§ 3a.30. Electric boilers.

Appliances required for electric boilers must be attached to the boilers in accordance with the following requirements:

(1) A cable must be provided for grounding the boiler shell and shall be the same gauge as the incoming power line to the boiler. The cable must be permanently connected and grounded.

(2) A suitable screen or guard must be placed around high-tension bushings with a sign containing a high voltage warning. The screen or guard must be located to prevent a person from accidentally coming in contact with the high-tension circuit.

(3) The power circuit to the boiler must be open when safety valves are adjusted.

(4) The power line must be open when the boiler is under steam pressure and the operator is making a necessary adjustment.

(5) Safety or relief valves must have a relieving capacity of 3 1/2 pounds per hour for each kilowatt rating.

(6) Boiler shell grounding connectors must be installed in accordance with all of the following:

(i) The NEC, Chapter 4, except that the cable gauge size must comply with paragraph (1).

(ii) A conductor will be permanently attached to the boiler shell by suitable lugs, pressure connectors, clamps, or other Department-approved means. Connectors that depend on solder to maintain connection may not be used.

§ 3a.31. Forced circulation boilers.

Forced circulation boilers and boilers with no fixed steam or waterline must conform to the ASME Code, section 1.

§ 3a.32. Supports.

(a) A boiler or unfired pressure vessel must be supported by masonry or structural supports sufficient to safely support the boiler or vessel and its contents.

(b) An air compressor vessel must be shock mounted.

§ 3a.33. Explosion doors.

Stoker coal fired boilers under positive pressure must be equipped with explosion doors to relieve furnace pressure. The explosion doors will be located in the setting wall within 7 feet of the firing floor or any platform, and provided with substantial deflectors to divert the blast away from personnel.

§ 3a.34. Ventilation for combustion equipment.

Adequate air to support combustion must be provided. The recommendations of the manufacturer of the equipment must be utilized.

§ 3a.35. Ladders and runways.

(a) Walkways, runways and platforms are required between and on top of boilers, which are more than 8-feet high from the operating floor to afford accessibility for the operation and servicing.

(b) Walkways, runways and platforms must meet the following requirements:

(1) Constructed of metal.

(2) Constructed of safety treads, standard grating, or similar material with a minimum clear width of 30 inches.

(3) Constructed by bolts, welds or rivets.

(4) Equipped with handrails that are 42-inches high with an intermediate rail and 6-inch toeboard.

(c) A stairway that is a means of access to the walkways, runways or platforms must not exceed an angle of 45°.

(d) A ladder that serves as a means of access to walkways, runways or platforms must be constructed:

(1) Of metal.

(2) So the rungs extend through the side members and are permanently secured to the side rails.

(3) So the front of the rungs have a distance of at least 30 inches from the nearest permanent object on the climbing side of the ladder.

(4) So the back of the rungs have a distance of at least 6 1/2 inches from the nearest permanent object.

(5) So there is a clear width of at least 15 inches from the centerline of the ladder on either side across the front of the ladder.

(e) A welder qualified under Standard Qualification Procedures of the American Welding Society is required for welding a walkway, runway, platform or ladder.

(f) A walkway, runway or platform exceeding 6 feet in length must have at least two means of exit access.

§ 3a.36. Clearances.

(a) The following clearances apply for boilers installed after January 1, 1960:

(1) The minimum clearance around each boiler must be 30 inches with at least 6 feet clearance from the floor to overhead obstructions.

(2) The minimum clearance around each unfired pressure vessel must be 18 inches. The minimum clearance in front of a manhole cover shall be 30 inches.

(3) A clearance of at least 12 inches must be provided between the floor and lower head or the underside of the shell of an unfired pressure vessel. The clearance distance must be the measurement from a vessel appendage to the next object.

(b) The following requirements apply to a single installation or assembly of storage water heaters or instantaneous water heaters, which operate as a unit:

(1) The unit may be arranged with a minimum clearance of 6 inches between components if an 18-inch clearance shall be maintained around the assembly. The clearance in front of a manhole opening is a minimum of 30 inches.

(2) An assembly may not exceed 9 million BTU input.

(3) Casings must be readily removable for inspection purposes, if casings are provided.

(c) A new building containing multiple boiler installations must meet the following minimum overhead clearance requirements:

(1) Between the boiler platform and the ceiling: 7 feet.
 (2) Between the top of the boiler proper and the ceiling for all installations: 3 1/2 feet.

(3) Between the highest point of any valve or fitting and the ceiling: 6 inches.

(d) Subsections (a) and (b) do not apply to pressure vessels of factory assembled package units that are governed by § 3a.111 (relating to field inspections) if there is adequate clearance for operation and inspection. Subsection (a) applies to the entire factory assembled unit.

(e) The minimum clearance around a wall-hung boiler must be 30 inches except for the wall mount side.

(f) The clearance between modules in a modular system may be reduced to the manufacturer's recommendations if the entire modular boiler system meets the 30-inch clearance requirement of subsection (a)(1).

(g) This section does not apply to a miniature boiler if the boiler can be safely inspected as installed.

(h) Tripping hazards are not permitted.

§ 3a.37. Special design.

(a) The owner or user of a new boiler or unfired pressure vessel having unusual features of special design intended for installation and operation in this Commonwealth may submit all of the following to the Department for approval:

(1) Duplicate complete specifications.
 (2) Drawings that show all details of the proposed construction and the method of computation used in determining the safe working pressure for each new boiler and unfired pressure vessel.

(b) A specially designed boiler or unfired pressure vessel may not be operated until the Department approves its design.

§ 3a.38. Commercial beverage dispensing systems.

(a) An unfired pressure vessel used in a commercial beverage dispensing system must have clearance of 18 inches for at least 50% of the vessel surface. The remaining vessel surface may have its clearance reduced to 1 inch.

(b) The Department will issue one certificate of operation and charge one fee under § 3a.2 (relating to fees) for all vessels used in a commercial dispensing system at a single business location at the same design maximum working pressure.

§ 3a.39. Manufactured parts.

Parts manufactured for boilers or unfired pressure vessels constructed to the ASME Code must be manufactured and stamped in accordance with the applicable section of the ASME Code. Data reports must be furnished in accordance with the applicable section of the ASME Code.

INSTALLATIONS OF POWER BOILERS

§ 3a.51. Compliance with the ASME Code for power boilers.

Installations of power boilers must comply with the provisions of Section 1 of the ASME Code, ASME/CSD1 and NFPA 85.

INSTALLATIONS OF LOW-PRESSURE HEATING BOILERS

§ 3a.61. Compliance with the ASME Code for low-pressure boilers.

Installations of low-pressure heating boilers must comply with section IV of the ASME Code and ASME/CSD 1.

§ 3a.62. Registration and installation.

(a) An installer of low-pressure steel heating boilers shall provide a copy of the manufacturer's data report to the inspector when the boiler is installed.

(b) A cast iron boiler must be hydrostatically tested when it is installed. The inspector may accept the factory hydrostatic test.

(c) An installer of low-pressure cast iron boilers shall submit a "Cast Iron Installation Report" to the Department on a Department-provided form. The Cast Iron Installation Report contains manufacturer, testing and installation information.

INSTALLATIONS OF UNFIRED PRESSURE VESSELS

§ 3a.71. Compliance with the ASME Code for installations of unfired pressure vessels.

Installations of unfired pressure vessels must comply with sections VIII or X of the ASME Code.

REPAIRS AND ALTERATIONS

§ 3a.81. Major repairs and alterations.

(a) An owner or user of a boiler or unfired pressure vessel shall consult with an inspector on a repair that affects the working pressure or safety of a boiler or unfired pressure vessel.

(b) A repair to a boiler or unfired pressure vessel must comply with the applicable provisions of the ASME Code or ANSI/NB 23. A manufacturer or repair company may not perform welded repairs and tube replacements without holding an "R" Stamp.

(c) An owner or user of a boiler or unfired pressure vessel shall consult with the inspector responsible for completing the report of welded repair before commencement of work or repairs that alter the original design of a boiler or unfired pressure vessel. A manufacturer holding the appropriate ASME Code stamp may alter a boiler or vessel. A manufacturer holding an ANSI/NB 23 "R" stamp may perform alterations to other vessels.

(d) All welds shall be documented on a Department-issued "Record of Welded Repair Form" or a R-1 form. Hydrostatic testing of welded repairs may be conducted at the inspector's discretion in accordance with ANSI/NB23.

(e) An owner or user of a boiler or unfired pressure vessel that requires an inspection under this chapter shall immediately notify the Department when a defect affecting the safety of the boiler or unfired pressure vessel is discovered.

§ 3a.82. Reconstruction and repair.

Workmanship, materials, fittings and attachments used in the reconstruction or repair of a boiler or unfired pressure vessel must meet ANSI/NB 23. The boiler or unfired pressure vessel may not become operational until an inspector approves all repairs.

§ 3a.83. Repairs by welding.

(a) Welding repairs must comply with section IX of the ASME Code.

(b) A repair to a boiler or unfired pressure vessel that involves welding may be made if an inspector approves the repair and signs a record of welded repairs.

(c) Repairs by fusion welding must comply with ANSI/NB 23.

(d) Repairs listed as routine in ANSI/NB 23 may be preapproved by an inspector.

Subchapter C. ADMINISTRATION

§ 3a.91. Certificates of operation.

(a) The Department will issue a certificate of operation for a boiler or unfired pressure vessel upon receipt of an inspection report indicating that the boiler or unfired pressure vessel is safe to operate at the pressure limit listed in the inspection report.

(b) The owner or user shall post the certificate in a visible location that is as close as possible to the boiler or unfired pressure vessel.

§ 3a.92. Unsafe operation.

The Department will suspend the certificate of operation and seal a boiler or unfired pressure vessel that is unsafe. A person, firm, partnership or corporation operating a boiler or unfired pressure vessel with a suspended certificate of operation is subject to the penalties of section 19 of the act. (35 P. S. § 1331.19)

§ 3a.93. Insurance notification.

An owner or user shall notify the Department within 30 days when insurance is written, cancelled, not renewed, or suspended on a boiler or unfired pressure vessel. The owner or user shall notify the Department within 30 days of the cause of any suspension or refusal to renew insurance on a boiler or unfired pressured vessel.

§ 3a.94. Accident notification.

(a) Under section 16 of the act (35 P. S. § 1331.16), the owner or user shall immediately notify the Department by telephone, facsimile transmission, electronic mail or messenger of an accident or explosion. The owner or user shall file a written report with the Department on a Department-prescribed form within 5 days of the accident.

(b) The boiler or unfired pressure vessel, its parts or equipment involved in the accident or explosion may not be removed or disturbed before a Department inspection is made except to prevent harm to persons or property.

§ 3a.95. Restamping.

(a) An inspector will instruct the owner or user to restamp a boiler or unfired pressure vessel when the stamping becomes indistinct or detached. The owner or user shall submit a request for restamping the boiler or unfired pressure vessel to the Department. The request must be accompanied with proof of the original stamping consisting of a rubbing of the original stamping or a copy of the manufacturer's data sheet.

(b) A Department inspector has sole authorization to perform the Department restamping. The restamping will contain the same information, as the original stamping. The Department will not restamp the ASME symbol.

§ 3a.96. Condemnation.

(a) A Department inspector will stamp an unsafe boiler or unfired pressure vessel with the following designation:

Pa < XX >

(b) A Department inspector will place the stamping above the Commonwealth or National Board stamping. The stamping will at least 5/16 inch in height.

(c) A Department inspector will remove the stamping of subsection (b) when a boiler or unfired pressure vessel has been restored or repaired to comply with this chapter. No other person may remove the stamping.

§ 3a.97. Removal from service.

An owner or user shall notify the Department when a boiler or unfired pressure vessel is removed from service for a repair or alteration within 10 days.

§ 3a.98. Reinstallation.

(a) Fittings and appliances used for the reinstallation of a boiler and pressure vessel must comply with this chapter.

(b) The owner or user of a boiler or unfired pressure vessel shall notify the Department within 10 days of the new location of a boiler or unfired pressure vessel that is moved.

(c) The owner or user may not place a reinstalled boiler or unfired pressure vessel into service until it passes a Department inspection.

§ 3a.99. Plan approval.

(a) Installation of a boiler must comply with all of the requirements of this section.

(b) A boiler owner shall submit an intent to install form or other data showing compliance with the provisions of the act and this chapter to the Department before a boiler is installed.

(c) A boiler owner shall submit drawings and a request for a variance to the Industrial Board if the installation clearances do not meet the requirements of § 3a.36 (relating to clearances). Drawings must be at least 18 inches by 24 inches in size drawn to scale of not less than 1/4 inch equals one foot. Drawings for boiler installations must include the following:

(1) A floor plan and section of the boiler room.

(2) The proposed location of all boilers, drums, headers, doors, steam, air and water gages, safety devices, blowoffs, all necessary piping, and all other parts and equipment.

(3) The exit ways from all of the following:

(i) Boiler rooms.

(ii) Blowoff pits and ashpits or alleys.

(iii) High pressure steam line tunnels.

(iv) Other places where there is danger to persons in confined space in case of explosion.

(v) Platforms.

(4) Walkways located over boilers.

(5) Clearance dimensions above, around and between boilers, equipment and other construction.

§ 3a.100. Notice of deficiency.

(a) The Department will use the following procedures if an inspection reveals any violation of the act or this chapter:

(1) The Department will issue a written notice of deficiency to the boiler or unfired pressure vessel owner or user. The notice will contain a description of the violations and an order requiring correction of the violations and repairs within 30 days of the date of issuance.

When a violation relates to the unsafe operation of a boiler, the Department will act under § 3a.92 (relating to unsafe operation).

(2) The written notice of deficiency will include a certification requiring the boiler or unfired pressure vessel owner or user to sign, date and return the certification when the corrective action or repair has occurred. The Department may inspect the boiler or unfired pressure vessel to verify the corrective action or repair.

(3) If the unfired pressure vessel owner or user does not correct the deficiency within the period of time allowed in the notice of deficiency, the Department may initiate action to seal the boiler or unfired pressure vessel by issuing an order to show cause to the boiler or unfired pressure vessel owner or user.

(4) The order to show cause must contain a statement of the grounds for the action, the alleged violations of the act and this chapter and notification that the boiler or unfired pressure vessel may be sealed. The order to show cause must contain notification that the owner or user shall submit a written answer within 30 days. The Department will serve the order to show cause upon the owner or user by certified mail or personal service.

(5) The owner or user may file a written answer to the order to show cause with the Department within 30 days following service of the order to show cause. The answer must contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or regulation interpretation relied upon by the owner or user. The answer may contain a request for a variance or an extension of time for compliance.

(b) The Department will consider a timely-filed request for variance or extension of time, or a timely-filed appeal as a stay to an enforcement action unless the Department acts under § 3a.92 (relating to unsafe operation) or the boiler constitutes a danger to life or property under section 11(e) of the act (35 P. S. § 1331.11(e)).

(c) The Department will inspect the boiler or unfired pressure vessel at the expiration of an extension of time or other time period granted for compliance under this section. If the boiler or unfired pressure vessel violates the act or this chapter following inspection, the Department may seal or condemn the boiler or unfired pressure vessel under section 13 of the act (35 P. S. § 1331.13). The Department will serve the seal order upon the owner or user by certified mail or personal service.

(d) Under section 13 of the act, the Department will issue a notice to discontinue operation to the boiler or unfired pressure vessel owner or user for a violation that was not corrected. The notice to discontinue operation will require the owner or user to discontinue the use of the boiler or unfired pressure vessel within 24 hours. The boiler or unfired pressure vessel may not be returned to service until the violations have been corrected, the repairs have been made and the Department notifies the owner or user that the boiler or unfired pressure vessel may be returned to service.

(e) Subsection (a) supplements 1 Pa. Code §§ 35.14 and 35.37 (relating to orders to show cause; and answers to orders to show cause).

§ 3a.101. Appeals.

(a) A person aggrieved by a notice of deficiency or a notice to discontinue operation may appeal the order to the Industrial Board within 30 days of the issuance of the order.

(b) The Industrial Board will decide petitions for variances and extensions of time, and appeals of Department decisions.

(c) The Board may consider the following factors, among others, when reviewing and ruling upon a request for an extension of time or a variance or other appropriate relief:

(1) The reasonableness of the Department's rule and regulations as applied in the specific case.

(2) The extent to which an extension of time or a variance will subject occupants to unsafe conditions.

(3) The availability of professional or technical personnel needed to come into compliance.

(4) The availability of materials and equipment needed to come into compliance.

(5) The efforts being made to safeguard occupants against boiler and unfired pressure vessel hazards.

(6) The efforts being made to come into compliance as quickly as possible.

(7) Compensatory safety features which will provide an equivalent degree of protection for the occupants.

Subchapter D. INSPECTIONS

§ 3a.111. Field inspections.

The Department will conduct field inspections according to the following timetable:

(a) Power boilers and process boilers will be inspected internally and externally while not under pressure every 12 months except as provided under section 9(e) and (f) of the act (35 P. S. § 1331.9(e) and (f)).

(b) The Department may extend power boiler internal inspections to 24 months and process boiler internal inspections to 60 months if the boiler passes an annual external inspection and all of the following requirements are met:

(1) There is continuous boiler water treatment under the direct supervision of a person trained and experienced in water treatment for controlling and limiting corrosion and deposits.

(2) The records are available for review and contain all of the following:

(i) The date and time the boiler was out of service and the reason for being taken out of service.

(ii) Daily analysis of water samples showing water conditions and elements or characteristics that produce corrosion or other deterioration to the boiler or its parts.

(3) An inspector performed annual inspections of the boiler, which included inspection of the items contained in paragraphs (1) and (2).

(4) The boiler is operated under direct supervision of a trained operator.

(5) Inspection records demonstrate no significant scaling, corrosion, erosion or overheating.

(c) Internal and external inspection of low-pressure steam vapor boilers that are not under pressure will be conducted every 24 months.

(d) External inspection of hot water supply boilers will be conducted every 24 months. An inspector may require internal inspection because of a vessel's age or condition.

(e) Internal inspection of steel hot water heating boilers will be conducted every 48 months. External inspections will be conducted every 24 months.

(f) Internal and external inspections of low-pressure boilers in schools will be conducted every 24 months.

(g) External inspections of cast iron boilers will be conducted every 24 months and will include an internal inspection of the firebox. The unit must be flushed until clean if the watersides appear to contain sludge.

(h) Unfired pressure vessels will be inspected every 36 months. An inspector may require internal inspections because of a vessel's age or condition.

§ 3a.112. Inspection preparation.

(a) An owner or user shall prepare a boiler or unfired pressure vessel for internal inspection in accordance with the ANSI/NB23 after a inspector provides notification.

(b) The inspector will not inspect a boiler or unfired pressure vessel that is not properly prepared for an internal inspection.

§ 3a.113. Inspection accessibility.

Underground-unfired pressure vessels must be installed or reinstalled in a manner that allows for external inspection of the vessel after _____. (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*)

§ 3a.114. Removal of covering for inspection.

An owner or user shall remove a portion of the jacketing, setting wall or other form of casing or housing so an inspector may view rivet size and pitch, and other data necessary to determine the safety of a boiler or unfired pressure vessel when a portion of the jacketing, setting wall or other form of casing or housing is not visible and there is no other means to obtain this information.

§ 3a.115. Hydrostatic pressure test.

(a) A hydrostatic pressure test must comply with the following requirements:

(1) A hydrostatic pressure test may not exceed the following pressures:

(i) For boilers or unfired pressure vessels in the field, 1.5 times the maximum allowable working pressure.

(ii) For boilers of locomotives, 1.25 times the maximum allowable working pressure.

(iii) For glass-lined unfired pressure vessels, the maximum allowable working pressure.

(iv) For unfired pressure vessels fabricated to ASME section VIII, division 1 after January 1, 2000, 1.3 times the maximum allowable working pressure.

(v) For unfired pressure vessels fabricated to ASME Section VIII, Divisions 2 and 3, the pressure that was preapproved by an inspector.

(2) Pressure must be controlled at all times and may not be more than 106% of the test pressure allowed by the ASME Code at the time of construction.

(3) The temperature of the water used to apply the test must be between 70° and 120°F. If the temperature of the surrounding atmosphere is below 70°F or above 120°F, the test may not be performed.

(4) A safety valve must be removed or each valve shall be held to its seat by a testing clamp. Screwing down the

compression screw upon the spring is prohibited. A VR stamp holder must reseal the valves.

(5) Pressure must be equal to or below the release pressure of the safety valve having the highest release setting when a test is applied to an existing installation to determine tightness.

(b) An inspector may require a hydrostatic test after the completion of a repair to insure the pressure containing boundaries hold design pressure.

§ 3a.116. Inspection during construction.

An inspector shall comply with ASME requirements for inspections of cast iron boilers in construction.

§ 3a.117. Inspection report.

An inspector shall submit a copy of each boiler or unfired pressure vessel inspection to the Department no more than 30 days after the inspection.

Subchapter E. BOILERS INSTALLED PRIOR TO JULY 1, 1916, AND UNFIRED PRESSURE VESSELS AND POWER BOILERS INSTALLED PRIOR TO SEPTEMBER 1, 1937

§ 3a.131. Allowable working pressure.

The ASME Code governs calculation of allowable working pressure.

§ 3a.132. Fusible plugs.

Fire-actuated fusible plugs may be used if the plugs conform to the requirements of Sections A19—A21, Appendix A, section I of the ASME Code. The plugs must be replaced annually.

§ 3a.133. Repair and replacement.

Repairs or replacements to fittings or appliances must comply with the requirements for installations in the ASME Code and ASME/CSD1.

§ 3a.134. Weighted safety valves.

Weighted safety valves may not be used on boilers or unfired pressure vessels.

Subchapter F. LOW PRESSURE HEATING BOILERS INSTALLED PRIOR TO JULY 1, 1916

§ 3a.141. Riveted boilers.

(a) The ASME Code governs the determination of the maximum allowable working pressure on the shell of a riveted heating boiler.

(b) The maximum allowable working pressure of a steam heating boiler may not exceed 15 psig.

(c) The maximum allowable working pressure of a hot water boiler may not exceed 160 psig at a temperature not exceeding 250°F.

§ 3a.142. Welded boilers.

The maximum allowable working pressure on the shell of a welded steel or wrought iron heating boiler may not exceed the requirements of ASME Code, section IV.

§ 3a.143. Cast iron boilers.

(a) The maximum allowable working pressure on the shell of a cast iron boiler may not exceed 15 psig for a steam boiler and the stamped working pressure for a hot water boiler.

(b) The maximum allowable working pressure for a boiler having a cast iron shell or heads, and steel or

wrought iron tubes may not exceed 15 psig for a steam boiler and the stamped working pressure for a hot water boiler.

§ 3a.144. Safe pressure.

An inspector may reduce the operating pressure of a heating boiler if the inspector determines that the boiler is unsafe for operation at the approved pressure and the boiler is not properly repaired. The inspector may reduce the operating pressure based upon the remaining thickness of the pressure boundaries and code of construction requirements.

§ 3a.145. Steam stop valves.

(a) A boiler equipped with a steam stop valve must contain a check valve in the condensate return line between the boiler and the system.

(b) A heating system equipped with a steam stop valve must have a check valve in the condensate return pipe from the part of the system equipped with the steam stop valve.

Subchapter G. UNFIRED PRESSURE VESSELS INSTALLED PRIOR TO SEPTEMBER 1, 1937

§ 3a.151. Maximum allowable working pressure.

(a) The maximum allowable working pressure on the shell of an unfired pressure vessel is determined by the following:

- (1) The strength of the weakest course completed from the thickness of the plate.
- (2) The tensile strength of the plate.
- (3) The efficiency of the longitudinal joint.
- (4) The inside diameter of the course.
- (5) The safety factor allowed by the ASME Code.

(b) The equation for computing the maximum allowable working pressure is:

$$\frac{TS \times T \times E}{R \times FS} = \text{Maximum allowable working pressure in psi where:}$$

(1) TS equals the ultimate strength of the shell plates in psi. If the tensile strength is not known, 55,000 psi must be used for temperatures not exceeding 700° F.

(2) T equals the maximum thickness of shell plates of weakest course in inches.

(3) E equals the efficiency of longitudinal joint depending upon construction.

(i) ANSI/NB 23, Appendix C, sections A-1 to A-9 must be used to calculate efficiency for a riveted joint.

(ii) Fusion welded joints must have the flowing E values:

- (A) Single lap weld is 40%.
- (B) Double lap weld is 60%.
- (C) Single butt weld is 60%.
- (D) Double butt weld is 75%.
- (E) Forge weld is 70%.
- (F) Brazed steel and brazed copper is 80%.

(4) R equals the inside radius of the weakest course of the shell in inches if the thickness of the shell does not exceed 10% of the radius. The outer radius is used in the equation if the thickness is over 10% of the radius.

(5) FS equals the minimum safety factor allowed by this section. The minimum allowable safety factors are as follows:

(i) For unfired pressures vessels, except those of lap seam construction, the minimum safety factor is five.

(ii) For unfired pressure vessels with longitudinal lap joints the minimum safety factor is 5 1/2.

(iii) For unfired pressure vessels with reinstalled or secondhand lap seamed construction the minimum safety factor is six.

(iv) For unfired pressure vessels with reinstalled or secondhand butt strap or welded construction the minimum safety factor is 5 1/2.

(c) The ASME Code, section VIII, Division 1 is incorporated as the maximum allowable working pressure for cylindrical unfired pressure vessels subjected to external or collapsing pressure.

(d) The formulas in ASME Code, section VIII, divisions 1 and 2 or ASME, section X are incorporated and must be used to calculate the maximum allowable pressure for the head of an existing unfired pressure vessel that was not constructed in accordance with this chapter.

(e) The effect of static head must be considered in checking an existing vessel's maximum allowable working pressure.

§ 3a.152. Safety appliances.

(a) An unfired pressure vessel must be protected by safety relief devices, and indicating and controlling devices sufficient to insure their safe operation which meet the following requirements:

(1) Constructed, located, installed and maintained to prevent the devices from becoming inoperative.

(2) Having sufficient relieving capacity to prevent a rise of pressure in the vessel of more than 10% above the maximum allowable working pressure, taking into account the effect of static head.

(3) The discharge from safety devices must be carried to a safe place away from the unfired pressure vessel.

(b) Safety valves for other than noxious liquids or toxic vapors must be direct spring-loaded type valves, designed with substantial lifting devices so that the disk can be lifted from its seat by the spindle of at least 1/8 the diameter of the valve if the pressure of the vessel is at 75% of the safety valve setting.

(c) Each safety valve must have clear manufacturer markings that are 1/4-inch, or larger. The markings must contain the following information stamped on the valve, cast on the valve body, or cast on a plate securely fastened to the valve:

- (1) The name or identifying trade mark of the manufacturer.
- (2) The pipe size, in inches, of the valve inlet.
- (3) The pressure, in pounds, at which the valve is set to open.
- (4) The blow down, in pounds.

(d) If the valve inlet is not threaded, the initial diameter of the inlet may not be less than the inside diameter of a standard pipe of the same size.

(e) The difference between the opening and closing pressures of a safety valve must be a minimum of 20%.

(f) Existing valves bearing ASME stamping different from the requirements in subsection (c) are permitted if the valves have equivalent construction and relieving capacity.

(g) Safety valves with a cast iron seat or a disk may not be used.

(h) If more than one safety valve is used, the discharge capacity must be the combined capacity of all safety valves.

(i) A vessel in which pressure is not generated and is derived from an outside source shall have a safety device connected to the vessel, vessels or system which it protects in a manner to prevent a rise in pressure beyond the maximum allowable pressure.

(j) A vessel in which pressure may be generated must have a safety device or devices connected directly to the vessel and in accordance with the following:

(1) When the contents of a vessel may cause interference with the operation of the vessel or safety valve when the safety valve is directly attached, the safety valve or valves may be connected in a manner to avoid the interference.

(2) An escape pipe may be used. The pipe must be full sized and fitted with an open drain to prevent liquid from lodging in the upper part of the safety valve. A valve may not be placed on the escape pipe between the safety valve and the atmosphere.

(3) An elbow may be placed on an escape pipe if it is located close to the safety valve outlet or the escape pipe is securely anchored and supported. If two or more safety devices are placed on one connection, the connection must have a cross sectional area at least equal to the combined area of the safety devices' inlets.

(k) Every safety valve which is exposed to temperatures of 32°F. or less must have a drain of at least 3/8 inch in diameter at the lowest point where water can collect.

(l) A spring in a safety or relief valve in service for pressures 250 psi and less may not be reset for a pressure more than 10% above or 19% below the pressure at which the valve is marked. For pressures higher than 250 psi, the spring may not be reset for any pressure more than 5% above or 50% below the pressure at which the safety or relief valve is marked.

(m) Safety valves for compressed air tanks cannot be larger than 3-inch diameter. The valves must be proportioned for the maximum number of cubic feet of free air that may be applied per minute.

(n) A rupture disk may be used as a pressure safety device on vessels containing nontoxic gases, when it is designed to fail at not more than the design pressure of the vessel.

(o) Safety valves on systems using toxic gases must discharge in accordance with the ASME Code, section VIII, Division 1, 2 or 3.

§ 3a.153. Pipe connections and fittings.

(a) The general arrangement of piping must be designed to reduce vibration, expansion and drainage, and provide adequate support at the proper points.

(b) The code of construction governs repairs of existing high-pressure/temperature piping systems installed before 1998.

§ 3a.154. Repair and renewal.

Repairs to fittings and controls must comply with the ASME Code and ASME/CSD1 requirements for installations.

Subchapter H. SPECIAL INSTALLATIONS

§ 3a.161. Modular boilers.

(a) A modular boiler as defined in ASME Code, section IV must be installed in accordance with § 3a.36 (relating to clearances). The distance between modules may be reduced to the manufacturer's recommendations if the entire modular boiler system meets the 30-inch clearance requirements.

(b) A modular boiler must have only one inlet and one outlet valve, as required by ASME Code, section IV. The boiler controls must comply with ASME Code, section IV and ASME/CSD1.

§ 3a.162. Portable boilers.

(a) A portable boiler must meet the requirements of § 3a.21 (relating to stamping).

(b) A portable boiler may be mounted in covered trailers if all of the following conditions are met:

(1) A 30-inch clearance is provided on both ends of the boiler.

(2) The boiler's trailer is provided with chocks and is anchored to prevent movement during operation.

(3) The boiler is anchored to the trailer.

(4) The trailer provides a means or area to remove boiler tubes.

(5) The roof or the ceiling of the trailer provides space to allow proper operation of all valves and appurtenances.

(c) The clearance on one side of a boiler mounted in a covered trailer may be reduced to 3 inches if the trailer has access panels for removal of handhole plugs for inspection and maintenance.

(d) The user or operator shall notify the Department in writing and obtain written Department approval before a portable boiler is moved and placed in service.

§ 3a.163. Fired coil water heaters and instantaneous water heaters.

(a) A fired coil water heaters and instantaneous water heater must be installed in accordance with ASME Code, section IV, articles HLW 700, HLW 800 and HG 614.

(b) A storage vessel may be used with a fired coil water heater and instantaneous water heater, if its controls comply with ASME CSD1, and it meets the ASME Code over-pressure protection requirements. The vessel must be ASME Code constructed if the BTU input exceeds 200,000 BTU.

(c) Temperature controls must be designed to not exceed 210°F.

§ 3a.164. Storage water heaters.

(a) A storage water heater must be installed in accordance with ASME Code, section IV, articles HLW 700 and HLW 800, and comply with safety valve requirements of ASME CSD1.

(b) Temperature controls must be designed to not exceed 210°F.

§ 3a.165. Steam/hot water coil storage water heater.

(a) The design and construction of a steam/ hot water coil storage water heater must comply with ASME Code, section VIII and the additional control requirements of ASME CSD1.

(b) Temperature controls must be designed to not exceed 210°F.

§ 3a.166. Miniature boilers and kitchen equipment.

(a) A miniature boiler must be manufactured under the ASME "S," "H" or "M" Code. A boiler manufactured under ASME "S" and "H" Code must be stamped with a National Board registration number.

(b) Clearance requirements contained in § 3a.36 (relating to clearances) do not govern a miniature boiler or kitchen equipment if all pressure containing parts with appurtenances are visible for inspection.

(c) Miniature boiler controls must comply with ASME/CSD1.

(d) The sight glass and pressure gauge of a miniature boiler installed in a cabinet must always be visible during operation.

(e) Discharge from safety valves must be piped to a safe point.

(f) Burners for gas-fired installations must be AGA approved.

§ 3a.167. Hot water/steam heat exchangers.

(a) Heater exchangers must be manufactured under the ASME Code.

(b) Heat exchangers must have adequate over-pressure protection to protect both systems.

(c) Heat exchangers used for domestic hot water supply must have a high temperature limit switch designed not to exceed 210°F.

§ 3a.168. Autoclaves and quick opening vessels.

(a) An inspector shall inspect autoclaves and quick opening vessels with close examination of all moving parts, locking devices, pins and interlocking devices, in accordance with ANSI/NB 23.

(b) An autoclave and quick opening vessel must have interlocking systems to prevent charging the vessel until all openings and locking devices are fully in place.

(c) A pressure-relieving device must be sized in accordance with the data plate for pressure. The capacity must be based on the pressure and pipe size or the total BTU valve of the boiler.

§ 3a.169. Fuel trains and piping systems.

(a) The piping of low-pressure steam systems, except PVC materials, must comply with Chapters 10 and 12 of the IMC.

(b) The piping of low-pressure hydronic piping systems, except PVC materials, must comply with Chapter 12 of the IMC.

(c) The design and installation of high-pressure steam and high temperature hot water piping must comply with ASME B31.1.

(d) The repair of high pressure/temperature piping systems installed before 1998 must comply with the code of construction.

(e) The installation of fuel trains and associated piping must comply with ASME/CSD1.

§ 3a.170. Swimming pool heaters.

(a) A swimming pool heater is an instantaneous water heater. The heater must meet the construction requirements of ASME Code, section IV and the control requirements of ASME/CSD1 except if exempt under § 3a.3(d) (relating to scope).

(b) A pool heater may be piped with polyvinyl chloride material rated for the pressure and temperature of the heater after the isolation valves.

§ 3a.171. Locomotive boilers.

New installations for boilers of locomotives must comply with ASME Code, section I.

[Pa.B. Doc. No. 04-1996. Filed for public inspection November 5, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 441]

Access to and Occupancy of Highways by Drive- ways, Local Roads and Structures; Extension of Public Comment Period

The Department of Transportation gives notice that the public comment period for this proposed rulemaking, published at 34 Pa.B. 5355 (October 2, 2004), will be extended until December 1, 2004.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Robert M. Peda, Director, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, P. O. Box 2047, Harrisburg, PA 17120-0041 until December 1, 2004.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-1997. Filed for public inspection November 5, 2004, 9:00 a.m.]

NOTICES

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Shelter Grant Program

The Department of Community and Economic Development (Department), Center for Community Building, Office of Community Development, is anticipating applying for funding through the United States Department of Housing and Urban Development.

The Emergency Shelter Grant Program (program) is established within Title IV, Subtitle B of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. §§ 11371—11378). The program authorizes grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness.

One copy of the application may be submitted to the Department by local governments to the Customer Service Center, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120 in accordance with the Department's Single Application requirements. A copy of the application must also be sent to the appropriate regional office. The application window will open on November 8, 2004, and close at 5 p.m. on January 21, 2005. Applications received prior to or after these dates may not be considered for funding.

Applications forms and instructions may be obtained by contacting the Department's Center for Community Building, Office of Community Development in Harrisburg, (717) 787-5327 or the Department's regional offices. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (for example, large type, Braille or the like) should contact Edward Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327 to discuss how the Department may best accommodate their needs.

The following is the listing of the Department's regional offices and the counties they serve:

Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development
1801 State Office Building
1400 Spring Garden Street
Philadelphia, PA 19130
(215) 560-2256

Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development
201 Samters Building
101 Penn Avenue
Scranton, PA 18503
(570) 963-4571

Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties

Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 720-7300

Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development
1405 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development
1200 Lovell Place
Erie, PA 16503
(814) 871-4241

Main Office

Center for Community Building
Office of Community Development
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 04-1998. Filed for public inspection November 5, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will hold a meeting on Wednesday, December 1, 2004, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-1999. Filed for public inspection November 5, 2004, 9:00 a.m.]

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, November 18, 2004, at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Anthony DiGirolomo, (717) 787-9306.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-2000. Filed for public inspection November 5, 2004, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Lebanon Valley College for Approval of Amendment of Its Articles of Incorporation

Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Lebanon Valley College for a Certificate of Authority approving the amendment to its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Carol Gisselquist to discuss how the Department may best accommodate their needs.

FRANCIS V. BARNES, Ph.D.,
Secretary of Education Designee

[Pa.B. Doc. No. 04-2001. Filed for public inspection November 5, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0083364 IW	Chambersburg Borough P. O. Box 1009 100 S. 2nd St. Chambersburg, PA 17201-0909	Franklin County Greene Township	Conocheaque Creek 13-C	Y
PA0023183 Sew	Mt. Holly Springs Borough Authority 200 Harman Street Mt. Holly Springs, PA 17065	Cumberland County Mt. Holly Springs Borough	Mountain Creek 7-E	Y
PA0052833 IW	Excelsior Brass Works 331 June Avenue P. O. Box 140 Blandon, PA 19510-0140	Berks County Maidencreek Township	Willow Creek 3-B	Y
PA0088307 Sew	Snyder, LLP Eagles Crossing Golf Course 501 Conodoguinet Avenue Carlisle, PA 17013	Cumberland County North Middleton Township	Conodoguinet Creek 7-B	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>
PA0222798	Westline Inn, Inc. Box 137, Westline Road Westline, PA 16740	Lafayette Township McKean County	Unnamed tributary to Kinzua Creek 16-P	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0029122	Saxonburg Area Authority 420 West Main Street Saxonburg, PA 16056	Jefferson and Penn Townships Butler County	Thorn Creek and Connoquenessing Creek 20-C	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.

PA0054691, Sewage, **John Stoltzfus**, 920 Pleasant View Road, Honey Brook, PA 19344. This proposed facility is in Honey Brook Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a small flow sewage treatment plant serving two units' apartment house.

The receiving stream, unnamed tributary to East Branch Brandywine Creek (Stream Code 00371), is in the State Water Plan Watershed 2H and classified for HQ-TSF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 800 gallons per day.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)			10		20
(11-1 to 04-30)			20		40
Suspended Solids			10		20
NH ₃ -N (5-1 to 10-31)			1.5		3.0
(11-1 to 4-30)			4.5		9.0
Phosphorus as P			2.0		4.0
Dissolved Oxygen			minimum 6.0		
pH			within limits of 6.0 to 9.0 standard units at all times		
Fecal Coliform			200 colonies/L as a geometric mean		
Total Residual Chlorine			Monitor		

In addition to the effluent limits, the permit contains the following major special conditions: abandon STP when public sewer available; remedial measures; no stormwater; property rights; dry stream discharge; change of ownership; sludge disposal; and AMMR to the Department.

PA0054950, Industrial Waste, SIC 2013, **Pilgrim's Pride Corporation**, 471 Harleysville Pike, P. O. Box 8, Franconia, PA 18924-0008. This proposed facility is in Franconia Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated process wastewater from the industrial waste water treatment plant.

The receiving stream, unnamed tributary to Indian Creek, is in the State Water Plan watershed 3E and is a dry swale which flows to the Indian Creek classified for TSF. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is on the Perkiomen Creek, 19.52 miles below the point of discharge.

The following proposed effluent limits for Outfall 001 are based on a design flow of 300,000 gallons per day:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	25	50	10	20	25
(11-1 to 4-30)	50	100	20	40	50
Total Suspended Solids	25	50	10	20	25
Ammonia as N (5-1 to 10-31)	5.0	10.0	2.0	4.0	5.0
(11-1 to 4-30)	10.0	20.0	4.0	8.0	10.0
Total Nitrogen			Monitor	Monitor	Monitor
Phosphorus as P	2.5	5.0	1.0	2.0	2.5
Total Dissolved Solids	2,500	5,000	1,000	2,000	2,500
Fecal Coliform			200 col/100 ml		
pH (STD Unit)			minimum 6.0		
Oil and Grease			8	14	20
Total Residual Chlorine			0.5		1.2
Dissolved Oxygen			minimum 6.0		
Hardness as CaCO ₃			Monitor		
Osmotic Pressure					100 mos/kg

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Maximum (mg/l)
Color					100 PC units
Temperature					110° F
Mercury, Total			0.00005	0.0001	0.00012
Copper, Total			0.019	0.038	0.047
Zinc, Total			0.155	0.31	0.387
Phenolics, Total			0.005	0.01	0.012

In addition to the effluent limits, the permit contains the following major special conditions: effective disinfection; remedial measures; test methods; change of ownership; sludge disposal; TMDL/WLA analysis; stormwater discharge from Outfall 002; operations and maintenance plan; laboratory certification; and groundwater monitoring.

PA0026603, Sewage, SIC 4952, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476. This proposed facility is in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Issuance of NPDES renewal permit for an existing discharge of treated sewage.

The receiving stream, Wissahickon Creek, is in the State Water Plan watershed 3F and classified for TSF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Philadelphia Water Department is on the Schuylkill River, approximately 12.95 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 mgd.

Parameters (mg/l)	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Dissolved Oxygen	7.0, I. Min.			
Phosphorus as P				
(Issuance to Year 2)	Monitor			
(Year 3 to Expiration)	2.0			4.0
Aluminum, Total	0.74		1.16	
Copper, Total	0.17		0.27	
Copper, Dissolved	Monitor		Monitor	
Chromium, Hexavalent	Monitor		Monitor	
Chromium, Total	Monitor		Monitor	
Silver, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Arsenic, Total	Monitor		Monitor	
Cadmium, Total	Monitor		Monitor	
Mercury, Total	Monitor		Monitor	
Nickel, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	
Cyanide, Free	Monitor		Monitor	
Selenium, Total	Monitor		Monitor	
Phenolics, Total	Monitor		Monitor	

In addition to the effluent limits, the permit contains the following major special conditions: stormwater requirements; pretreatment program; upstream monitoring; and specification of test methods.

The EPA waiver is not in effect.

PA0050911, Sewage, SIC 4952, **Upper Perkiomen School District**, 201 West Fifth Street, East Greenville, PA 18041. This proposed facility is in Marlborough Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated sewage from the Marlborough Elementary School's sewage treatment plant.

The receiving stream, Green Lane Reservoir, is in the State Water Plan Watershed 3E Perkiomen Creek Basin and classified for TSF. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is on the Perkiomen Creek at RMI 0.98, 20.33 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00425 mgd.

Parameters (mg/l)	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅	25			50
Total Suspended Solids	30	45		60
NH ₃ -N	4.0			8.0
Phosphorous as P	0.5			1.0
Dissolved Oxygen	4.0 minimum			
Fecal Coliform	200 # Col/100 ml			
pH (STD)	6.0 minimum			9.0

In addition to the effluent limits, the permit contains the following major special conditions: abandon STP; remedial measures; no stormwater; sewage sludge disposal; and laboratory certification.

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

PA0032999, Sewage, **Department of Conservation and Natural Resources**, 400 Market Street, Rachel Carson Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is in Kidder Township, **Carbon County**.

Description of Proposed Activity: Issuance of a new NPDES permit.

The receiving stream, Hickory Run, is in the State Water Plan watershed no. 2A and classified for HQ-CWF. The nearest downstream public water supply intake for the City of Hazleton is on the Lehigh River, over 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.060 mgd..

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	18.2		36.4
Total Suspended Solids	21.0		42.0
NH ₃ -N			
(5-1 to 10-31)	1.9		3.8
(11-1 to 4-30)	5.7		11.4
Phosphorus as "P"	3.0		6.0
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.66		
NO ₂ -NO ₃	15.0		

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

PA0082244, Industrial Waste, SIC Code 4581, **Susquehanna Area Regional Airport Authority (Harrisburg International Airport)**, 208 Airport Drive, Middletown, PA 17057. This facility is in Lower Swatara Township, **Dauphin County**.

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

The receiving stream, the Susquehanna River, is in Watershed 7-K and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Columbia Borough on the Susquehanna River, approximately 19 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 004 based on a design flow of 0.050 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		from 6.0 to 9.0 inclusive	
Total Suspended Solids (mg/l)	30		60

The proposed effluent limits for Outfall 005 based on a design flow of 0.600 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		from 6.0 to 9.0 inclusive	
Total Suspended Solids (mg/l)	Monitor and Report		Monitor and Report

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.

PA0035157, Industrial Waste, SIC Code 2015, **Farmer's Pride, Inc.**, P. O. Box 39, Fredericksburg, PA 17026. This facility is in Bethel Township, **Lebanon County**.

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

The receiving stream, Deep Run, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Pennsylvania American Water Company on the Swatara Creek, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.900 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			from 6.0 to 9.0 inclusive		
Dissolved Oxygen (Min.)			5.0 mg/l at all times		
Total Residual Chlorine			less than 0.1		
Total Suspended Solids	95	190	12.7	25.4	31.7
CBOD ₅	76	152		10.120.2	25.2
NH ₃ -N					
(5-1 to 9-30)	7.5	15	1.0	2.0	2.5
(10-1 to 4-30)	22.5	45	3.0	6.0	7.5
Total Phosphorus	15	30	2.0	4.0	5.0
Fecal Coliform			200/100 ml as a geometric average		
(5-1 to 9-30)			400/100 ml as a geometric average		
(10-1 to 4-30)					
Total Nitrogen	Report	Report	103	147	257
Oil and Grease	Report	Report	8.0	14	30

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

The EPA waiver is not in effect.

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

PA0004979, Industrial Waste, SIC, **Neville Chemical Company**, 2800 Neville Road, Pittsburgh, PA 15225. This application is for amendment of an NPDES permit to discharge treated groundwater water from Neville Chemical Company in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Robinson Township Authority, 2.43 miles below the discharge point.

Outfall 005: new discharge, design flow of 500 gpm.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	320 pgm	500 pgm			
Total Suspended Solids			Monitor and Report		
Benzene			0.010		0.020
Ethylbenzene			Monitor and Report		
Methylene Chloride			Monitor and Report		
Toluene			0.03		0.075
Napthalene			0.025		0.05
Xylene			Monitor and Report		
Chlorobenzene			Monitor and Report		
1,2 Dichloroethylene			Monitor and Report		

Outfall 005: new discharge, design flow of 500 gpm.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Cumene			Monitor and Report		
Styrene			Monitor and Report		
1,2,4 Trimethylbenzene			Monitor and Report		
1,3,5 Trimethylbenzene			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0203955, Sewage, **84 Lumber Company**, 1019 Route 519, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from the 84 Lumber Company Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Chartiers Creek, which are classified as a HQ-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 Western Pennsylvania Water Company on Little Chartiers Creek.

Outfall 001: existing discharge, design flow of 0.025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Total Residual Chlorine	1.4			3.3
Total Phosphorus				
(1st Month To 36th Month)	Monitor and Report			
(37th Month to Expiration)	6			12
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0023213, Sewage, **Borough of Ridgway**, P. O. Box 149, Ridgway, PA 15853-0149. This proposed facility is in Ridgway Township, **Elk County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Pennsylvania American Water Company and the Clarion River at Clarion, 59. 8 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 MGD with an effluent diffuser installed.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX	XX			
CBOD ₅	460	735	25	40	50
Total Suspended Solids	550	825	30	45	60
		Daily Maximum		Daily Maximum	

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
NH ₃ -N	729	1,090	XX	100	130
Fecal Coliform (5-1 to 9-30)					
(10-1 to 4-30)					
Total Residual Chlorine					
Fluoride	2,035	3,050	110	165	220
Copper	1.65	2.5	0.09	0.14	0.18
Zinc	10	15	0.55	0.83	1.1
Lead			XX		
Acute Whole Effluent Toxicity					8.09 TUa
pH					6.0 to 9.0 standard units at all times

The proposed effluent limits for Outfalls 101, 006 and 007 are based on a design flow of n/a mgd.

This outfall shall consist of uncontaminated stormwater only.*

* See Special Condition 4 in Part C of the permit.

The EPA waiver is not 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. 6704411, Sewerage, **Conewago Township Sewer Authority**, 600 Locust Point Road, York, PA 17042. This proposed facility is in Conewago Township, **York County**.

Description of Proposed Action/Activity: Construction of a new 99 gpm submersible pump station with a 3-inch ductile iron force main and 8-inch PVC gravity sanitary sewer for the new 79-home Mill Creek Development.

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

WQM Permit No. WQG016105, Sewerage, **Stephen Sowinski**, 1502 Winners Cup Circle, St. Charles, IL 60174. This proposed facility is in East Huntingdon Township, **Westmoreland County**.

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

WQM Permit No. 2604402, Sewage, **Brownsville Municipal Authority**, P. O. Box 330, 7 Jackson Street, Brownsville, PA 15417. This proposed facility is in Brownsville, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant, sewers and pump stations and aerobic digestion tanks to serve the Brownsville WWTP.

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

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

WQM Permit No. 1004407, Sewerage, **Buffalo Township Municipal Authority**, 707 South Pike Road, Sarver, PA 16055. This proposed facility is in Buffalo Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve The Palms Investments Plan of Lots, which is a 30-acre, 45-lot subdivision along the north side of Grimm Road.

WQM Permit No. 1004406, Sewerage, **William M. Hess**, 222 South Market Street, Suite 103, Elizabethtown, PA 17022. This proposed facility is in Brady Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the replacement of a malfunctioning on-lot sewage system with a trench dispersal system.

IV. NPDES Applications for Stormwater Discharges from MS4

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

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use	Department Protocol (Y/N)
PAI130545	Delaware County 201 West Front St. Media, PA 19063	Delaware	Media Borough	3G Watershed	N

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904017	Dawn Ward Ward Site Plan Development 1493 Amherst Court Bethlehem, PA 18015	Bucks	Springfield Township	Cooks Creek EV
PAI011504072	Edward Thomas Builders, Inc. Morstein Road at King Road Sbdv. 21 Crest Avenue Malvern, PA 19355	Chester	East Whiteland Township	Ridley Creek HQ
PAI011504073	Francis and Kathryn Segner Segner Property Development P. O. Box 176 Birchrunville, PA 19421-00176	Chester	West Vincent Township	Birch Run EV
PAS10J043-R	YMCA of Philadelphia Rocky Run YMCA 2000 Market Street Philadelphia, PA 19103	Delaware	Middletown Township	Rocky Run HQ

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

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030703002-1	Paul Yohn P. O. Box 951 Altoona, PA 16603	Blair	Frankstown	Unnamed tributary to Canoe Creek HQ-CWF
PAI036704002	Dennis Pantano 2425 Spring Wood Rd. York, PA 17402	York	Springfield	Seaks Run HG-CWF
PAI032804003	LTP Aaron's Inc. 4 Kline Blvd. Frederick, MD 21701	Franklin	Guilford	Falling Spring Branch of Conococheague Creek HG-CWF
PAI033604010	Little Britain Township 356 Nottingham Rd. Quarryville, PA 17566	Lancaster	Little Britain Township	Little Conestoga Creek HQ-CWF

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

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17754, (570) 726-3798.

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041404004	Belgium Acres Robert Davis 401 Allegheny St. Jersey Shore, PA 17740	Clinton	Pine Creek Township Pine Creek	HQ-TSF

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

Elk Conservation District, (814) 776-5373.

NPDES

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062404004	Bruce Winslow	Elk	Benezette Township	Dents 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

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

Permit No. 4504504, Public Water Supply.

Applicant	Stroudsburg Municipal Authority
Township or Borough	Stroud Township
County	Monroe
Responsible Official	Ken Brown, Manager Stroudsburg Municipal Authority 410 Stokes Avenue East Stroudsburg, PA 18301
Type of Facility	PWS
Consulting Engineer	John Davis, P. E. RKR Hess Associates, Inc. 310 Spruce Street, Suite 202 Scranton, PA 18503
Application Received Date	October 22, 2004

Description of Action	The applicant requests approval to upgrade existing vertical turbine pumps from 150 gpm to 300 gpm and also to provide a connection for an emergency by-pass pump.
-----------------------	--

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

Permit No. 6704513, Public Water Supply.

Applicant	Lower Windsor Township
Municipality	Windsor Township
County	York
Responsible Official	Donald L. Keener, Township Manager 111 Walnut Valley Court Wrightsville, PA 17368
Type of Facility	PWS
Consulting Engineer	Kent A. Bitting, P. E. C S Davidson Inc. 38 North Duke Street York, PA 17401
Application Received Date	October 18, 2004

Description of Action	New municipal building with onsite well requiring the installation of nitrate treatment.
-----------------------	--

Permit No. 3604512, Public Water Supply.

Applicant	Warwick Township Municipal Authority
Municipality	Warwick Township
County	Lancaster
Responsible Official	Daniel Zimmerman, Township Manager Authority Administrator 315 Clay Road P. O. Box 336 Lititz, PA 17543
Type of Facility	PWS
Consulting Engineer	Vaughan Leer, P. E. Herbert Rowland Grubic 1846 Charter Lane P. O. Box 336 Lancaster, PA 17605
Application Received Date	July 2, 2004

Description of Action	Addition of the Bonfield and Wrigley Wells to augment the existing sources of supply.
-----------------------	---

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

Permit No. 0204503, Public Water Supply.

Applicant	Municipal Authority of the Township of Robinson P. O. Box 15539 Pittsburgh, PA 15244
Township or Borough	Robinson Township

Responsible Official	Anthony Lenze, Executive Director Municipal Authority of the Township of Robinson P. O. Box 15539 Pittsburgh, PA 15244	Consulting Engineer	Scott M. Thomas, P. E., Operations Engineer Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Water Treatment Plant	Application Received Date	October 18, 2004
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108	Description of Action	The applicant requests approval to blast and repaint the interior of the 490,000-gallon standpipe known as the PCP Main Tank in Monroe County near Tobyhanna, PA.
Application Received Date	October 5, 2004		
Description of Action	Installation of 17,700 LF of water transmission main from the Groveton Water Treatment Plant to connection with the existing 16-inch main.		

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

Application No. 0204504, Minor Amendment.

Permit No. 5604504, Public Water Supply.

Applicant	Municipal Water Authority of the Township of Jenner 124 West Street Jenners, PA 15546
Township or Borough	Jenner Township
Responsible Official	Robert Blough, Chairperson Municipal Water Authority of the Township of Jenner 124 West Street Jenners, PA 15546
Type of Facility	Water Treatment Plant
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Application Received Date	August 25, 2004
Description of Action	Construction of a 300,000-gallon concrete finished water storage tank.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Township or Borough	Lincoln Borough
Responsible Official	Scott Thomas, Operations Engineer Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Lincoln Borough Tank
Application Received Date	October 18, 2004
Description of Action	Blasting and painting of the interior and exterior of the 275,000-gallon standpipe tank.

Application No. 6304505, Minor Amendment.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. Minor Amendment.

Applicant	Pennsylvania American Water Company
Township or Borough	Coolbaugh Township, Monroe County
Responsible Official	William Kelvington, Vice President—Operations Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Township or Borough	Carroll Township
Responsible Official	Scott Thomas, Operations Engineer Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Fourth Avenue Tank
Application Received Date	October 18, 2004
Description of Action	Blasting and painting of the interior and exterior of the 250,000-gallon elevated tank.

Application No. 3281501-T1-A2, Minor Amendment.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
-----------	---

Township or Borough	Indiana
Responsible Official	Scott Thomas, Operations Engineer Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Indiana Aldrich Unit No. 2
Application Received Date	October 18, 2004
Description of Action	Rehabilitation of the Indiana Aldrich Unit No. 2 including blasting and repainting of the interior wet and interior dry areas and minor sanitary, structural and safety modifications.
Application No. 4661W001-T1-A3, Minor Amendment.	
Applicant	Harrison Township Water Authority 1705 Rear Freeport Road Natrona Heights, PA 15065
Township or Borough	Harrison Township
Responsible Official	Charles Craig, General Manager Harrison Township Water Authority 1705 Rear Freeport Road Natrona Heights, PA 15065
Type of Facility	Water Treatment Plant
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Application Received Date	September 8, 2004
Description of Action	Replacement of existing backwash lagoon pump with a new 80 gpm pump.
<i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>	
Application No. 3419-T1-MA1, Minor Amendment.	
Applicant	Pennsylvania American Water Company
Township or Borough	Clarion Township, Clarion County
Responsible Official	Wm. C. Kelvington, VP Operations
Type of Facility	PWS
Application Received Date	October 19, 2004
Description of Action	Repaint/rehabilitate 0.5 MG storage tank, known as the Clarion Tank.

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.

Capozzi Property, City of Philadelphia, **Philadelphia County**. Rodd Bender, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004 on behalf of Robert Rosenthal, Westrum Park Place, LP, 370 Commerce Dr., Ft. Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted by petroleum compounds, metals, polynuclear aromatic hydrocarbons and other organic compounds. The intended future use of the site will be residential.

Philadelphia Gas Works Tioga, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 W. Montgomery Ave., Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia, 800 W. Montgomery Ave., Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted by VOCs, semi-VOCs and metals. The site will continue to be used as a nonresidential PGW industrial facility. A summary of the Notice of Intent was reported to have been published in the *Philadelphia Daily News* on October 8, 2004.

Philadelphia Gas Works Belfield, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 W. Montgomery Ave., Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia, 800 W. Montgomery Ave., Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted by VOCs, semi-VOCs and metals. The site will continue to be used as a nonresidential PGW industrial facility. A summary of the Notice of Intent was reported to have been published in the *Philadelphia Daily News* on October 8, 2004.

Philadelphia Gas Works Richmond, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 W. Montgomery Ave., Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia, 800 W. Montgomery Ave., Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Soils at the site have been impacted by VOCs and metals and groundwater at the site has been impacted by VOCs and semi-VOCs. The site will continue to be used as a nonresidential PGW industrial facility. A summary of the Notice of Intent was reported to have been published in the *Philadelphia Daily News* on October 8, 2004.

Philadelphia Gas Works Passyunk, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 W. Montgomery Ave., Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia, 800 W. Montgomery Ave., Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Soils at the site have been impacted by VOCs and metals and groundwater at the site has been impacted by VOCs and semi-VOCs. The site will continue to be used as a nonresidential PGW industrial facility. A summary of the Notice of Intent was reported to have been published in the *Philadelphia Daily News* on October 8, 2004.

Philadelphia Gas Works 9th and Diamond, City of Philadelphia, **Philadelphia County**. Lisa Popovics, Philadelphia Gas Works, 800 W. Montgomery Ave., Philadelphia, PA 19122 on behalf of Michael Handwerk, Philadelphia Gas Works/City of Philadelphia, 800 W. Montgomery Ave., Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by VOCs and semi-VOCs. The site will continue

to be used as a nonresidential PGW industrial facility. A summary of the Notice of Intent was reported to have been published in the *Philadelphia Daily News* on October 8, 2004.

Rockel Residence, Newton Borough, **Bucks County**. Michelle Harrison, React Environmental Svc., Inc., 6901 Kingessing Ave., Philadelphia, PA 9142, on behalf of Lee Brahin, Garnet Assoc., LLC, 1533 Chestnut Street, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with no. 2 fuel oil and groundwater has been impacted with chlorinated solvents.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Sterling Oaks at Lower Nazareth Properties, Lower Nazareth Township, **Northampton County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Notice of Intent to Remediate (on behalf of Eric Witmond, Hidden Oaks, LLP, 119 Cherry Hill Rd., Parsippany, NJ 07054) concerning the remediation of soils found to have been impacted by inorganics. The applicant proposes to remediate the site to meet a combination of the Statewide Health and Background Soil Standards. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area in the near future. A Final Report was simultaneously submitted.

HRA Unit A, City of Hazleton, **Luzerne County**. Larry Roach, P. G., Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 has submitted a Notice of Intent to Remediate (on behalf of Hazleton Redevelopment Authority, City Hall, 40 N. Church St., Hazleton, PA 18201) concerning the remediation of site soils found to be impacted by low concentrations of chlorinated solvents, used motor oil, metals, pesticides and PCBs as the result of historic operations. The applicant proposes to remediate the site to meet the Special Industrial Area (SIA) and site-specific standards. The proposed future use of the site will be for commercial development.

HRA Units B and C, City of Hazleton, **Luzerne County**. Larry Roach, P. G., Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 has submitted a Notice of Intent to Remediate (on behalf of Hazleton Redevelopment Authority, City Hall, 40 N. Church St., Hazleton, PA 18201) concerning the remediation of site soils found to be impacted by low concentrations of chlorinated solvents, used motor oil, metals, pesticides and PCBs as the result of historic operations. The applicant proposes to remediate the site to meet the SIA and site-specific standards. The proposed future use of the site will be for commercial development.

Residential Property Daniel Residence, Penn Forest Township, **Carbon County**. Guy Sheets, Malcolm Pirnie, Inc., 630 Freedom Business Center, 3rd Floor, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate (on behalf of Bethlehem Authority, 10 E. Church Street, Bethlehem, PA 18018) concerning the remediation of soils found to have been impacted by fuel oil no. 2. The applicant proposes to remediate the site to meet the Statewide Health Soil Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.

Sheckler Residence, Lehigh Township, **Northampton County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., has submitted a Notice of Intent to Remediate (on behalf of Jane Sheckler, Main Street, Walnutport, PA 18088) concerning the remediation of soils and groundwater found or suspected to have been impacted by the accidental release of home heating oil contaminated with MTBE. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 13, 2004. A Final Report was simultaneously submitted. The property is proposed to remain residential.

Bold's Automotive Service, City of Bethlehem, **Northampton County**. John Van Wagenen, P. G., Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 has submitted a Notice of Intent to Remediate (on behalf of John Bold, 435 Pembroke Road, Bethlehem, PA 18018) concerning the remediation of soils found or suspected to have been impacted by gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted. The property will be used for the sale of used automobiles.

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

Sunset Landfill (Olmsted AFB, Sunset Annex), Londonderry Township, **Dauphin County**. MWH Americas, Inc., 335 Phoenixville Pike, Malvern, PA 19355, on behalf of Londonderry Township, 783 Geyers Church Road, Middletown, PA 17057, submitted a Notice of Intent to Remediate site groundwater contaminated with fuel oil. The applicant seeks to remediate the site to a combination of Statewide Health and Site-Specific Standards.

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

BVK, Inc., Berwick Borough, **Columbia County**, AGI Aegis Company, Inc., 19 North Center Street, Corry, PA 16407 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel fuel. This site is being remediated to meet the Special Industrial Area.

Meeker Hill Station (M-77), Lawrence Township, **Tioga County**, PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. This site is being remediated to meet the Statewide Health Standards.

M. P. Close Well (MW-703), Lawrence Township, **Tioga County**, PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. This site is being remediated to meet the Statewide Health Standards.

Palmer No. 3 (TW-400), Farmington Township, **Tioga County**, PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Notice of Intent to Remediate soil contaminated with mercury. This site is being remediated to meet the Statewide Health Standards.

Meeker No. 1 (MW-706), Tioga Township, **Tioga County**, PPL Services Corp., 2 North 9th Street GENTW17, Allentown, PA 18101 has submitted a Notice

of Intent to Remediate soil contaminated with mercury. This site is being remediated to meet the Statewide Health Standards.

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

BP Site No. 07176, 101 Tenth Street at Meldon Avenue, City of Donora, **Washington County**. Heather Fazekas, URS Corporation, Foster Plaza 4, 501 Holiday Drive, Pittsburgh, PA 15220 (on behalf of Anthony Noll, Integrity Precision Corporation, 111 Tenth Street, Donora, PA 15033 and Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Ave., Suite 440, Towson, MD 21204) has submitted a Notice of Intent to Remediate soil contaminated with unleaded gasoline and waste oil.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

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

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

New Applications Received

Onyx Environmental Services, LLC, 1 Eden Lane, Flanders, NJ 07836. Received on August 31, 2004.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating

permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

10-281F: II-VI, Inc. (375 Saxonburg Blvd., Saxonburg, Butler, PA 16056-9499) for post-construction plan approval of four 1,200 horsepower emergency generators at their Saxonburg facility in Clinton Township, **Butler County**.

10-281E: II-VI, Inc. (375 Saxonburg Blvd., Saxonburg, Butler, PA 16056-9499) for plan approval to construct a new isopropanol dryer (degreaser) in Clinton Township, **Butler County**.

43-336A: Pennsylvania Rail Car Co., Inc. (33 Carbaugh Street, West Middlesex, PA 16159) plan approval for post construction of a flow coating line at their West Middlesex Plant in the Borough of West Middlesex, **Mercer County**.

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

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

39-302-178: St. Luke's Hospital (801 Ostrum Street, Bethlehem, PA 18015) for construction of three no. 6 fuel oil/natural gas-fired boilers to replace three existing no. 6 fuel oil/natural gas-fired boilers at their facility in Fountain Hill, **Lehigh County**. The facility is a non-Title V (State-only) facility and has been issued Synthetic Minor Operating Permit 39-00036. Each boiler will utilize low-NOx burners and flue gas recirculation to reduce NOx emissions. All three boilers are limited to a total annual no. 6 fuel oil usage not to exceed 1.5 million gallons per year (based on a 12-month rolling sum), which will result in total potential emissions of 41.25 tons per year of NOx,

3.75 tons per year of CO and 58.9 tons per year of SO₂. The boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources for Small Industrial-Commercial-Institutional Steam Generating Units. The Plan Approval and Operating Permit will include stack testing, monitoring, reporting, work practices and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit through an administrative amendment at a later date.

39-309-015: ConAgra Food Ingredients Co. (312 East Breadfruit Drive, Treichlers, PA 18086) for construction and operation of the B-Mill Separator and associated air cleaning device (baghouse) for this mill and existing grain handling and cleaning operation, at their facility in Lehigh Township, **Northampton County**. Particulate emissions in the grain handling and cleaning operations will be controlled by a refurbished fabric-collector. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions, that are designed to keep the facility operating within all applicable air quality requirements. The facility has a valid Synthetic Minor Operating Permit 48-00024. Once the equipment is operational in compliance with all requirements, this plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor Operating Permit.

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

06-05002B: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) for modification of their Portland cement manufacturing facility from a long kiln to a single stage preheater and long kiln controlled by various devices in Maiden Creek Township, **Berks County**. The modification will involve the increase in the maximum annual production of the facility, but limits will be included to limit the emissions to less than the NSR thresholds. The facility is a major source subject to Title V and 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing. The plan approval will include monitoring, testing, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit 06-05002. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

06-05020A: Craft Maid Kitchens, Inc. (501 South Ninth Street, Building C, Reading, PA 19602) for construction of three new spray booths controlled by dry filter pads and low VOC and HAP coatings in the City of Reading, **Berks County**. The facility's VOC emissions will be limited to less than 25 tons per year. The HAP emissions will be limited to less than 10/25 tons per year. Limits will be placed on the VOC and HAP contents in the coatings used. A limit on the amount of coatings applied will be included in the approval. The facility will be required to record the coating usage and calculate the monthly VOC and HAP emissions. The permit will include monitoring, work practices, recordkeeping and re-

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

28-05005A: York Refrigeration—Frick (100 CV Avenue, Waynesboro, PA 17268) for modification of their existing metal surface coating operations in the Borough of Waynesboro, **Franklin County**. The modifications include the installation of a replacement paint spray booth and filter system. The facility's surface coating operations account for most of the facility's VOC emissions which will not be impacted by these modifications. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements. The plan approval will be incorporated into the facility's Title V operating permit in accordance with 25 Pa. Code § 127.450.

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

49-302-028B: Catawissa Lumber and Specialty Co., Inc. (P. O. Box 176 Catawissa, PA 17820-0176) for construction of a 17.44 mmBtu/hr Biomass Combustion Systems wood fired boiler and associated air cleaning device (multiclone collector) in Ralpho Township, **Northumberland County**.

The plan approval application submitted by Catawissa Lumber indicates that the source constructed will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, particulate matter emission limitation of 25 Pa. Code § 123.11, the SO_x emission limitation of 25 Pa. Code § 123.22, the visible emission limitation of 25 Pa. Code § 123.41 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Based upon the technical review of the application, the Department proposes to issue plan approval for the construction of the boiler and air-cleaning device. 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 particulate matter emissions from the boiler shall not exceed a rate of 0.25 pound per million Btu of heat input.

2. The boiler shall not exceed particulate matter emissions of 19.10 tons in any 12 consecutive month period.

3. The NO_x and CO emissions from the boiler shall not exceed 0.5 lb/mmBtu of heat input and 0.6 lb/mmBtu of heat input respectively.

4. The boiler shall be fired on sawdust and "hardwood shavings" consisting of kiln-dried green wood only. No coated or treated wood, laminated wood, particleboard, flakeboard or materials other than kiln-dried wood shall be burned in this boiler. During startup, newspaper may be used to aid in the ignition of the boiler.

5. The multiclone shall be equipped with instrumentation to measure the pressure drop across the collector on a continuous basis.

6. The multiclone collector ash discharge system shall remain sealed from the open air at all times except when changing flyash disposal drums. Additionally, the level of

accumulated ash in the flyash disposal drum shall be checked daily and the drum shall be emptied prior to becoming full.

7. The permittee shall, upon Department request, provide analyses or samples of the wood burned in the boiler.

8. Within 120 days of completion of boiler construction the company shall perform particulate and NO_x stack testing while being operated at its maximum rate.

9. The boiler is subject to subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c.

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

25-994B: Advanced Mold Technologies (2011 East 30th Street, Erie, PA 16510) for postconstruction of a chrome electroplating process in the City of Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for post construction of a chrome electroplating process in the City of Erie, Erie County. This plan approval will be incorporated into a State-only operating permit at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

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

2. The sources shall comply with 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

3. 40 CFR 63.13 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director; Air, Toxics and Radiation Division; US EPA, Region III; 1650 Arch St. Philadelphia, PA 19103-2029.

4. Recordkeeping and reporting requirements shall be maintained in accordance with 40 CFR 63.346 and 63.347, respectively.

5. The source shall comply with 40 CFR 63.343(c)(5)(ii), monitoring to demonstrate continuous compliance.

6. The source shall comply with 40 CFR 63.342, summary of work practice standards.

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

AMS 03134: Henry H. Ottens Manufacturing Co. (7800 Holstein Avenue, Philadelphia, PA 19153) for permitting various process and control equipment associated with food flavoring manufacturing in the City of Philadelphia, **Philadelphia County**. VOC emission from the operation is restricted to 24.5 tons in any rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 04122: Philadelphia Gas Works (800 West Montgomery Ave, Philadelphia, PA 19122) for installation of a 12.53 mmBtu/hr natural gas fired turbine compressor in the City of Philadelphia, **Philadelphia County**. NO_x emissions will increase by 12.02 tons per 12-month rolling period. This is a Title V facility. 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.

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

23-00017: Exelon Generation Co. (1 Industrial Highway, Eddystone, PA 19022) for incorporation of the Acid Rain (Title IV) permit conditions (ORIS No. 3161) in Eddystone Borough, **Delaware County**. This action is an amendment of the Title V Operating Permit. No other changes have taken place at this facility. The acid rain permit establishes current SOx allowances for Units 1—4 for calendar years 2004—2008.

15-00019: Exelon Generation Co. (Township Line and Cromby Roads, Phoenixville, PA 19460) for incorporation of the Acid Rain (Title IV) permit conditions (ORIS No. 3159) in East Pikeland Township, **Chester County**. This action is an amendment of the Title V Operating Permit. No other changes have taken place at this facility. The acid rain permit establishes current SOx allowances for Units 1 and 2 for calendar years 2004—2008.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zama, Facilities Permitting Chief, (570) 327-0512.

41-00001: Transcontinental Gas Pipeline Corp. (2800 Post Oak Blvd., P. O. Box 1396, Houston, TX 77251) for renewal of the Title V Operating Permit for their Salladasburg facility in Mifflin Township, **Lycoming County**. The facility's sources include 5 reciprocating internal combustion engines, 2 compressor turbine engines, 12 space heaters, 5 storage tanks, 2 furnaces, 1 parts washer, 1 auxiliary generators, 1 boiler and associated pipeline flanges and valves, which have the potential to emit major quantities of NOx, CO, VOCs and HAPs. The facility has the potential to emit PM/PM10 and SOx below the major emission thresholds. The two compressor turbine engines are subject to 40 CFR 60.330—60.335. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00002: Transcontinental Gas Pipeline Corp. (2800 Post Oak Blvd., P. O. Box 1396, Houston, TX 77251) for renewal of the Title V Operating Permit for their Wharton facility in Wharton Township, **Potter County**. The facility's sources include 5 reciprocating internal combustion engines, 13 space heaters, 11 storage tanks, 3 field heaters, 1 regen heater, 1 parts washer, 1 auxiliary generators, 1 boiler and associated pipeline flanges and valves, which have the potential to emit major quantities of NOx, CO, VOCs and HAPs. The facility has the potential to emit PM/PM10 and SOx below the major emission thresholds. The three field heaters are subject to 40 CFR 60.40c—60.48c. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

46-00152: Upper Merion Area School District (435 Crossfield Road, King of Prussia, PA 19406) for a non-Title V, State-only, Natural Minor Operating Permit in Upper Merion Township, **Montgomery County**. Upper Merion Area School District owns and operates two 12.6 million Btu/hr boilers, a 15.77 million Btu/hr boiler and four emergency generators that are on the contiguous properties of the high school, the middle school and the administrative building. The facility emits 9.76 tons of NOx per year, 0.97 ton of SO₂ per year, 0.63 ton of PM per year, 7.51 tons of CO per year and 0.99 ton of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

23-00049: PPL Interstate Energy Co.—Marcus Hook (1111 Ridge Road, Linwood, PA 19061) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in the Lower Chichester Township, **Delaware County**. PPL Interstate Energy Company's Marcus Hook pumping station pumps 2 and 6 fuel oil from eight aboveground storage tanks at Sunoco, Inc. (R&M)'s Marcus Hook refinery to PPL's Martins Creek LLC power plant. The facility's major emission points are three mainline fuel heaters and a maintenance heater, from which the main pollutants emitted are SOx and NOx. The facility pollutant potentials to emit for SOx and NOx exceed the major facility thresholds of 100 and 25 tons per year, respectively. However, the facility will limit the fuel usage for their heaters to prevent exceeding these thresholds. The permit will contain 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; David Aldenderfer, Program Manager, (570) 327-3637.

14-00033: Spectra Wood, Inc. (2625 Carolean Industrial Drive, State College, PA 16801) for their State College facility in College Township, **Centre County**. The facility's main sources include 11 natural gas fired combustion units, 4 surface coating booths, woodworking operations and various other wood coating operations. The facility has the potential to emit SOx, NOx, CO, PM (PM10), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining

which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

Coal Applications Received

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

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

Alkalinity greater than acidity*

* The parameter is applicable at all times.

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

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

56040106, Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 4.1 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek and unnamed tributaries to/and Hays Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 18, 2004.

32040106 and NPDES Permit No. PA0249653, KMP Associates, Inc., 1094 Lantz Road, Avonmore, PA 15618, commencement, operation and restoration of a bituminous surface, auger and limestone removal mine in Young Township, **Indiana County**, affecting 351.4 acres. Receiving streams: unnamed tributaries to Whiskey Run and Whiskey Run to Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 14, 2004.

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

65810113, M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701-1319). Renewal application for continued mining of an existing bituminous surface mine in Cook and Donegal Townships, **Westmoreland County**, affecting 76.4 acres. Receiving streams: unnamed tributary to Four Mile Run to Loyalhanna Creek (TSF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received October 21, 2004.

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

54773017R4, K & K Coal Company (133 Valley Furnace Avenue, Port Carbon, PA 17965-1215), renewal of an existing anthracite surface mine operation in East Norwegian and Blythe Townships, **Schuylkill County** affecting 243.1 acres, receiving stream: none. Application received October 18, 2004.

Noncoal Permit Applications Received

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

58930810, Douglas G. Kilmer (R. R. 1 Box 85K, Union Dale, PA 18470), Stages I and II Bond release for a quarry operation in New Milford Township, **Susquehanna County** affecting 3.0 acres on property owned by Franklin Innes. Application received October 21, 2004.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-968. The Moser Group, 210 Holly Drive, Chalfont, PA 18914, Montgomery Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Indian Lake Farms Residential Subdivision:

1. To construct and maintain a pedestrian bridge across an unnamed tributary to West Branch of Neshaminy Creek (WWF, MF) immediately upstream and adjacent to the existing box culvert at Richardson Road.
2. To enlarge the off-stream reservoir of an existing nonjurisdictional dam adjacent to the unnamed tributary to West Branch of Neshaminy Creek.
3. To modify and maintain the existing nonjurisdictional dam by placing fill in 0.03 acre of wetlands (PEM) which exist within the reservoir area.

The height of the berm will be raised and the pond will be converted into a stormwater management facility. The applicant has requested an Environmental Assessment approval for this activity.

The site is approximately 2,000 feet northeast of the intersection of Richardson Road and Bethlehem Pike (SR 0309) (Doylestown, PA USGS Quadrangle N: 2.7 inches; W: 16.6 inches).

E23-445. County of Delaware, 201 West Front Street, Media, PA 19063-2788, Thornbury Township, **Delaware County** and ACOE Philadelphia District. Delaware County Bridge No. 177 Replacement Project.

To construct and maintain a single span bridge with a clear span of 70 feet and an underclearance of approximately 9.06 feet to replace the existing bridge structure, which spans the East Branch of the Chester Creek (TSF). The work will involve:

1. Incidental grading activities and structural backfill to accommodate roadway embankment and to establish finish conditions.
2. Construction of new abutment to accommodate the proposed bridge.
3. Minor grading of the bridge work.
4. Construction of a cofferdam structure system consisting of concrete barrier, sand bags, piping and impervious fabric with a sediment filter bag serving as temporary control measure.
5. Placement of 45 cubic yards of R-5 rip rap at the base of the abutments and other critical areas along the structure for scour protection.

The project site is along Locksley Road (T 373) approximately 185 feet north of the intersection of Lockleys and Creek Roads (West Chester, PA Quadrangle N: 10.19 inches; W: 0.63 inch).

E46-967. The Cutler Group, P. O. Box 629, Horsham, PA 19044, Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments activities associated with the proposed residential subdivision on the Goodman Tract:

1. A pedestrian trail west of proposed lot 45; temporarily impacting 10 linear feet of an unnamed tributary of Trewellen Creek (TSF).
2. Road B bridge crossing of Trewellen Creek, consisting of 50 linear feet of a 29.75-foot by 8.42-foot wide high concrete arch culvert, including an 8-inch sanitary sewer line under the structure and a 30-inch stormwater outfall. The construction will impact an additional 50 feet of watercourse due to temporary equipment crossing and foundation dewatering.
3. Road B bridge crossing of an unnamed tributary of Trewellen Creek consisting of a 60 linear feet of 20-foot wide by 6.33-foot high concrete arch culvert. The construction will impact an additional 45 feet of watercourse due to temporary equipment crossing and foundation dewatering.
4. Emergency Access road crossing of Trewellen Creek, consisting of 30 linear feet of 29.75-foot high by 8.42-foot high concrete arch culvert. The construction will impact an additional 45 feet of watercourse due to temporary equipment crossing and foundation dewatering.
5. Road E Cul-de-sac crossing of unnamed tributary of Trewellen Creek consisting of 144 linear feet of 8-foot

wide by 3-foot high concrete box stream enclosure, including an 18-inch stormwater outfall.

6. Road D crossing of an unnamed tributary of Trewellen Creek consisting of 50 linear feet of 10-foot span by 4.79-foot high concrete arch culvert. The construction will impact an additional 20 feet of watercourse due to temporary foundation dewatering.

7. Relocate the course of an enclosed unnamed tributary of Trewellen Creek to facilitate the construction of Road D and lot 84, by removing 270 linear feet of the downstream segment of an existing 24-inch stream enclosure of an unnamed tributary of Trewellen Creek and to construct in its place 315 linear feet of 36-inch stream enclosure starting at manhole J4 including manhole J5 and endwall J6.

8. Utility line stream crossing of Trewellen Creek by excavating a trench impacting 17 linear feet of stream to placing an 8-inch sanitary sewer line.

The site is on a 74.03-acre area immediately southwest of the intersection of Bethlehem Pike (SR 0309) and Welsh Road (SR 0063) (Ambler, PA USGS N: 14.1 inches; W: 14.3 inches).

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

E22-485. Island Grill, LP, 424 River Road, P. O. Box 296, Dauphin, PA 17018 in the City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct and maintain precast columns and associated caissons and retaining walls within the floodway and floodplain of the Susquehanna River (WWF) to construct the City Island Grill restaurant and associated parking on the south side of Market Street on City Island (Harrisburg West, PA Quadrangle N: 0.80 inch; W: 1.58 inches) in the City of Harrisburg, Dauphin County.

E31-198. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648 in Hopewell Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a five-span concrete bridge with a total length of 392 feet across the Raystown Branch Juniata River (WWF) and associated improvements and then to remove the existing structure to improve the traffic condition of SR 3003, Section 001, Segment 30, Offset 1673 in Raystown Lake (Saxton, PA Quadrangle N: 20 inches; W: 13.1 inches) in Hopewell Township, Huntingdon County.

E31-199. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648 in Morris Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 15-foot by 5-foot concrete box culvert; a 15-foot by 5-foot concrete channel; an 84-inch by 260-foot long stream enclosure at the channel of; and to relocate: (1) a 1,400-foot long stream channel; and (2) a 850-foot long stream channel of an unnamed tributary to Frankstown Branch Juniata River (WWF) and associated improvements to upgrade the condition of SR 0453, Section 002 in the Village of Water Street (Spruce Creek, PA Quadrangle N: 13.2 inches; W: 2.0 inches; N: 13.85 inches; W: 2.3 inches; N: 14.45 inches; W: 2.55 inches and N: 13.55 inches; W: 2.2 inches) in Morris Township, Huntingdon County.

E36-787. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Earl Township, **Lancaster County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain two cells of 11-foot by 3.5-foot box culverts on a 67 degree skew at the channel of an unnamed tributary to Mill Creek (WWF) on SR 1011, Section 002 to improve traffic safety about a mile south of New Holland Borough (New Holland, PA Quadrangle N: 15.0 inches; W: 10.3 inches) in Earl Township, Lancaster County.

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

E08-417. Smithfield Township Supervisors, P. O. Box 27, East Smithfield, PA 18817. Culvert replacement in Smithfield Township, **Bradford County**, ACOE Baltimore District (Ulster, PA Quadrangle N: 18.3 inches; W: 10.9 inches).

To: (1) remove the existing arch corrugated steel pipe which has a span of 8 feet 2 inches and a rise of 5 feet 9 inches; (2) construct and maintain a 40-foot long, 8-foot 7-inch by 5-foot 11-inch ACMP culvert in an unnamed tributary to Sugar Creek (WWF) on T-623 about 0.8 mile south of the intersection of T-623 with Riggs Road; and (3) place R-5 riprap 24 inches deep 6 feet by 10 feet long by 10 feet wide at the outlet end of the pipe. The project will not impact wetlands while impacting about 60 feet of waterway.

E17-400. Treasure Lake Property Owners Association, 13 Treasure Lake, DuBois, PA 15801. Operation and maintenance of Basse Terra Road crossing an unnamed tributary to Gravel Lick Creek in Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Sabula, PA Quadrangle N: 3 inches; W: 13 inches).

After the fact to repair, operate and maintain the crossing of Basse Terra Road across an unnamed tributary to Gravel Lick Creek (CWF). In accordance with Emergency Permit EP1704504, the public road crossing the unnamed tributary was constructed with a single reinforced concrete culvert pipe that has a minimum diameter of 60 inches and length of 73 feet. All future road crossing repair and maintenance work to be conducted at stream low flow. As proposed the project will not impact wetlands while impacting 80 feet of waterway that is along the western right-of-way of SR 0255 approximately 2.1 miles west of Treasure Lake Road and SR 0255 intersection.

E17-402. Jemsite Development, LLC, 1608 Highway 221 North, Jefferson, NC 28640. Retail store construction in Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 6.6 inches; W: 3.2 inches).

The applicant proposes to construct a 138,916 square foot retail store with an accompanying parking area and access roadway encompassing 8.28 acres within an existing industrial park. The construction will permanently fill or impact the hydrology of two palustrine wetland habitat areas totaling 0.17 acre. Mitigation for the 0.17 acre of permanent wetland impact, as well as possible future wetland impacts of development within the industrial park, will be addressed through a Consent Order and Agreement between the Department and the Clearfield Foundation, operators of the industrial park.

E18-377. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. SR 0120, Section A01, Structure Replacement over Shintown Run in Noyes Township, **Clinton County**, ACOE Baltimore District (Renovo-West, PA Quadrangle N: 10.5 inches; W: 7.10 inches).

To remove the existing bridge and to construct and maintain: (1) a reinforced concrete culvert with a waterway opening of 230 square feet, a normal clear span of 20 feet and a minimum underclearance of 12 feet; (2) a temporary roadway of two 8-foot diameter pipes (minimum hydraulic opening of 83 SF) and clean fill 20 feet downstream of the existing bridge; (3) a 90-foot long by 10-foot wide earthen/sandbag ditch temporary by-pass around the bridge site. This project proposes to permanently impact 142 feet of Shintown Run (CWF) without any wetland impacts.

E53-404. Department of Transportation, District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. SR 1020, Section A01 Bridge Replacement in Galeton Borough, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle N: 19.50 inches; W: 3.42 inches).

To remove an existing bridge and to construct, operate and maintain a two span prestressed concrete spread box beam bridge that will carry SR 1029, Section A01, across the West Branch of Pine Creek (HQ-CWF). The two span SR 1020, Section A01, bridge shall be constructed with each span having a minimum clear span of 46 feet. The bridge will also be constructed with a minimum underclearance of 10.92 feet and skew of 90 degrees. All in-stream bridge appurtenances shall be constructed during stream low flow and dry conditions by dams and pumping or fluming stream flow around in-stream work areas. Since West Branch of Pine Creek is a stock trout fishery, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without prior written permission from the Fish and Boat Commission. As proposed, the bridge construction project will have no impact to wetlands, while permanently impacting 75 feet of the West Branch of Pine Creek. The project is along the western right-of-way of SR 0144 approximately 1.5 miles west of SR 1020 and SR 0144 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary pedestrian bridge, construction causeway, cofferdams and/or stream diversions. If any altered or added design element is proposed for the temporary structures that were reviewed and approved for issuing this permit, then the permittee shall submit those proposed design revisions to the Department for review and written approval prior to any design changes being made to the temporary structures.

E53-406. Nicolo Tamburo, Two Monaco Avenue, Elmont, NY 11003. Construct, operate and maintain a private bridge across a contributory flood channel associated to First Fork-Sinnemahoning Creek in Wharton Township, **Potter County**, ACOE Baltimore District (Wharton, PA Quadrangle N: 8.2 inches; W: 3.3 inches).

To remove an existing structure and construct, operate and maintain a private single span bridge across a contributory flood channel associated to First Fork-Sinnemahoning Creek (HQ-CWF). The private single span bridge shall be constructed with a minimum clear span of 38 feet, width of 12 feet and underclearance of 6 feet. Bridge construction and maintenance shall be completed during stream low flow. Since First Fork-Sinnemahoning Creek is a stocked trout fishery, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without prior written approval of the Fish and Boat Commission. As proposed the project will not impact wetlands while impacting 40 feet of waterway that is approximately along the western right-of-way of SR 0872 approximately 1.2-miles north of SR 3001 and SR 0872 intersection.

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

E65-859. City of Greensburg, 416 South Main Street, Greensburg, PA 15601. Mt. Pleasant Street Pedestrian Bridge in the City of Greensburg, **Westmoreland County**, Pittsburgh ACOE District (Greensburg, PA Quadrangle N: 7.67 inches; W: 5.46 inches and Latitude: 40° 17' 32"—Longitude: 79° 32' 21"). The applicant proposes to construct and maintain a pedestrian bridge, having a span of 10 feet across an unnamed tributary to Jacks Run (WWF) (with concrete sidewalls). The proposed bridge will be constructed on channel constructed as part of the Mt. Pleasant Street Flood Control Project.

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

E61-272. Frenchcreek Township Supervisors, 4505 Georgetown Road Franklin, PA 16323. Whippoorwill Road Bridge Replacement in Frenchcreek Township, **Venango County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 2.1 inches; W: 10.0 inches).

The applicant proposes to remove the existing structure and to construct and maintain a single-span bridge with concrete deck having a clear span of approximately 50 feet and an under clearance of approximately 9 feet at a point along Whippoorwill Road spanning Little Sandy Creek (HQ-CWF).

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

E24-238. Catalyst Energy, Inc., 120 Shangri Lane, Pittsburgh, PA 15237-3384. Warrant 3773 Pipeline Project in Highland Township, **Elk County**, ACOE Pittsburgh District (Russell City, PA Quadrangle N: 20.9 inches; W: 7.2 inches).

The applicant proposes to construct approximately 2,800 feet of 4-inch plastic pipeline to transport natural gas from the southeast corner of their Warrant 3773 development to existing sales facilities in the central portion of the same development. The proposed pipeline will cross Crane Run (EV, perennial) by directional drilling. Crane Run is approximately 10 feet wide and 8 inches deep at the crossing location, which is approximately 6,200 feet upstream of the confluence with South Branch Tionesta Creek.

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

E10-09-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project in Cherry Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill several abandoned surface mines, which include a total of 6,550 linear feet of dangerous highwall. The project will include the backfilling of (1) 0.03 acre of PEM wetland and (2) 3.23 acres of open water. In addition, a (3) 2.04-acre open water body will be relocated approximately 40 feet and expanded to (4) 3.26 acres. (5) 1.15 acres of PEM replacement wetland will be constructed onsite to provide mitigation for impacts to the open water bodies. (6) 0.03 acre of off-site

advanced compensation wetland constructed in early 2004, under an earlier phase of this project, will replace the impacted wetlands onsite. The project will directly impact 0.03 acre of wetland and 5.27 acres of open water. 0.03 acre of an off-site replacement wetland will be

utilized to compensate for wetland impacts. Relocation and enlargement of an existing water body to 3.26 acres and construction of 1.15 acres of onsite replacement wetland will compensate for water body impacts (West Sunbury Quadrangle N: 14.4 inches; W: 3.3 inches).

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

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>
PAR10C288R Maple Leaf Acres Subdivision	V. P. Development, Inc. P. O. Box 67 Temple, PA 19560	Berks County Centre Township	UNT Schuylkill River WWF	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0082571 SEW	West Penn District Grace Brethren Mennonite, Inc. Camp Mantowagon P. O. Box 95 Saxton, PA 16678-0095	Huntingdon County Todd Township	Tateman Run 11-D	Y
<i>Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<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>
PA0204862 Industrial Waste	Guardian Industries Corporation 1000 Glasshouse Road Jefferson Hills, PA 15025	Allegheny County Jefferson Borough	Monongahela River	Y
PA0252662 Industrial Waste	Central Indiana County Water Authority 30 East Wiley Street Homer City, PA 15748	Indiana County Center Township	Yellow Creek	Y
PA0034185 Sewage	High Meadows MHP 4751 Kendor Drive Lower Burrell, PA 15068	Westmoreland County Allegheny Township	Allegheny River	Y
PA0110663 Sewage	Municipal Authority of the Borough of Cresson P. O. Box 172 Cresson, PA 16630	Cambria County Cresson Township	Little Conemaugh River	N
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<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. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0243931, Sewage, **James W. Williams**, P. O. Box 222, 809 Township Line Road, Wycombe, PA 18980-0222. This proposed facility is in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new permit to discharge treated sewage from a small flow treatment plant into an unnamed tributary to Mill Creek in Watershed 2F.

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

NPDES Permit No. PA0247464, Sewage, **East Hanover Township**, R. D. 2, Box 4323, Grantville, PA 17028-8650. This proposed facility is in East Hanover Township, **Dauphin County**.

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

NPDES Permit No. PA0088293, Sewage, **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.

NPDES Permit No. PA0027197, Amendment No. 1, Sewage, **The Harrisburg Authority**, One Keystone Plaza, Suite 104, Harrisburg, PA 17101. This proposed facility is in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-C.

NPDES Permit No. PA0080241, Sewage, **West Perry School District, High School and Middle School**, 2606 Shermans Valley Road, Elliottsburg, PA 17024. This proposed facility is in Spring Township, **Perry County**.

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

NPDES Permit No. PA0086550, Sewage, **Jeffrey and Rose A. Siddens**, 65 Stonewall Lane, Alburtis, PA 18011. This proposed facility is in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving water of an unnamed tributary to Swabia Creek in Watershed 2-C.

NPDES Permit No. PA0086266, Sewage, **Northern Lancaster County Authority**, Kramer Mill Road, 983 Beam Road, Denver, PA 17517. This proposed facility is in Brecknock Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Little Muddy Creek in Watershed 7-J.

NPDES Permit No. PA0082937, Industrial Waste, **R. R. Donnelley & Sons Company**, 1375 Harrisburg Pike, Lancaster, PA 17601. This proposed facility is in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the Little Conestoga Creek in Watershed 7-J.

NPDES Permit No. PA0247006, Amendment No. 1, Sewage, **Neighborhood Homeowners Association**, 6350 Daniel Boone Road, Birdsboro, PA 19508. This proposed facility is in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-D.

III. WQM Industrial Waste and Sewerage Actions 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. 2804404, Sewerage, **Roger A. Wingert**, 4546 Philadelphia Avenue, Chambersburg, PA 17201. This proposed facility is in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/operation of a small flow individual residence spray irrigation system for denitrification consisting of a septic tank, Zabel filter, chlorine disinfection and spray field.

WQM Permit No. 0604407, Sewerage, **Keith Brobst, Hamburg Municipal Authority**, 61 North Third Street, Hamburg, PA 19526. This proposed facility is in Hamburg Borough, **Berks County**.

Description of Proposed Action/Activity: Construction/operation of the Ridge Lawn Pump Station on upgrade.

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

Description of Proposed Action/Activity: Permit transfer.

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

Description of Proposed Action/Activity: Construction/operation of a new sequencing batch reactor wastewater treatment plant, Dairy Lane Wastewater Treatment Plant and Bow Creek Interceptor.

WQM Permit No. 0604404, Sewerage, **Birdsboro Municipal Authority**, 202 East Main Street, Birdsboro, PA 19508. This proposed facility is in Birdsboro Borough, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities of the replacement of the existing River Road Pump Station with a submersible pump station.

WQM Permit No. 6704403, Sewerage, **Penn Township Board of Commissioners**, 20 Wayne Avenue, Hanover, PA 17331. This proposed facility is in Penn Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction of approximately 6,300 LF of 18-inch and 24-inch PVC sewers between Westminster Avenue and Manhole R38, west of Frederick Street (Route 194) in Penn Township, to replace the existing 12-inch Plum Creek Interceptor for anticipated flows from the Homewood at Plum Creek retirement community and other future growth. The 24-inch sewer will tie in to the existing 18-inch sewer owned by Hanover Borough at a new manhole (MH 8-79).

WQM Permit No. 2204407, Sewerage, **West Hanover Township Water and Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112. This proposed facility is in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a submersible pump station and force main to serve Clover Hill Business Park and surrounding area.

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

Description of Proposed Action/Activity: Construction/operation of interceptor, duplex suction lift pump station and 4-inch diameter force main to serve Stonebridge Crossing.

WQM Permit No. 3601405, Amendment 04-2, Sewerage, **Black Rock Retreat Association**, 1345 Kirkwood Pike, Quarryville, PA 17566. This proposed facility is in Colerain Township, **Lancaster County**.

Description of Proposed Action/Activity: Installation of equalization tanks to control flow to the recirculating sand filter and a pressure dosing system for the wetland bed.

WQM Permit No. 0603413, Amendment 04-1, Sewerage, **Neighborhood Homeowner's Association**, 6350 Daniel Boone Road, Birdsboro, PA 19508. This proposed facility is in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Installation of five Orenco Systems, Inc. AvanTex 1-Ax20 treatment systems to serve five single family homes.

WQM Permit No. 6703403, Sewerage, **West Manheim Township**, 31 Fairview Drive, Hanover, PA 17331. This proposed facility is in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of Area 1 Sewers and Black Mill Road Pump Station.

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

WQM Permit No. 2685407-A2, Sewerage, **Fairchance-Georges Joint Municipal Sewage Authority**, 141 Big 6 Road, Smithfield, PA 15478. This proposed facility is in Georges Township, **Fayette County**.

Description of Proposed Action/Activity: Construction and operation of a .75 mgd average and 3.6 mgd peak flow sequential batch reactor treatment plant.

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: to construct approximately 900 feet of 4-inch diameter ductile iron force main and a submersible type wastewater pumping station to serve the Waterdam Farms Phase IIIB Development.

WQM Permit No. 6504402, Sewerage, P. O. Box 748, Belle Vernon, PA 15012. This proposed facility is in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction of a pump station, force main and interim sewage treatment plant to serve expanded C. Harper Ford dealership and service center.

WQM Permit No. 6504403, Sewerage, **Oak Farm Estates Partners**, 27 Barri Drive, Greensburg, PA 15601-4628. This proposed facility is in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Submersible type wastewater pumping station and force main to serve Oak Farm Estates, Phase V.

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

WQM Permit No. WQG018320, Sewerage, **Richard C. Borgeson**, P. O. Box 62, Edinboro, PA 16412. This proposed facility is in Cussewago Township, **Crawford County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2005404026	Kevin Dempsey 1 Nicholas St. Middleport, PA 17953	Schuylkill	Middleport Borough	Schuylkill River CWF
PAG2005404028	Russ and Linda Hepler 1751 Chestnut St. New Ringgold, PA 17960	Schuylkill	Barry Township	Mahanoy Creek 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>
Warminster Township Bucks County	PAG2000904079	Warminster Municipal Authority NAWC Wastewater Treatment Plant P. O. Box 2279 Warminster, PA 18974	Unnamed tributary Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haycock Township Bucks County	PAG2000904024	Soliday LLC (Corporation) Soliday LLC Development 703 West Market Street Perkasie, PA 18944	Unnamed tributary Lake Nockamixon	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bridgeton Township Bucks County	PAG2000904071	Robert and Tracy Lessing Subdivision 411 East Columbia Street Colorado Spring, CO 80907	High Falls Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000903050	NPA 17, LP c/o Nappen and Associates New Britain Bus Pk.—Lots 17 and 18 119 Keystone Drive Montgomeryville, PA 18936	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000904075	Elbow Lane LLC Subdivision 2421 Bristol Road Warrington, PA 18976	Unnamed tributary Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000904082	FSB Realty First Service Bank Branch 152 North Main Street Doylestown, PA 18901	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000904067	Plumstead Center Associates, LLC Plumstead Shopping Center Expan 5790 Easton Road Plumsteadville, PA 18949	North Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAG2001504086	Urban Outfitters, Inc. Development 1809 Walnut Street Philadelphia, PA 19103	Rock Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Penn Township Chester County	PAG2001504043	Kevin Holt Holt—184 Sunnyside Road Dev. 1318 Meetinghouse Road Boothwyn, PA 19061	White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG2001503133	Noelle Barbone Hyde Property 2939 Columbia Avenue Suite 1202 Lancaster, PA 17603	East Branch White Clay Creek IWWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

6081

<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>
Atglen Township Chester County	PAG2001504073	Chetty Builders, Inc. Applewood Development 511 School House Road Suite 100 Kennett Square, PA 19348	Octoraro Creek/Valley Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Phoenixville Borough Chester County	PAG2001504062	Shainline Excavating, Inc. 800 Township Line Road Phoenixville, PA 19460	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAG2001504047	Avon Grove School District Stadium Project 275 South Jennersville Road West Grove, PA 19390	Middle Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Birmingham Township Chester County	PAG2001504083	Jeffrey and Marion White Jeffery D. White Property 981 Whitetail Lane West Chester, PA 19390	Plum Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG2004604051	Highland Yorktown Associates, LP Yorktown Development 8120 Old York Road Elkins Park, PA 19027	Tookany Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG2004603250	Wilmer Hallman Sanatoga Ridge Community Phase II 2461 East High Street Pottstown, PA 19464	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004604137	Department of Transportation North Penn Work Order 2 7000 Geerdes Blvd. King of Prussia, PA 19406	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004604143	Phil Guidi Guidi School House Lane Subdivision 9128 North Bethlehem Pike Springhouse, PA 19477	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004604041	GBH Linfield Partnership Church Hill Estates 25 Heffner Road Limerick, PA 19468	Schuylkill River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004604094	Chad Clemens Hagey Road Development 562 Melvin Road Telford, PA 18969	Tributary Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004604192	Whitpain Township North Wales Road Bridge Replacement 960 Wentz Road P. O. Box 800 Blue Bell, PA 19422	Stony Run Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Whitpain Township Montgomery County	PAG2004604071	Robert Wagner Better Living Homes, Inc. 101 Greenbriar Road Lansdale, PA 19446	Tributary to Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004604079	Centocor, Inc. 200 Great Valley Parkway Malvern, PA 19355	Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004604070	David Kane Scheer Tract 3737 Kratz Road Collegeville, PA 19474	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004604118	Gambone Brothers Development Co. Providence Business Park at Oaks 1030 W. Germantown Pike Fairview Village, PA 19409	Unnamed tributary Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Collegeville Borough Montgomery County	PAG2004604105	JPJR Collegeville, LP Baptist Children's Services 520 Route 22 East P. O. Box 6817 Bridgewater, NJ 08807	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglas and New Hanover Townships Montgomery County	PAG2004604001	Berks Montgomery Municipal Authority Sassamansville Sanitary Sewer System 136 Municipal Drive P. O. Box 370 Gilbertsville, PA 19525	Schlegel Run and Middle Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004603218	TH Properties Belmont Estates 345 Main Street Harleysville, PA 19438	Indian Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Jackson Township Luzerne County	PAR10R166R	Rolling Meadows Dev. Co. 46 Pierce St. Kingston, PA 18704	Huntsville Creek CWF	Luzerne County Conservation District (570) 674-7991
North Whitehall Township Lehigh County	PAG2003904031	North Whitehall Township 3256 Levans Rd. Coplay, PA 18037	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Upper Saucon Township Lehigh County	PAG2003904026	Tom Williams 2851 S. Pike Ave. Allentown, PA 18103	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Hazle Township Luzerne County	PAG2004004018	Rocco Arruzzo 101 S. Butler Terrace Dr. Hazleton, PA 18202	Tributary to Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Lehigh Township Northampton County	PAG2004804027	Dominic Farole 5290 W. Coplay Rd. Whitehall, PA 18052	Bertsch Creek CWF	Northampton County Conservation District (610) 746-1971

NOTICES

6083

<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 Saucon Township Northampton County	PAG2004804033	Elena Wiseman Lehigh Village Homes, LP 3029 N. Front St. Harrisburg, PA 17110	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
East Allen Township Northampton County	PAG2004804022	Joseph Keglovits 1492 Main St. A North Catasauqua, PA 18032	Catasauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Lower Saucon Township Northampton County	PAG2004804034	John Blair Blair Custom Homes, Inc. Route 378 (south) and Walter Ave. Bethlehem, PA 18016	Saucon Creek CWF	Northampton County Conservation District (610) 746-1971
East Donegal Township Lancaster County	PAG2003604070	Triple S Associates 110 Brusen Drive Lititz, PA 17543	Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
East Hempfield Township Lancaster County	PAG2003604083	Mennonite Home 1520 Harrisburg Pike Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Upper Leacock Township Lancaster County	PAG2003604090	Blackford Development 120 North Pointe Blvd. Lancaster, PA 17603	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster Township Lancaster County	PAG2003604095	Heslin, Bigler and Ramsey/Hogan HE 1821 Oregon Pike Suite 204 Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
East Hempfield Township Lancaster County	PAR100383-R	LGH Health Campus 2100 Harrisburg Pike Lancaster, PA 17601	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Manheim Township Lancaster County	PAR100424-R	Manheim Township Commissioners 1840 Municipal Drive Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Dauphin County Reed Township	PAG2002204058	Bruce Corsnitz 228A Mountain Road Halifax, PA 17032	Powells Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County Lower Paxton Township	PAR10I205R	Continental Senior Housing Corporation 220 N. 72nd Street Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<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>
Dauphin County Lower Paxton Township	PAG2002204057	Harrisburg News Company 980 Briarsdale Road Harrisburg, PA 17109	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County Lower Paxton Township	PAG2002204025	Anthony Leo 895 Country Lake Drive Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Dauphin County City of Harrisburg	PAR10I241R	Harrisburg City School District P. O. Box 2645 Harrisburg, PA 17105-2645	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Berks County Centre Township	PAG2000604098	Larry Phillips Phillips Farm—Irish Creek Excavation Fill Site 1047 Irish Creek Road Mohrsville, PA 19541	Irish Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Berks County Windsor Township	PAGA2000604101	Richard Snyder Snyder Developers Helene Townhomes 119 West Lancaster Avenue Shillington, PA 19607	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Berks County Leesport Borough	PAG2000604091	Peter Saia Century Cabinetry 220 Phillips Road Exton, PA 19341	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Dauphin County Lower Paxton Township	PAG2002204051	Bern 6 LLC 5500 Linglestown Road Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Cumberland County Middlesex Township	PAG2002104047	Trindle Gardens Larry Hatter and J. Marc Baurele Box 1218 Mechanicsburg, PA 17055	Letort Spring CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013
Cumberland County Upper Allen Township	PAG2002104041	United Rentals P. O. Box 432 Dillsburg, PA 17019	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013
Berks County Kenhorst Township	PAG2000604098	John Lis Lis Construction Inc. 432 Penn Avenue West Reading, PA 19611	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Berks County Sinking Spring Borough	PAG2000604076	Stephen Muther Buckeye Pipeline Company P. O. Box 368 5002 Buckeye Road Emmaus, PA 18049	Caccoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533

NOTICES

6085

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Berks County Muhlenberg Township	PAG2000604102	Lynne Woodside NGK Metals Corporation P. O. Box 13367 Reading, PA 19612	Laurel Run Creek WWF and MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533
Lancaster County Conestoga Township	PAG2003604035	Robert L. Hershey 99 Stehman Road Lancaster, PA 17603	UNT Sherman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County Paradise Township	PAG2003604078	David S. Fisher 391A Osceola Mill Road Paradise, PA 17562	Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County Penn Township	PAG2003604079	Creek LLC 214A Willow Valley Lakes Drive Willow Valley, PA 17584	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County Strasburg Borough	PAG2003604086	Strasburg Volunteer Fire Department 46 West Main Street Strasburg, PA 17579	UNT Walnut Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County Manheim Township	PAG2003604087	St. Peters Evangelical Lutheran Church 10 Delp Road Lancaster, PA 17601	Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County East Drumore Township	PAG2003604091	David S. King 285 Clearfield Road New Providence, PA 17560	Big Beaver Creek South Fork WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County Warwick Township	PAG2003604094	Buckhill Farm Partnership 1001 Lititz Pike Lititz, PA 17543	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County East Cocalico Township	PAG2003604100	Ron Good 25 Kurtz Road, Box F Reamstown, PA 17560	UNT Stony Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Lancaster County Manheim Township	PAG2003604101	Calvary Church 1051 Landis Valley Road Lancaster, PA 17601	Huber Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149

<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 East Hempfield Township	PAG2003604104	Healthy Life Style Enterprises 223 Wohlsen Way Lancaster, PA 17603-4043	Swarr Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149
Centre County Spring Township	PAG2001403007	Carl Bankert S & A Custom Built Homes 501 Rolling Ridge Dr. Suite 200 State College, PA 16801	Logan Branch CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Bigler Township	PAG2001704011	Madera Volunteer Fire Co., Inc. P. O. Box 206 Madera, PA 16661	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Columbia County Mifflin Township	PAG2001904008	Loves Travel Stops & Country Stores P. O. Box 26210 Oklahoma City, OK 73126	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Columbia County Mifflin, S. Centre Townships Briar Creek Borough	PAG2001903018	Mifflin Township Supervisors P. O. Box 359 Mifflinville, PA 18631	North Branch Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Lycoming County City of Williamsport	PAG2004104011	Ronald Kennedy J & J Inn Partners LLP 303 Country Club Dr. Williamsport, PA 17701	West Branch Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Fayette County Springfield Township	PAG2002604033	Atlas Services Corp. 1600 Route 136 Washington, PA 15301	Unnamed tributary to Indiana Creek CWF	Indiana County Conservation District (724) 463-8547
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
York County Springettsbury Township	PAR203547	York Operation Cooper Tools, Inc. 3990 E Market Street York, PA 17402-2769	Kreutz Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Saxton Borough	PAR133507	Seton Company Horton Drive Saxton, PA 16678-1502	Raystown Branch of the Juniata River TSF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Columbia Borough	PAR203531	ITT Industries Engineered Process Solutions Group 4 West Red Oak Lane White Plains, NY 10604	Shawnee Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

NOTICES

6087

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Bradford City McKean County	PAR238312	Graham Packaging Company, LP 2401 Pleasant Valley Road York, PA 17402-9600	Tunungwant Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Berks County Maxatawny Township	PAG043512	Robert Bunner 949 Bennicoff Road Kutztown, PA 19530	Mill Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Lurgan Township	PAG043720	Robert L. Boyd P. O. Box 43 Lurgan, PA 17232	UNT Conodoguinet Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cussewago Township Crawford County	PAG049012	Richard C. Borgeson P. O. Box 62 Edinboro, PA 16412	Cussewago Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Moreland Township Montgomery County	PAG050058	Sunoco, Inc. 20/10 Penn Center 1801 Market Street Philadelphia, PA 19103	Mill Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Richland Township Allegheny County	PAG056198	David Tesone Trucking Inc. 5316 William Flynn Highway Gibsonia, PA 15044	Tributary of Crouse Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Roscoe Borough Washington County	PAG056200	Coen Oil Company P. O. Box 34 1100 West Chestnut Street Washington, PA 15301	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-13

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG132276	Pottsville City 401 North Centre St. Pottsville, PA 17901	Schuylkill	Pottsville City	Schuylkill River CWF West Branch of Schuylkill River CWF Norwegian Creek CWF	Y

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act.

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

Operations Permit issued to **Fox Ledge, Inc.**, R. R. 1, Box 1230, Honesdale, PA 18431, PWS ID 2646395, Mount Pleasant Township, **Wayne County** on October 15, 2004, for the operation of facilities approved under construction permit minor amendment dated August 5, 2004.

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

Permit No. 0604514 MA, Minor Amendment, Public Water Supply.

Applicant	Maidencreek Township Authority
Municipality	Maidencreek Township
County	Berks

Type of Facility

This permit approves repainting and minor repairs to the existing Treetops and Peter's Spring storage tanks. Both tanks have a capacity of 423,000 gallons. The permittee plans to repaint the interior and exterior of both tanks.

Consulting Engineer

Gregory T. Unger, P. E.
Systems Design Engineering, Inc.
1032 James Drive
Leesport, PA 19533

Permit to Construct Issued

October 19, 2004

Operations Permit issued to **Dillsburg Area Authority**, 7670071, Franklin Township, **York County** on October 19, 2004, for the operation of facilities approved under Construction Permit No. 6703503 MA.

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

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant

Osceola Township Municipal Authority

Township or Borough

Osceola Township

County

Tioga

Responsible Official

Jon Seely
Osceola Township Municipal Authority
P. O. Box 115
Osceola, PA 16942

Type of Facility

PWS—Construction.

Permit Issued Date

October 20, 2004

Description of Action

Replacement of their existing 3,000-gallon tank with two 1,200-gallon chlorine contact tanks.

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant

Graham Township

Township or Borough

Graham Township

County

Clearfield

Responsible Official

Dan Kent, Township Supervisor
Graham Township
R. R. 1, Box 349
Morrisdale, PA 16858

Type of Facility

PWS—Construction.

Permit Issued Date

October 20, 2004

Description of Action

Extend Pennsylvania American's waterline to the residents of the Graham Township area.

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant

The Pennsylvania State University

Township or Borough

College Township

County

Centre

Responsible Official Robert E. Cooper, P. E.
Manager, Engineering Services
The Pennsylvania State
University
Physical Plant Building
University Park, PA 16802-1118

Type of Facility PWS—Construction.

Permit Issued Date October 20, 2004

Description of Action Addition of polyphosphate for
corrosion control at the Bryce
Jordan Center.

Permit No. Minor Amendment—Operation, Public
Water Supply.

Applicant **Boggs Township Board of
Supervisors**

Township or Borough Boggs Township

County **Centre**

Responsible Official William Griffith, Chairperson
Boggs Township Board of
Supervisors
1270 Runville Road
Bellefonte, PA 16823

Type of Facility PWS—Operation.

Permit Issued Date October 22, 2004

Description of Action Operation of Well 2.

Permit No. 4496031, Amendment 14—Operation,
Public Water Supply.

Applicant **Tulpehocken Spring Water
Co., Inc.**

Township or Borough Point Township

County **Northumberland**

Responsible Official Joseph V. Malloy, President
Tulpehocken Spring Water Co.,
Inc.
R. R. 1, Box 114T
Northumberland, PA 17857

Type of Facility PWS—Operation.

Permit Issued Date October 21, 2004

Description of Action Use of 26 new bottled water
labels and replacement of the
ozone generator.

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

Permit No. 3204502, Public Water Supply.

Applicant **Central Indiana County
Water Authority**
30 East Wiley Street
Homer City, PA 15748

Borough or Township Center Township

County **Indiana**

Type of Facility Water Treatment Plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Indianola, PA 15051

Permit to Construct
Issued October 12, 2004

Permit No. 1104503, Public Water Supply.

Applicant **Greater Johnstown Water
Authority**
P. O. Box 1287
Johnstown, PA 15907-1287

Borough or Township Stoneycreek Township

County Cambria

Type of Facility Water Treatment Plant

Consulting Engineer Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
Latrobe, PA 15650

Permit to Construct
Issued October 20, 2004

Permit No. 5320017-A1, Public Water Supply.

Applicant **Beverly Health Care
Mountain View Manor**
138 Mountain View Drive
Hillsdale, PA 15746

Borough or Township Montgomery Township

County **Indiana**

Type of Facility Mountain View Manor water
system

Consulting Engineer Keller Engineers, Inc.
420 Allegheny Street
P. O. Box 61
Hollidaysburg, PA 16648

Permit to Construct
Issued October 20, 2004

Permit No. 5604501, Public Water Supply.

Applicant **Municipal Authority of the
Borough of Berlin**
700 North Street
Berlin, PA 15530

Borough or Township Brothersvalley Township

County **Somerset**

Type of Facility Water Storage Tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
P. O. Box 837
Somerset, PA 15501

Permit to Construct
Issued October 25, 2004

Permit No. 0389503-A2, Minor Amendment, Public
Water Supply.

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

Borough or Township Sugar Creek

County **Armstrong**

Type of Facility Rest home

Consulting Engineer R.B. Shannon & Associates, Inc.
314 South Water Street
Kittanning, PA 16201

Permit to Construct
Issued October 12, 2004

STORMWATER MANAGEMENT

Action on plans submitted under the Storm Water Management Act (32 P. S. §§ 680.1—680.17)

Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. 336:60, West Branch Susquehanna River Stormwater Management Plan, as submitted by Union County, was approved on October 14, 2004.

Plan No. 151:11, Little Conemaugh River (Update) Stormwater Management Plan, as submitted by Cambria County, was approved on October 13, 2004.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	3608 West 26th Street Erie, PA 16506-2037	Erie

Plan Description: The approved plan provides for the elimination of all overflow events at the Kearsarge Pump Station through pump station upgrades, construction of an overflow retention facility and sanitary sewer diversions within sewers tributary to the Kearsarge Pump Station. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Berwick Area Joint Sewer Authority	1108 Freas Ave. Berwick, PA 18603	Columbia

Plan Description: This plan was for sewer extensions in Briar Creek Borough and Briar Creek Township, Columbia County. The plan was disapproved because several items were missing from the plan that precluded the Department from determining the Authority's ability to secure funding and implement the proposed project.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Consent Order and Agreement Interlectric Mercury Site, Clarendon Borough, Warren County

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113), the Department of Environmental Protection (Department) has entered into an Agreement with Interlectric Corporation (Interlectric) to remediate the Interlectric Mercury Site (Site), Clarendon

Borough, Warren County (41° 47.0252' N latitude and 79° 59.566' W longitude on the USGS Clarendon, PA, 7.5 minute topographic quadrangle map). The Site is a small portion of a former industrial facility that began historically as a petroleum refinery. The facility was owned and operated historically by Tiona Refining Company, Bradford-Penn Oil Company and Bond Electric from the 1920s through the 1960s.

In the past, elemental mercury was released at the site and this mercury contaminated the environment at the site. Under the terms of the settlement, Interlectric will conduct a cleanup of the site by removing mercury and mercury contaminated soils and other materials from the Site for proper off-Site disposal.

The specific terms of this settlement are set forth in the Consent Order and Agreement (Agreement) with Interlectric. The Department will receive and consider comments regarding the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper or not in the public interest.

After the public comment period, the Department's settlement with Interlectric shall be effective upon the date that the Department notifies Interlectric, in writing, that this Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement or that no comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted in writing to James W. Weaver, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting James W. Weaver, (814) 332-6648. TDD users should contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published

in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Namico Plant, City of Philadelphia, **Philadelphia County**. Paul Martino, P. G., Pennoni Assoc., Inc., 3001 Market St., Philadelphia, PA 19102 has submitted a Remedial Investigation/Remedial Assessment/Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with inorganics, PAH and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Sterling Oaks at Lower Nazareth Properties, Lower Nazareth Township, **Northampton County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Final Report (on behalf of Eric Witmond, Hidden Oaks, LLP, 119 Cherry Hill Rd., Parsippany, NJ 07054) concerning the remediation of soils found to have been impacted by inorganics. The report was submitted to document attainment of a combination of the Statewide Health and Background Soil Standards. A Notice of Intent to Remediate was simultaneously submitted.

Residential Property Daniel Residence, Penn Forest Township, **Carbon County**. Guy Sheets, Malcolm Pirnie, Inc., 630 Freedom Business Center, 3rd Floor, King of Prussia, PA 19406 has submitted a Final Report (on behalf of Bethlehem Authority, 10 E. Church Street, Bethlehem, PA 18018) concerning the remediation of soils found to have been impacted by fuel oil no. 2. The report was submitted to document attainment of the Residential Statewide Health Soil Standard. A Notice of Intent to Remediate was simultaneously submitted.

Sheckler Residence, Lehigh Township, **Northampton County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, Inc., has submitted a Final Report (on behalf of Jane Sheckler, Main Street, Walnutport, PA 18088) concerning the remediation of soils and groundwater found or suspected to have been impacted by the accidental release of home heating oil contaminated with MTBE. The report was submitted to

document attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

Bold's Automotive Service, City of Bethlehem, **Northampton County**. John Van Wagenen, P. G., Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 has submitted a Final Report (on behalf of John Bold, 435 Pembroke Road, Bethlehem, PA 18018) concerning the remediation of soils found or suspected to have been impacted by gasoline. The report was submitted to document attainment of the Residential Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

Reading Eagle Distribution Facility, City of Reading, **Berks County**. Synergy Environmental, Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, on behalf of Reagle Realty Company, 345 Penn Street, P. O. Box 582, Reading, PA 19603, submitted a Remedial Investigation Report and a Final Report concerning remediation of site soils and groundwater contaminated with lead, chlorinated solvents and other organics. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

Envirotest Site, City of Lebanon, **Lebanon County**. Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Environmental System Products, Inc., 11 Kripes Road, East Granby, CT 06026, submitted a Final Report concerning remediation of site soils and groundwater contaminated with inorganics, lead and PAHs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

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

Proposed Bausman Street Independent Living Property, City of Pittsburgh, **Allegheny County**. Mary King, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Richard Ripley, Ripley & Sons, 1910 South 18th Street, Pittsburgh, PA 15203 and Kevin Hanley, Bauseman Street Independent Living, Inc., 50 South 14th Street, Pittsburgh, PA 15203) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics, inorganics, lead and pesticides. 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 refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Christian and Swanson St., 3-7 Christian St., City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Assoc., Inc., P. O. Box 1128, North Wales, PA 19454-0128 on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063 has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel, fuel oil nos. 1 and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil other organics, unleaded gasoline, used motor oil and PAH. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 15, 2004.

Christian and Swanson St., 9-15 Christian St., City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Assoc., Inc., P. O. Box 1128, North Wales, PA 19454-0128 on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063 has submitted a Final Report concerning the remediation of site soils contami-

nated with diesel fuel, fuel oil no. 1, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline, used motor oil and PAH and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline, used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 15, 2004.

Christian and Swanson St., 836-844, 846-850 Swanson St., City of Philadelphia, **Philadelphia County**. Michael S. Roscoe, P. G., Mid-Atlantic Assoc., Inc., P. O. Box 1128, North Wales, PA 19454-0128 on behalf of Fred Tropea, Stone Creek Homes, Ruggiero Development Group, 75 W. Baltimore Pike, Media, PA 19063 has submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel, fuel oil no. 1 and 6, inorganics, kerosene, leaded gasoline, lead, MTBE, new motor oil, other organics, unleaded gasoline, used motor oil and PAH. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 15, 2004.

Former SPS Technologies, Inc. Facility, Dublin Township, **Montgomery County**. Kate Gibbons, Environmental Strategies Corp., 334 Elizabeth Ave., Suite B, Somerset, NJ 08873 on behalf of Philip L. Hinerman Esq., 135 Commerce, Inc., Fort Washington, PA 19634 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 19, 2004.

Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Proposed Brookhaven Development, Upper Milford and Hereford Townships, **Lehigh and Berks County**. Ethan Prout, P. G., American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 submitted a Remedial Investigation Report (on behalf of Judd Builders and Developers, 1750 Walton Road, Blue Bell, PA 19422-0465) concerning the remediation of soils found to have elevated arsenic concentrations as the result of pesticide application to former orchards. The report was submitted in partial fulfillment of the Site-Specific Standard for soils and was approved on September 13, 2004.

Kerr-McGee Chemical LLC—Avoca Property, Avoca Borough, **Luzerne County**. David R. Kerschner, P. G., Principal, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 submitted a combined Remedial Investigation Report and Risk Assessment Report (on behalf of Kerr-McGee Chemical LLC, P. O. Box 25861, Oklahoma City, OK 73125) concerning the characterization and remediation of site soils found or suspected to be contaminated with lead and other inorganics, PAHs and other organics. The reports were submitted in partial fulfillment of the Site-Specific Standard and were approved on September 9, 2004.

Godshalk Residence (2460 North Delaware Drive), Upper Mount Bethel Township, **Northampton County**. Kevin S. Keat, Senior Environmental Scientist, MEA Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report and addendum (on behalf of Valerie Godshalk, Swiftwater, PA) concerning the remediation of groundwater found to have been contaminated with no. 2

home heating oil due to an accidental release. The report demonstrated attainment of the Residential Statewide Health Groundwater Standard and was approved on September 9, 2004.

Former Allentown Paint Property, City of Allentown, **Lehigh County**. Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a revised Final Report (on behalf of Ramzi Haddad, Allen Street Development, Inc., 1111 Sixth Street, Whitehall, PA 18052) concerning the remediation of soils found or suspected of being contaminated with lead, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and BTEX components. A final report for this site was previously approved on October 12, 2000, after demonstrating attainment of the Nonresidential Statewide Health Standard. The revised report reflected a change to meet the Residential Statewide Health Standard and was approved on August 23, 2004.

PPL—Quarry Substation (East Market Street), City of Bethlehem, **Northampton County**. Donald Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 submitted a Final Report (on behalf of PPL Electric Utilities, 2 North Ninth Street, Allentown, PA 18101) concerning the remediation of site soils found or suspected to be contaminated with PCBs. The report demonstrated attainment of the site to the residential Statewide Health Standard and was approved on August 12, 2004.

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

C. E. Kelly Support Facility/Neville Island Maintenance Facility, Neville Island **Allegheny County**. John Mason, CHEMHILL, 1700 Market Street, Suite 1600, Philadelphia, PA 19103 (on behalf of Steven R. Lenney, Charles E. Kelly Support Facility, 6 Loubaugh Street, Oakdale, PA 15701) has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 30, 2004.

Johnstown High School, City of Johnstown, **Cambria County**. Von E. Fisher, KU Resources, Inc., One Library Place, Suite 207, Duquesne, PA 15110 (on behalf of Donald Irwin, Greater Johnstown School District, 1091 Broad Street, Johnstown, PA 15901) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, leaded gasoline, PAHs, unleaded gas, used motor oil, diesel fuel and other organics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 5, 2004.

American Refining Group—Indianola Plant, Allegheny County. Key Environmental Inc., Don Blackert, 1200 Arch Street, Suite 200, Carnegie, PA 15106 and American Refining Group, Inc., 3240 William Pitt Way, Pittsburgh, PA 15238 (on behalf of Kinder Morgan Inc., 2010 William Pitt Way, Pittsburgh, PA 15238) has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX, PAHs and MTBE. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 4, 2004.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

Hazardous Waste Transporter License Issued

Laidlaw Carriers Van GP, Inc., 1179 Ridgeway Road, Woodstock, ON N4S 8P6. License No. PA-AH0714. Effective October 19, 2004.

Hazardous Waste Transporter License Renewed

Pioneer Tank Lines, Inc., 12501 Hudson Road South, Afton, MN 55001-9751. License No. PA-AH0600. Effective October 19, 2004.

Transport Rollex, LTEE, 910 Boul Lionel-Boulet, Varennes, PQ J3X 1P7. License No. PA-AH0544. Effective October 19, 2004.

T. A. G. Transport, Inc., 2818 Roane State Hwy, Harri-man, TN 37748. License No. PA-AH0539. Effective October 19, 2004.

Gary W. Gray Trucking, Inc., P. O. Box 48, Delaware, NJ 07833. License No. PA-AH0474. Effective October 6, 2004.

R.L. Carter Trucking, Inc., 8451 S. State Road 39, Clayton, IN 46118. License No. PA-AH0662. Effective October 6, 2004.

Envirite of Pennsylvania, Inc., 730 Vogelsong Road, York, PA 17404. License No. PA-AH0549. Effective October 4, 2004.

Technic, Inc., 1 Spectacle Street, Cranston, RI 02910. License No. PA-AH S134. Effective September 30, 2004.

Inland Waters Pollution Control, Inc., 2021 S. Schaefer Hwy., Detroit, MI 48217. Effective September 30, 2004.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

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

Infectious and Chemotherapeutic Waste Transporter License Issued

Onyx Environmental Services, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. PA-HC0221. Effective October 14, 2004.

AIR QUALITY

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

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

GP5-65-965A: Great Lakes Energy Partners LLC (P. O. Box 235, Route 85 and Northern Avenue, Yatesboro, PA 15683) on October 22, 2004, to install and operate a 1,340 hp engine and a 750 mmBtu/hr dehydrator unit at this natural gas production station in East Huntingdon Township, **Westmoreland County**.

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

62-172: Glenn O. Hawbaker, Inc.—Brokenstraw Plant (Route 6 West, Warren, PA 16365) on October 20, 2004, to operate their mobile mineral processing plant in Pittsfield Township, **Warren County**.

43-300: Atlas Pipeline Pennsylvania, LLC—Hurt Compressor Station (57 Drake Road, Mercer, PA 16137) on September 27, 2004, to operate two natural gas fired compressor engines in New Wilmington, **Mercer County**.

43-301: Atlas Pipeline Pennsylvania, LLC—Jackson Center Compressor Station (103 Hosack Road, Jackson Center, PA 16133) on September 27, 2004, to operate a natural gas fired compressor engine in Jackson Center, **Mercer County**.

43-293: Atlas Pipeline Pennsylvania, LLC—Garvis Compressor Station (275 Center Town Road, Grove City, PA 16137) on September 27, 2004, to operate a natural gas fired compressor engine in Pine Township, **Mercer County**.

27-030: PA General Energy—Warrant 5138 (Allegheny National Forest Road 5138, Marienville, PA) on October 6, 2004, to operate a natural gas fired compressor engine in Jenks 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.

23-0014E: Kimberly Clark PA LLC (Front Street and Avenue of the States, Chester, PA 19013) on October 22, 2004, to operate a paper machine No. 16 hood dryer in the City Of Chester, **Delaware County**.

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

24-012D: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) on October 12, 2004, to reactivate the 25-inch press and dust collector in the Extrusion Department in St. Marys City, **Elk County**. This is a Title V facility.

10-345A: Allegheny Mineral Corp.—Murrinsville Quarry (102 VanDyke Road, Harrisville, PA 16038) on September 28, 2004, to install a limestone processing facility in conjunction with their new Limestone Mining Operation in Marion Township, **Butler County**.

37-248F: United States Can Co. (1902 Old Butler Road, New Castle, PA 16101) on September 30, 2004, for the temporary bypassing of the RTO when using compli-

ant coatings during periods of RTO maintenance and malfunctions in Shenango Township, **Lawrence County**. This is a Title V facility.

10-027E: Penreco (138 Petrolia Street Karns City, PA 16041) on September 29, 2004, to construct a new gas/oil fired boiler rated at 91 mmBtu/hr to replace the existing coal fired boiler in Karns City Borough, **Butler County**. The new boiler is subject to the New Source Performance Standards for boilers greater than 10 mmBtu and less than 100 mmBtu. The facility is a Title V Facility.

37-290C: Industrial Concerns, Inc. (526 South Jefferson Street, New Castle, PA 16101) on September 22, 2004, to modify plan approval 37-290B for use of a second torch in New Castle, **Lawrence County**.

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

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

09-0075A: Dunmore Corp. (145 Wharton Road, Bristol, PA 19007) on October 19, 2004, to operate a two coater and mixing equipment in Bristol Township, **Bucks County**.

46-0036I: Visteon Systems LLC (2750 Morris Road, Lansdale, PA 19446) on October 20, 2004, to operate a selective solder machines 12 and 13 in Worcester Township, **Montgomery County**.

46-0194A: Freedom Alloys, Inc. (155 Railroad Plaza, Royersford, PA 19468) on October 20, 2004, to operate a 4,000-pound inductotherm furnace in Royersford Borough, **Montgomery County**.

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

64-303-009: Leeward Construction, Inc. (R. R. 6, P. O. Box 6825, Honesdale, PA 18431) on October 20, 2004, for construction of a batch asphalt plant and associated air cleaning device at their facility in Palmyra Township, **Wayne County**. The Plan Approval has been extended.

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

41-330-004: Sunoco, Inc.—R & M (1109 Milton Avenue, Syracuse, NY 13204) on October 15, 2004, to authorize the use of a different blower than originally approved and to operate a soil vapor extraction system and associated air cleaning device (a biofilter) on a temporary basis until February 12, 2005, in Armstrong Township, **Lycoming County**. The plan approval and authorization have been extended.

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

65-00661B: Derry Construction Co., Inc. (527 Route 217, Latrobe, PA 15650) on October 18, 2004, to authorize the use of waste derived liquid fuel and recycled asphalt (RAPO) at their existing Delmont hot mix asphalt plant in Salem Township, **Westmoreland County**. The Plan Approval for this facility has been revised to change the asphalt production limit from 175,000 tons per year to 250,000 tons per year. The emissions from the facility will

remain below major source threshold values and has no impact on work practice standards or emission controls. Plan Approval Special Condition No. 6 has been changed as follows:

Plan Approval Condition 6: Production at the facility shall not exceed 250,000 tons of asphalt in any consecutive 12-month period. The Owner/Operator shall maintain records of daily, monthly and 12-month rolling total for asphalt production, these records shall be kept onsite for a period of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

03-00234A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) on October 19, 2004, to operate a portable coal crusher at Yount Surface Mine in Madison Township, **Armstrong County**. This Plan Approval was extended.

65-00661B: Derry Construction Co., Inc. (527 Route 217, Latrobe, PA 15650) on October 18, 2004, to operate an asphalt plant in Salem Township, **Westmoreland County**. This Plan Approval was extended.

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

25-006A: Russell Standard Corp.—Wheelertown Road (Wheelertown Road, Union City, PA 16438) on October 12, 2004, to replace an existing asphalt plant in LeBoeuf Township, **Erie County**.

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 Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00122: Unisys Corp. (Township and Union Meeting Roads, Blue Bell, PA 19424) on October 22, 2004, to operate a Synthetic Minor Operating Permit in Whitpain Township, **Montgomery County**.

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

22-03063: Chemetron Railway Products, Inc. (5600 Stillwell, Kansas City, MO 64120) on October 19, 2004, for a railway track welding operation in Steelton Borough, **Dauphin County**.

28-03023: Valley Quarries, Inc. (169 Quarry Road, Chambersburg, PA 17201) on October 18, 2004, to operate their Mt. Cydonia Sand Plant No. 2 in Greene Township, **Franklin County**.

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

17-00007: Sensus Metering Systems—North America, Inc. (805 Liberty Blvd., DuBois, PA 15801) on October 14, 2004, issued State-only operating permit for their gas meter and regulator manufacturing facility in DuBois Borough, **Clearfield County**. The facility's main sources include three natural gas fired boilers, four natural gas fired air make-up units, two restroom heaters, an emergency generator, a paint burnoff oven, three rubber diaphragm curing ovens, three manual spray booths, an automated surface coating operation, two parts cleaners, resin application, shellac application, adhesive application, ink marking and solvent cleaning of glue

guns. The State-only operating permit contains all applicable requirements including monitoring, recordkeeping and reporting conditions.

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

65-00592: Burrell School District (1021 Puckety Church Road, Lower Burrell, PA 15068) on October 18, 2004, to operate Sportz Incinerator at Stewart School in Lower Burrell, **Westmoreland 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.

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

49-00009: Mohawk Flush Doors, Inc. (P. O. Box 112, Northumberland, PA 17858) on October 18, 2004, to incorporate, through and administrative amendment, conditions established in Plan Approval 49-00009A for two new wood door roll coaters and a new wood door spray booth (Booth 5) and conditions established in Plan Approval 49-00009B for a modified wood door spray booth (Booth 4) in Point Township, **Northumberland County**.

41-00002: Koppers, Inc. (P. O. Box 189, Montgomery, PA 17752) on October 20, 2004, to incorporate, through an administrative amendment, conditions established in Plan Approval OP-41-0008A for a fuel feeding system on a creosoted woodwaste-fired boiler in Clinton Township, **Lycoming County**.

49-00001: Mt. Carmel Cogen, Inc. (Marion Heights Road, Marion Heights, PA 17832) on October 19, 2004, through the minor operating permit modification requirements of 25 Pa. Code § 127.462, to include conditions for a raw culm grizzly feeder, a .2 million Btu per hour waste oil-fired furnace, eight diesel, lubricating oil and waste oil storage tanks and a gasoline storage tank in Mt. Carmel Township, **Northumberland County**.

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

26-00119: Anchor Glass Container Corp. (4343 Anchor Plaza Parkway, Tampa, FL 33634) on October 20, 2004, the Title V Operating Permit was revised to administratively incorporate the applicable provisions of Plan Approval PA-26-119D, issued to allow an increase in the throughput through Furnace 2 and to allow the construction of Decorating Line 3 at this glass manufacturing facility in Connellsville, **Fayette County**.

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

S95-069: Ashland Specialty Chemical Co. (2801 Christopher Columbus Blvd., Philadelphia, PA 19148-5103) on October 25, 2004, administratively amended to incorporate an installation permit, add some insignificant activities and correct contact information. The Synthetic Minor Operating Permit was originally issued April 25, 2001.

N96-021: The Curtis Center (Independence Square West, Suite 707E, Philadelphia, PA 19106) on October 25, 2004, administratively amended to incorporate two instal-

lation permits and change contact information. The Natural Minor Operating Permit was originally issued September 4, 2001.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

65-00137: Allegheny Ludlum Corp. (100 River Road, Brackenridge, PA 15014-1597) to replace the existing 60,000 gallon per hour cooling tower with a new 70,000 gallon per hour cooling tower. The Cooling tower is utilized by the Z-8 Mill. This new equipment will increase PM10 emissions by .09 ton per year, which qualifies as a de minimis increase specified under 25 Pa. Code § 127.449.

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

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

32030105 and NPDES Permit No. PA0249131. P & N Coal Co., Inc., P. O. Box 332, Punxsutawney, PA 15767-0332, commencement, operation and restoration of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 54.0 acres. The site is in the Little Mahoning Creek Watershed (HQ-CWF). The operation does not propose to discharge treated mine drainage, but will utilize nondischarge alternatives instead. There are no potable water supply intakes within 10 miles downstream. Application received April 3, 2003. Permit issued October 18, 2004.

56030107 and NPDES Permit No. PA0249521. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 121.7 acres. Receiving streams: Buffalo Creek and Millers Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 26, 2003. Permit issued October 15, 2004.

07920101 and NPDES Permit No. PA0599581. Cooney Brothers Coal Company, P. O. Box 246, Creson, PA 16630, SMP Transfer to E. P. Bender Coal

Company, Inc., P. O. Box 594, Carrolltown, PA 15722 in Allegheny Township, **Cambria County**, affecting 474 acres. Receiving streams: UNTs to Sugar Run and Sugar Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 8, 2004. Permit issued October 21, 2004.

56970104 and NPDES Permit No. PA0234541. Sherpa Mining Contractors, Inc., P. O. Box 4459, 1738 Snowfield Drive, Hidden Valley, PA 15502, surface mine permit renewal in Shade Township, **Somerset County**, affecting 86.4 acres. Receiving stream: unnamed tributaries to Stoney Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Hooversville Borough Somerset County Municipal Authority Stoneycreek Surface Water Withdrawal. Application received January 24, 2004. Permit issued October 21, 2004.

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

17990124 and NPDES Permit No. PA0242802. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Transfer of an existing bituminous surface mine permit from Mark Coal Company in Bigler Township, **Clearfield County** affecting 73.7 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run. Application received March 29, 2004. Permit issued October 8, 2004.

14030102 and NPDES Permit No. PA0243540. Lee Coal Contracting, Inc. (147 Loop Road, West Decatur, PA 16878). Commencement, operation and restoration of a bituminous surface mine permit in Snow Shoe Township, **Centre County** affecting 37 acres. Receiving streams: unnamed tributary to Black Moshannon Creek, Moshannon Creek to West Branch Susquehanna River. Application received July 25, 2003. Permit issued October 8, 2004.

17793044 and NPDES Permit No. PA0119334. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 112 acres. Receiving streams: unnamed tributary to Marks Run, to Marks Run to Upper Three Runs and Saltlick Run to West Branch Susquehanna River. Application received June 11, 2004. Permit issued October 12, 2004.

Noncoal Permits Actions

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

08040805. David B. Williams (R. R. 2, Box 197, Kingsley, PA 18826). Commencement, operation and restoration of a small industrial minerals (bluestone) permit in Rome Township, **Bradford County** affecting 3 acres. Receiving streams: unnamed tributary to Parks Creek. Application received April 30, 2004. Application returned: October 14, 2004.

59041003. Terry Jacobson (P. O. Box 32, Sabinsville, PA 16943), authorization to extract noncoal in Nelson Township, **Tioga County** to supply fill material for the SR 49 Sec. 55M Slide Repair Project. Receiving stream: Cowanesque River, tributary to Chemung River. Application received October 4, 2004. Authorization approved: October 13, 2004.

08990803. Lester West (R. R. 2, Box 248-A1, Wysox, PA 18854). Transfer of an existing small industrial minerals (flagstone) permit from Scott A Dunn in Standing Stone Township, **Bradford County** affecting 3 acres.

Receiving streams: unnamed tributary, tributary to King Creek. Application received June 25, 2004. Permit issued October 15, 2004.

59030801. Harry L. and Joyce M. Horvath (R. R. 1, Box 85A, East State Road, Covington, PA 16917). Commencement, operation and restoration of a small industrial minerals (shale) permit in Covington Township, **Tioga County** affecting 5 acres. Receiving streams: unnamed tributary, tributary to Tioga River. Application received April 1, 2003. Application returned: October 22, 2004.

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. Permit issued October 15, 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. Permit issued October 18, 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. Permit issued October 15, 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. Permit issued October 18, 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. Permit issued October 19, 2004.

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

6875SM5C and NPDES Permit No. PA0595128. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oliver Township, **Mifflin County**, receiving stream: unnamed tributary to Strodes Run. Application received March 24, 2004. Renewal issued October 20, 2004.

67870301C6 and NPDES Permit No. PA0010235. York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **Chester County**, receiving stream: Willis Run. Application received August 16, 2004. Renewal issued October 20, 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.

Blasting Permits Actions

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

37045003. Demtech, Inc. (65 Bald Mountain Road, DuBois, WY 82513). Blasting activity permit to demolish a bridge in Ellwood City, **Lawrence County** for ten days. Application received October 20, 2004. Application issued October 21, 2004.

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

14044025. Galen Driebelbis (1535 N. Atherton Street, State College, PA 16804), for construction blasting in Ferguson Township, **Centre County**, with an expected duration of 48 days. Permit issued October 14, 2004.

Blasting Activity Permits Issued

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

06044103. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Stonecroft Village in Merion Township, **Berks County** with an expiration date of December 30, 2005. Permit issued October 18, 2004.

36044111. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, 17033), construction blasting for a sewer trench at 187 Merts Drive in Mt. Joy Township, **Lancaster County** with an expiration date of December 30, 2004. Permit issued October 18, 2004.

09044032. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at The Villages/Arbor Pointe in Buckingham Township, **Bucks County** with an expiration date of November 13, 2005. Permit issued October 19, 2004.

46044035. Horst Drilling & Blasting, Inc. (141 Ranck's Church Road, New Holland, PA 17557), construction blasting at Rivercrest Phase II in Upper Providence Township, **Montgomery County** with an expiration date of November 12, 2005. Permit issued October 19, 2004.

09044033. Rock Work, Inc. (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting at Thompson Tract, et al in Bedminster Township, **Bucks County** with an expiration date of September 30, 2005. Permit issued October 19, 2004.

38044020. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Greystone Development in Jackson Township, **Lebanon County** with an expiration date of October 1, 2005. Permit issued October 19, 2004.

52044015. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Milford Highlands in Milford Borough, **Pike County** with an expiration date of November 15, 2005. Permit issued October 19, 2004.

06044042. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Lenhartsville Pump Sta-

tion in Greenwich Township, **Berks County** with an expiration date of October 1, 2005. Permit issued October 19, 2004.

36044088. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Distribution Warehouse in East Cocalico Township, **Lancaster County** with an expiration date of October 1, 2005. Permit issued October 19, 2004.

67044105. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, 17033), construction blasting for a development in Newberry Township, **York County** with an expiration date of January 30, 2005. Permit issued October 19, 2004.

21044103. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting in West Pennsboro Township, **Cumberland County** with an expiration date of October 31, 2005. Permit issued October 19, 2004.

06044104. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Eacis Auto in South Heidelberg Township, **Berks County** with an expiration date of October 31, 2005. Permit issued October 20, 2004.

36044112. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Township, **Lancaster County** with an expiration date of November 30, 2004. Permit issued October 20, 2004.

36044113. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Green Park III in Rapho Township, **Lancaster County** with an expiration date of November 1, 2005. Permit issued October 20, 2004.

36044114. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Rapho Township, **Lancaster County** with an expiration date of November 30, 2005. Permit issued October 20, 2004.

48044039. West End Drilling & Blasting, Inc. (P. O. Box 1646, Brodheadsville, PA 18322), construction blasting at Saddle Creek Residential Estates in Upper Mt. Bethel Township, **Northampton County** with an expiration date of November 17, 2005. Permit issued October 21, 2004.

45044035. West End Drilling & Blasting, Inc. (P. O. Box 1646, Brodheadsville, PA 18322), construction blasting at Newton Run Lot No. 2 in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2004. Permit issued October 21, 2004.

67044049. Cumberland Valley Drilling & Blasting, Inc. (6820 Wertzville Road, Enola, PA 17025), construction blasting at Cloisters Condominium/The Towns on the Green in Newberry Township, **York County** with an expiration date of October 31, 2005. Permit issued October 21, 2004.

38044021. Cumberland Valley Drilling & Blasting, Inc. (6820 Wertzville Road, Enola, PA 17025), construction blasting at North Lebanon Business Park in North Lebanon Township, **Lebanon County** with an expiration date of November 13, 2005. Permit issued October 21, 2004.

09044034. Brubacher Excavating, Inc. (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Richland Township Water Authority

Tank Installation in Richland Township, **Bucks County** with an expiration date of November 18, 2005. Permit issued October 21, 2004.

23044009. Eastern Blasting Company, Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at Northbrook Development in Bethel Township, **Delaware County** with an expiration date of November 18, 2005. Permit issued October 21, 2004.

64044101. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Hideout Development in Lake Township, **Wayne County** with an expiration date of December 31, 2005. Permit issued October 21, 2004.

45044104. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Rock Ledge Estates in Price Township, **Monroe County** with an expiration date of December 31, 2005. Permit issued October 21, 2004.

45044105. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Construction Community in Pocono Township, **Monroe County** with an expiration date December 31, 2005. Permit issued October 22, 2004.

49044005. Popple Construction, Inc. (202 Main Street, Laflin, PA 18702) and **D. C. Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815), construction blasting at Little Mahoning Crop Wall Phase II (OSM) in Little Mahanoy Township, **Northumberland County** with an expiration date of October 31, 2005. Permit issued October 22, 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

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

E06-593. Cumru Township, 1775 Welsh Road, Mohnnton, PA 19540 in Cumru Township, **Berks County**, ACOE Baltimore District.

To construct and maintain a retaining wall within the floodway of a UNT to the Schuylkill River (WWF) to prevent structural failure of Ridgeway Road, (Reading, PA Quadrangle N: 8 inches; W: 3.5 inches) in Cumru Township, 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.

E07-387. Pennsylvania State University, 101P Office of Physical Plant, University Park, PA 16802 in City of Altoona, **Blair County**, ACOE Baltimore District.

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

E44-123. United States Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801 in Union Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain a stream rehabilitation project on Little Kishacoquillas Creek (CWF, perennial) beginning at the confluence of Little Kishacoquillas Creek and Kishacoquillas Creek (Belleville, PA Quadrangle N: 18.3 inches; W: 13.9 inches) and extending to a point approximately 2,250 feet upstream (Belleville, PA Quadrangle N: 19.05 inches; W: 14.05 inches) using a natural stream channel design approach involving floodway excavation, filling and grading, minor channel relocation, the placement of cross vanes, J-hook vanes, mud sills and random boulders for the purpose of eliminating existing channelization, reducing sediment aggradation, improving aquatic habitat and establishing a riparian buffer in Union Township, Mifflin County. The project proposes to directly affect 2,250 linear feet of the channel of Little Kishacoquillas Creek.

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

E14-465. Wetlands Habitat Management Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803.

Phase 2 Bald Eagle Site in Huston Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 4.1 inches; W: 12.6 inches).

Applicant is permitted to create 18.2 acres of palustrine wetlands along the flood plain of Bald Eagle Creek (TSF). The site is comprised of two tracts lying just east and west of Steel Hollow Run and immediately south of SR 220. Temporary construction impacts (0.015 acre) are also approved to facilitate access to the site.

E18-376. John R. Cottoni, 129 Crestmont Drive, Lock Haven, PA 17745. Pavilion construction in Woodland Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 5.63 inches; W: 4.25 inches).

To: (1) construct and maintain a 32-foot by 42-foot open pavilion on a 5-inch concrete/fiber mix pad; (2) place a 12-foot by 16-foot by 16-foot storage shed on skids; and (3) regrade an area 125 linear feet by 35 feet wide of the site in the 100-year floodway of the West Branch. Susquehanna River (WWF) on a private lot off Eden Lane immediately west of the intersection of Eden Lane with Water Valley Road. The project will not impact wetlands or waterways while disturbing approximately 0.09 acre of earth.

E41-538. Grays Run Club, 2316 Yale Avenue, Camp Hill, PA 17011. Grays Run stabilization in McIntyre Township, **Lycoming County**, ACOE Baltimore District (Trout Run, PA Quadrangle N: 20 inches; W: 4.2 inches).

To construct, operate and maintain a 250 linear foot stream revitalization project consisting of one rock "J" hook vane and one rock "V" cross vane. The structures will be constructed out of stone measuring a minimum of 3.7 feet by 3.2 feet by 2.1 feet. All structures shall be constructed in accordance with the plans and specifications.

E41-541. Warren H. Frantz, 435 Rivendell Road, Williamsport, PA 17701. Water Obstruction and Encroachment Joint Permit application in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville North, PA Quadrangle N: 7.37 inches; W: 14.23 inches).

To remove an existing 3-foot metal pipe, construct and maintain a 4-foot diameter plastic pipe and two 2-foot diameter plastic pipes to be set above the larger pipe to prevent overtopping in Miller's Run, 2.1 miles north of the intersection of Four Mile Drive and Northway Road along Northway Road. This project proposes to permanently impact 20 linear feet of Miller's Run (WWF) and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-459. Farmington Township, R. R. 2, Box 800, Lawrenceville, PA 16929. Culvert addition in Farmington Township, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 15.3 inches; W: 3.2 inches).

To construct and maintain an 8.5-foot diameter by 30-foot long culvert adjacent to an existing 7-foot diameter by 30-foot long culvert in Thornbottom Creek (WWF) on Pleasant Valley Road approximately 0.1 mile west of the intersection of Pleasant Valley Road with Thornbottom Road. A stone headwall with wings will be constructed at the inlet to the culverts and 10 linear feet by 25 feet wide by 10 feet high R-7 riprap and geotextile stabilization will be placed at the outlet end. The project

will not impact wetlands while impacting approximately 45 feet of waterway and less than 0.02 acre of earth disturbance.

SPECIAL NOTICES

Public Hearing for NPDES Permit No. PAI020004001

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on individual NPDES Permit Application No. PAI020004001 for the discharge of stormwater from construction activities at the proposed Columbia Gas Transmission Corporation, Forks, Lower Mount Bethel, Washington and Upper Mount Bethel Townships, Northampton County; Smithfield and Middle Smithfield Townships, Monroe County; and Lehman, Delaware and Dingmans Townships, Pike County.

The public hearing will be held on December 14, 2004, at 7 p.m. in the Delaware Township Municipal Building, SR 739, Delaware Township, Pike County by the 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 Columbia Gas Transmission Corporation. The NPDES permit application proposes the discharge of stormwater from construction activities to Mud Run, Martins Creek, Little Martins Creek, Oughough Creek, East Fork Martins Creek, Jacoby Creek, Slate Ford Creek, Cherry Creek, Brodhead Creek, Marshalls Creek, Bushkill, Little Bushkill, Delaware River, Toms Creek, Hornbecks Creek, Dingmans Creek, Adams Creek, Long Meadow Brook, Conashaugh Creek and associated UNTs.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Columbia Gas Transmission Corporation Public Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI020004001. 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 Monroe County Conservation District Office, (570) 629-3060, the Northampton County Conservation District Office, (610) 746-7991, and the Pike County Conservation District Office, (570) 226-8220.

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

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Logway Run Watershed in Centre County

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the

Logway Run Watershed in Centre County. The meeting will be held on November 15, 2004, at 7 p.m. at the Beech Creek Municipal Building, Beech Creek, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office, (814) 342-8200 by 4 p.m. on Friday, November 12, 2004. The Department will consider all comments in developing the final TMDL for the Logway Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Logway Run Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). One stream segment in the Logway Run Watershed has 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 as follows:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
22701 (7115)	Logway Run	0.8

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 Logway Run 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 Logway Run 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 Logway Run Watershed. Written comments must be postmarked by January 5, 2005, 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 Beech Creek Municipal Building, contact John Mital at the phone number or e-mail address indicated previously.

The proposed TMDL for the Logway Run Watershed can be accessed through the Department's website: ww.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.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Middle Branch Big Run Watershed in Centre County

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Middle Branch Big Run Watershed in Centre County. The meeting will be held on November 15, 2004, at 7 p.m. at the Beech Creek Municipal Building, Beech Creek, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office, (814) 342-8200 by 4 p.m. on Friday, November 12, 2004. The Department will consider all comments in developing the final TMDL for the Middle Branch Big Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Middle Branch Big Run Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). One stream segment in the Middle Branch Big Run Watershed has 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 as follows:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
22662 (7112)	Middle Branch Big Run	5.5

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 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 Middle Branch Big Run 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 Middle Branch Big Run 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 Middle Branch Big Run Watershed. Written comments must be postmarked by January 5, 2005, 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 Beech Creek Municipal Building, contact John Mital.

The proposed TMDL for the Middle Branch Big Run 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.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the North Fork Beech Creek Watershed in Centre County

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the North Fork Beech Creek Watershed in Centre County. The meeting will be held on November 15, 2004, at 7 p.m. at the Beech Creek Municipal Building, Beech Creek, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office, (814) 342-8200 by 4 p.m. on Friday, November 12, 2004. The Department will consider all comments in developing the final TMDL for the North Fork Beech Creek Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the North Fork Beech Creek Watershed was established in accordance with the requirements of the Clean Water Act, section 303(d). One stream segment in the North Fork Beech Creek Watershed has 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 as follows:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
22781 (7116)	North Fork Beech Creek	5.9

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 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 North Fork Beech 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

North Fork Beech 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 North Fork Beech Creek Watershed. Written comments must be postmarked by January 5, 2005, 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 Beech Creek Municipal Building, contact John Mital.

The proposed TMDL for the North Fork Beech 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.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Elk Creek Watershed in Cambria County

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

The Department is holding a public meeting on Tuesday, November 16, 2004, at 7 p.m. at the Nanty Glo Firehall, Nanty Glo, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. Four stream segments in the Elk Creek Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania 303(d) lists due to high concentrations of metals and other inorganics (sulfates). The listed segments and miles degraded are shown as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
43257 (Segment 5084)	Elk Creek	4.6
43257 (Segment 990222-1030-ALF)	Elk Creek	1.6
43257 (Segment 990222-1100-ALF)	Elk Creek	1.2
43257 (Segment 990222-1300-ALF)	Elk Creek	0.5

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and 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 heavily mined for coal in the 20th century. The effects of this are still present. Mining continues in the watershed today. The TMDL consists of both load allocations (LA), which

are made to nonpoint sources of pollution and waste load allocations (WLA), which are made to point sources of pollution.

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2002.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Tom Pongrac, Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, tpong@state.pa.us. Directions to the meeting place can also be obtained through this contact. The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 5, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on November 12, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Little Deer Creek Watershed in Allegheny County

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

The Department is holding a public meeting on December 2, 2004, at 7 p.m. at the Plum Borough Municipal Building, Plum, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. One stream segment in the Little Deer Creek Watershed has been identified as impaired on the Pennsylvania Section 303(d) list due to metals from AMD. The listed segment and miles degraded is shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
42289 (970801-1100-TVP)	Little Deer Creek	7.82

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

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

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

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2002 and 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact. The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 5, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on January 3, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the Plum Creek Watershed in Allegheny County

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

The Department is holding a public meeting on December 2, 2004, at 7 p.m. at the Plum Borough Municipal Building, Plum, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. Five stream segments in the Plum Creek Watershed have been identified as impaired on the Pennsylvania Section 303(d) list due to metals and pH from AMD. The listed segments and miles degraded are as follows:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
42246 (990706-1530-TVP)	Plum Creek	4.4
42256 (990608-1000-TVP)	Little Plum Creek	2.7
42256 (990712-1100-TVP)	Little Plum Creek	4.2
42256 (990609-1330-TVP)	Little Plum Creek	3.9
42256 (990609-1245-TVP)	Little Plum Creek	1.6

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

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

The primary pollutant source for the watershed is abandoned mine workings. A WLA is assigned to the active mining permit in the watershed. All of the remaining allocations in the TMDL are LAs assigned to nonpoint sources of pollution.

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2002 and 2003.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ron Horansky, Armbrust Professional Center, R. D. 2 Box 603-C, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us. Directions to the meeting place can also be obtained through this contact. The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 5, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on January 3, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for the South Branch Blacklick Creek Watershed in Cambria and Indiana Counties

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

The Department is holding a public meeting on Tuesday, November 16, 2004, at 7 p.m. at the Nanty Glo Firehall, Nanty Glo, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. Three stream segments in the South Branch Blacklick Creek Watershed have been identified as impaired on the 1996, 1998 and 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
44618 (Segment 5086)	South Branch Blacklick Creek	1.02
44618 (Segment 990102-0855-TVP)	South Branch Blacklick Creek	1.65

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
44618 (Segment 990102-0900-TVP)	South Branch Blacklick Creek	5.12

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and 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 heavily mined for coal in the 19th century. The effects of this are still present. Mining continues in the watershed today. The TMDL consists of both LAs, which are made to nonpoint sources of pollution and WLAs, which are made to point sources of pollution.

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2002.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Tim Kania, Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, tkania@state.pa.us. Directions to the meeting place can also be obtained through this contact. The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 5, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 4 p.m. on November 12, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) for Solomon Creek Watershed in Luzerne County

Central Office: Clarence E. Yingling, Jr., Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

The Department is holding a public meeting on November 10, 2004, at 7 p.m. at the Hanover Township Building, 1267 Sanssouci Parkway, Hanover Township, PA to discuss and accept comments on a proposed TMDL, established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. Two stream

segments in the Solomon Creek Watershed have been identified as impaired on the 2004 Pennsylvania 303(d) list due to metals and siltation. The listed segments and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
28352 (Segment 20010718-0900-CJD)	Solomon Creek	4.0
28353 (Segment 20010718-0900-CJD)	Spring Run	1.9
63991 (Segment 20010718-1120-CJD)	Sugar Notch Run	2.6

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

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	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 heavily mined for coal throughout the 19th and 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LAs that are made to nonpoint sources of pollution.

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

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected in 2001 and 2002.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Clarence E. Yingling, Jr., Bureau of Water Supply and Wastewater Management, RCSOB, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-2958, cyingling@state.pa.us. Directions to the meeting place can also be obtained through this contact. The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 5, 2005. Persons who plan to make a presentation at the public meeting should notify the Department by 3 p.m. on November 9, 2004. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment for the Proposed Total Maximum Daily Loads (TMDLs) for an Unnamed Tributary (24679) to Trout Run in Elk County

Central Office: Clarence E. Yingling, Jr., Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

TMDLs have been established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. One stream segment has been identified as impaired on the Pennsylvania Section 303(d) list due to metals and pH. The listed segment and miles degraded are as follows:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
24679 (Segment 981014-0717-BPG)	UNT Trout Run	1.1

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

<i>Parameter</i>	<i>Criterion Value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	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 heavily mined for coal from the mid-1900s to present day. The effects of this are still present. All of the allocations made in the TMDL are LAs that are made to nonpoint sources of pollution.

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

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

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and information sheet, contact Clarence E. Yingling, Jr., Bureau of Water Supply and Wastewater Management, RCSOB, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-2958, cyingling@state.pa.us. The TMDL can be viewed and printed by accessing the Department's website: www.dep.state.pa.us (DEP Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 5, 2005. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 04-2002. Filed for public inspection November 5, 2004, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department)

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

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

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Draft Technical Guidance:

DEP ID: 012-0700-002 Title: Proposed Revision to the Agricultural Land Preservation Policy. Description: The purpose of this guidance is to provide policy guidance to Department staff to: 1) consider ways to prevent the irreversible loss of prime agricultural land; and 2) administer the Department's programs so that Department funds and Department-administered Federal funds are not used to encourage the conversion of prime agricultural land to other uses when feasible alternatives are available. This policy implements Executive Order 2003-2. The order directs the Department to list agency actions that directly or indirectly impact prime agricultural lands, provide a statement of agency guidelines and procedures that eliminate or minimize impacts detrimental to the continued use of prime agricultural lands and describe any statutory or regulatory changes necessary to implement the intent of the executive order.

Written Comments: Interested persons may submit written comments on technical guidance document No. 012-0700-002 by December 6, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments may be submitted to Lou Guerra, Jr., DEP Policy Office, Rachel Carson State Office Building, 15th Floor, P. O. Box 2063 Harrisburg, PA 17105, lguerra@state.pa.us. Questions regarding the technical guidance document should be directed to Lou Guerra, Jr. at (717) 783-8727 or by e-mail.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-2003. Filed for public inspection November 5, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of St. Clair Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Clair Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7B1 (relating to preoperative holding), 7.7B2 (relating to spacing of beds and hand washing stations in post anesthesia care unit) and 7.5 (relating to medical gases related to post-anesthesia care unit).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 04-2004. Filed for public inspection November 5, 2004, 9:00 a.m.]

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

The Statewide HIV Community Prevention Planning Committee, established under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, November 17, 2004, from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

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

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

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

[Pa.B. Doc. No. 04-2005. Filed for public inspection November 5, 2004, 9:00 a.m.]

Pennsylvania Cancer Control Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, December 8, 2004 from 8 a.m. to 12 p.m. in Room 505, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka, (717) 787-5251, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 04-2006. Filed for public inspection November 5, 2004, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Pennknoll Village
208 Pennknoll Road
Everett, PA 15537-6940

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

UPMC Northwest Transitional Care Unit
174 East Bissell Avenue
Oil City, PA 16301

St. Joseph's Manor
1616 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID 451002

HRH Transitional Care Unit
1648 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID 083902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.17 (relating to stairways):

Elm Terrace Gardens
660 North Broad Street
Lansdale, PA 19446-2361

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address or phone number, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 04-2007. Filed for public inspection November 5, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Section 5310 Program State Management Plan Change

The Department of Transportation, Bureau of Public Transportation (Bureau), is proposing to change the State Management Plan (plan) for the Section 5310 Program to further the Bureau's goal to streamline grant programs by allowing entities eligible for both Section 5310 funds and Community Transportation Capital (CTC) funds to submit one application for both funding programs.

The Section 5310 Program allows private nonprofit organizations and designated public bodies to apply for Federal capital assistance which will pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers. Under the CTC program, Shared-Ride transportation providers in every county of this Commonwealth, except Philadelphia and Allegheny Counties, are allowed to apply for State and Federal funds that are used to purchase vehicles and other transportation-related equipment used in providing transit services to persons 65 years of age and older.

Copies of the proposed plan can be obtained by contacting Ben Brosius, Section 5310 Program Manager, P. O.

Box 3151, Harrisburg, PA 17105-3151, (717) 787-1211. Questions or comments on the proposal shall be forwarded to Ben Brosius by December 6, 2004.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-2008. Filed for public inspection November 5, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 21, 2004, and announced the following:

Action Taken—Regulation Approved

Pennsylvania Liquor Control Board #54-59: Revisions to Codify Practices and Procedures Resulting from Legislative Amendments (amends 40 Pa. Code Chapters 1—15)

Approval Order

Public Meeting held
October 21, 2004

Commissioners Voting: Alvin C. Bush, Vice Chairperson; Daniel F. Clark, Esq.; Arthur Coccodrilli; Murray Ufberg, Esq.

Pennsylvania Liquor Control Board—Revisions to Codify Practices and Procedures Resulting from Legislative Amendments; Regulation No. 54-59

On June 18, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code Chapters 1—15. The proposed regulation was published in the July 3, 2004, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 22, 2004.

This final-form regulation codifies numerous practices and procedures of the Board and incorporates various legislative changes to the Liquor Code.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-2009. Filed for public inspection November 5, 2004, 9:00 a.m.]

Notice of Comments Issued

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
18-377	Department of Transportation Alcohol Highway Safety Schools and Driving Under the Influence Program Coordinators (34 Pa.B. 4705 (August 28, 2004))	9/27/04	10/27/04
18-392	Department of Transportation Official Traffic Control Devices (34 Pa.B. 4712 (August 28, 2004))	9/27/04	10/27/04

—

**Department of Transportation Regulation #18-377
(IRRC #2417)
Alcohol Highway Safety Schools and Driving Under
the Influence Program Coordinators
October 27, 2004**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 27, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 94.5. Curriculum.—Clarity.

This section establishes the five core components of Alcohol Highway Safety School (AHSS). We have two concerns.

First, § 94.9, relating to notification of possible fines and imprisonment, requires AHSS instructors to provide oral and written notice to all AHSS students of the provisions of 75 Pa.C.S. § 1543(b), relating to driving while operating privileges are suspended or revoked. It also requires the notices to be presented to students during the first component of AHSS. A cross reference to § 94.9 should be added to § 94.5(a)(1), which relates to component one of the curriculum.

Second, subsection (a)(3) describes the content of component three of AHSS. It includes an introductory paragraph followed by three numbered subparagraphs. The information contained in the subparagraphs duplicates the information contained in the introductory paragraph. Similar duplicative language can be found in subsection (a)(4) and (5), which relates to component four and five respectively. The final-form regulation should be amended to delete the duplicative provisions of these subsections.

2. Section 94.6. AHSS approval; revocation and refusal of approval.—Clarity.

Subsection (c)

This subsection states, in part “The Department will have free access to the records of the AHSS and all of its students’ records, not covered by confidentiality laws or regulations, including § 94.13 (relating to confidentiality), as part of the entry and inspection process.” We have two concerns.

First, the final-form regulation should specify what documents are to be confidential. It should also define the term “records” and specify how long those records must be maintained by the AHSS.

Second, the final-form regulation should include specific references to the applicable confidentiality laws or regulations.

Subsection (d)

This subsection provides the Department the ability to revoke or refuse to issue a letter of approval to operate an AHSS. How will an AHSS be notified that their letter of approval was refused or revoked? The final-form regulation should specify how the Department will provide appropriate notification to an AHSS.

3. Section 94.10. AHSS instructor qualification, selection, certification and recertification.—Clarity.

Subsection (c)(6) relates to AHSS instructor certification. It references “any additional reporting requirements established by the Department.” These requirements should be included in the final-form regulation.

4. Section 94.11. Suspension or revocation of certification.—Clarity.

This section establishes the appeal rights of an AHSS instructor whose certification is suspended or revoked or an AHSS instructor that is restricted or prohibited from participating in a DUI program. It states that the Department will provide notice and an opportunity for an administrative hearing “within a reasonable time.” The phrase “reasonable time” is unclear. The final-form regulation should provide a time period for providing the notice.

**Department of Transportation Regulation #18-392
(IRRC #2418)**

Official Traffic Control Devices

October 27, 2004

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 27, 2004. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. General.—Consistency with statute and existing regulations; Economic impact; Need; Implementation procedure; Reasonableness; Clarity.

Responsibility

The primary issue raised by commentators involves § 212.5 relating to installation and maintenance responsibilities. Section 212.5(b)(1)(ii), (iv), (v) and (2) and (d) codifies who is responsible for traffic control devices. Commentators believe the responsibilities in this section will impose new costs on local authorities. One commentator does not believe the Department has the authority to assign these responsibilities to local authorities.

The existing regulations of the Department in § 211.6(b)(3) state “[a]ny municipality may install, revise, remove, maintain and operate” certain types of official traffic control devices. (Emphasis added.) The proposed amendments to § 212.5(b) and (d) stated that municipalities “are responsible for the installation, revision, maintenance and removal” of certain official traffic control devices. (Emphasis added.) There are two concerns.

First, the intent of this change from the existing regulations is unclear. The Department should explain.

Second, the Department should explain its authority to assign these responsibilities, how the regulation is consistent with the statute and what costs will be imposed on local authorities by § 212.5. This explanation by the Department should accompany the final-form regulation.

Supplements and Publications

The proposed regulation adopts the Manual on Uniform Traffic Control Devices (MUTCD). In addition, § 212.3 states that the Department will publish a supplement to the MUTCD. The proposed regulation also identifies publications which contain specifications, standards and requirements for traffic control devices and construction materials. Section 212.12 contains a list of these publications and states that these “documents will be available in the Department’s Sales Store.” There are three concerns.

First, the publications set forth requirements not specifically included in the proposed regulation. For example, § 212.3(1), entitled “Pennsylvania’s Supplement to the MUTCD,” states a published supplement “will include the requirements for official traffic control devices contained in this chapter . . .” Section 212.3(2) reads: “The supplement will be called *Official Traffic Control Devices* (Department Publication 212).”

It is unclear what additional requirements the Department envisions. For example, § 212.3(1)(iv) states the supplement will include “other guidance.” What is included in this term? Will it contain guidelines or requirements that are binding? The Department should explain

why additional requirements are needed and why these requirements are not included in the proposed regulation and subject to comment and oversight.

Second, the proposed regulation also refers to standards in Department publications. An example is § 212.101(a), relating to approved signs, which reads:

Official traffic signs are identified in the *Pennsylvania Handbook of Approved Signs* (Department Publication 236M) which includes sign standards that show the shape, color, dimensions, legends, application and placement of official signs. When sign messages are required other than those provided for in the *Pennsylvania Handbook of Approved Signs*, the Bureau of Highway Safety and Traffic Engineering may authorize new sign standards. When approved by the Secretary, through the Chief, Traffic Engineering and Operations Division, these signs shall also be regarded as official signs.

What is the relationship of these Department publications to the MUTCD nationwide standards? In the preamble, the Department states that the “MUTCD will become the standard for traffic-control in this Commonwealth.” Given the nationwide standards, why are the additional publications and supplements necessary?

Third, the timing for publication of these documents is not explained. When will they be published? Will the Department publish revised supplements? How often will it be revised and how will the regulated community be notified when it is published or revised?

2. Section 212.1. Definitions.—Clarity.

Engineering and Traffic Study

This definition describes the study as “conforming to generally accepted engineering standards and practices.” There are two concerns with this phrase.

First, if this phrase is intended to be a requirement, it would not be enforceable because it is in a definition. Therefore, the phrase should be moved to the body of the regulation.

Second, it is not clear what standard would be used to determine if a study conforms to “generally accepted engineering standards and practices.” A cross reference or further description is needed.

Local Authorities

This definition includes “state agencies, boards and commissions other than the Department.” What specific state authorities does this include?

3. Section 212.2. Adoption of Federal standards.—Implementation procedures; Clarity.

Subsection (b) states amendments to the MUTCD “will take effect 60 days after the effective date specified by the Federal Highway Administration” unless the Department publishes notice that the amendment does not take effect. When would the Department publish this notice? Which requirements should the regulated community comply with during the 60-day period?

4. Section 212.4. Application.—Economic impact; Feasibility; Reasonableness.

Subsection (a) begins with these two sentences:

This chapter applies to the approval, location, installation, revision, operation, maintenance and removal of all traffic signs, signals, markings and other traffic-control devices on all streets and highways in

this Commonwealth. All signs, signals, markings and other traffic-control devices erected shall conform to this chapter.

The subsection also includes an exemption for existing traffic control devices if “the Department or local authorities have on file evidence that the traffic restrictions were so posted or erected in accordance with then-current regulations.”

A commentator is concerned that local authorities may not be able to easily provide the evidence the Department will require for the exemption. The commentator cites a concern with providing documentation for all signs within a local authority’s boundaries, including signs that are 30 years old or more. An example is also given of signs erected by developers on lands over which a local authority later assumed control.

Under item 18 of the Regulatory Analysis Form, the Department states “[t]here are little or no potential costs or savings to local governments associated with these regulations.” However, if a local authority is unable to provide sufficient evidence, this regulation would impose significant costs on it. The Department should specify what “evidence” a local authority will be required to provide to qualify for the exemption. The Department should also examine and document the costs that local authorities would incur in retaining or recovering this evidence. Finally, what recourse is there if a local authority cannot recover or provide sufficient evidence?

5. Section 212.10. Requests for changes, interpretations or permission to experiment.—Clarity.

This section begins with the phrase “a municipality or other agency” The defined term “local authorities” should be used in its place.

6. Section 212.120. General motorist service signs.—Clarity.

This section states “[t]he application of general motorist service signs must be in accordance with the Department’s Statewide policy, and will *generally be limited to* expressways and freeways” (Emphasis added.) The phrase “generally be limited to” is vague. When would the application of general motorist service signs not be limited to expressways and freeways?

7. Section 212.202. No-passing zones.—Clarity.

Subsection (a)(9) states “In areas where a capacity analysis indicates Level of Service D.” A cross reference should be added to the “Level of Service D” provision.

8. Section 212.302. Traffic-control signals.—Clarity.

The table in subsection (b)(3)(i) is not clear. In the first two columns labeled “Major Street” and “Minor Street,” why are the top four rows identical to the bottom four rows?

9. Section 212.406. Channelizing devices.—Clarity.

Subsection (b) contains the prohibition that “Cones that are 18 inches high may only be used to protect new pavement markings.” The regulation does not state the size of cones required when cones are used as channelizing devices. Technically, this language would allow a 12-inch cone, which is presumably not the intent. Further explanation of the intended prohibition is needed in the regulation.

10. Section 212.409. Rumble strips.—Clarity.

The last sentence states “When rumble strips are used, it is desirable to extend the rumble strip patterns onto the shoulder whenever possible” Stating what is “desirable” is nonregulatory language. The regulation should clearly state what is required.

11. Errors or omission in citations, cross references or necessary details.—Reasonableness; Clarity.

The following requirements are incorrect or vague. The Department should review these sections and correct the references or add specific cross references, citations or more detail so that the regulated parties have full notice of what is required. These sections include:

- Section 212.10(2) requires a request to include “sufficient information to allow the Department to make a ruling”
- Section 212.116(a)(2)(i) references the “Restricted Hours Panel (R3-20).” Should this reference be to “Restricted Hours Panel (R10-20a)?” (Emphasis added.)
- Section 212.117(a)(1) requires the safe load capacity of a bridge to be determined “in accordance with Department standards”
- Section 212.121(a) requires specific service signs to only be installed “in accordance with Department policy.”
- Section 212.404(b) states “Portable sign supports must be of a type approved by the Department.”

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-2010. Filed for public inspection November 5, 2004, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website: www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
6-280	State Board of Education Pupil Personnel Services and Students	10/21/04
6-286	State Board of Private Licensed Schools General Provisions	10/22/04
16A-647	State Board of Auctioneer Examiners Examination Fees	10/22/04
31-2	State Employees’ Retirement Board Optional Alternate Retirement Plans	10/26/04

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
43-9	Public School Employees Retirement Board Optional Alternate Retirement Plans	10/26/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-2011. Filed for public inspection November 5, 2004, 9:00 a.m.]

ment is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-2013. Filed for public inspection November 5, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of a Proposed Merger

Old Guard Insurance Company, a stock property insurance company organized under the laws of the Commonwealth, has filed an application for approval to merge with First Patriot Insurance Company, a Pennsylvania domiciled stock property insurance company, with Old Guard Insurance Company surviving the merger. The filing was made under the Insurance Holding Companies Act (40 P.S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P.S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-2012. Filed for public inspection November 5, 2004, 9:00 a.m.]

Application for Approval of a Proposed Merger

Old Guard Insurance Company, a stock property insurance company organized under the laws of the Commonwealth, has filed an application for approval to merge with Old Guard Fire Insurance Company, a Pennsylvania domiciled stock property insurance company, with Old Guard Insurance Company surviving the merger. The filing was made under the Insurance Holding Companies Act (40 P.S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and GAA Amendments Act of 1990 (15 P.S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the state-

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Erie County, Wine & Spirits Shoppe #2506, Corry Plaza, 350 W. Columbus Avenue, Corry, PA 16407-1523.

Lease Expiration Date: June 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of new or existing retail commercial space serving the Town of Corry. The site must have free parking and rear door loading.

Proposals due: November 29, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Lebanon County, Wine & Spirits Shoppe #3803, Palmyra Shopping Center, 901 E. Main Street, Suite 5, Palmyra, PA 17078.

Lease Expiration Date: September 30, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space along State Route 422 in Palmyra Borough or an adjacent municipality.

Proposals due: November 29, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

The Liquor Control Board seeks the following new sites:

Allegheny County, Wine & Spirits Shoppe #0265, Russellton.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 to 2,000 net useable square feet of new or existing retail commercial space within 1.0-mile of the intersection of Starr Road and Little Deer Creek Valley Road, Russellton. The site must have free customer parking and tractor trailer access.

Proposals due: November 29, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222.
Contact: Joseph J. Molhoek, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6510, Lower Burrell.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 4,500 net useable square feet of new or existing retail commercial space within a shopping center environment near the intersection of Leechburg Road and Route 56 in Lower Burrell.

Proposals due: November 29, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 04-2014. Filed for public inspection November 5, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Continuation of Fuel Cost Recovery Surcharge

Public Meeting held
 October 22, 2004

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas; Kim Pizzingrilli

Continuation of Fuel Cost Recovery Surcharge; S.P. 28208

Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28208, ratified June 10, 2004, authorized call or demand, paratransit and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset unanticipated fuel expenditures.

All call or demand carriers were authorized a fuel surcharge of \$.30 per trip for each paying passenger, and all paratransit and airport transfer carriers were authorized a fuel surcharge of \$.70 per trip for each paying customer. The fuel surcharge is to be in addition to officially filed tariff rates. The fuel surcharge became effective on June 14, 2004, and is scheduled to terminate on June 12, 2005.

The order required the Bureau of Transportation and Safety to investigate the merits of the fuel surcharge on a quarterly basis, beginning September 30, 2004. In the process of conducting the investigation, the Bureau analyzed current information available from the Energy Information Administration of the Department of Energy.

At the time of approval of the fuel surcharge the average retail cost of regular gasoline was \$2 per gallon.

In the 3 months following the administration of the fuel surcharge, the average retail price of regular gasoline has been \$1.95 per gallon. This represents a decrease of only two-and-one-half percent in the cost of regular gasoline.

In consideration of future prospects for retail gasoline prices, the Energy Information Administration of the Department of Energy was consulted. It has been projected that gasoline prices will rise in the winter months. The increase is expected due to the increase in crude prices.

After due consideration, we have determined that fuel costs have not substantially decreased. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the fuel surcharge to permit the recovery of unanticipated fuel expenditures; *Therefore,*

It Is Ordered That:

1. The fuel surcharge established at Special Permission No. 28208 be continued.

2. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-2015. Filed for public inspection November 5, 2004, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 29, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00121179. Daniels, Charles and Simmons, Judge, t/a Run Around Express (1512 Hidden Valley Drive, Montoursville, Lycoming County, PA 17754), a partnership—persons, in paratransit service, between points in the City of Williamsport, the Boroughs of Duboistown and South Williamsport and the Townships of Woodward, Susquehanna, Armstrong, Loyalsock and Old Lycoming, Lycoming County, and from said territory, to points in Pennsylvania and return.

A-00121183. Thomas Edward Cockerham (150 Planebrook Road, Frazer, Chester County, PA 19355), persons, upon call or demand, in the Borough of Malvern and the Townships of East Whiteland, West Whiteland, Willistown, Uwchlan, Upper Uwchlan, Tredyffrin and Charlestown, all located in Chester County.

A-00121178. Laurin Fegley (1524 West Linden Street, Allentown, Lehigh County, PA 18102-4251), persons, in limousine service, between points in the Counties of Lehigh, Bucks, Berks, Montgomery, Monroe, Carbon and Northampton, and from points in said counties, to points in Pennsylvania and return.

A-00121181. Thomas E. Governor (203 Shenango St., Jamestown, Mercer County, PA 16134), persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Crawford, and from points in said county, to points in Pennsylvania and return.

A-00121186. Executive Transport Services, LLC (P. O. Box 1372, Media, Delaware County, PA 19063), a limited liability company of the Commonwealth of Pennsylvania—persons, in limousine service, between points in the Counties of Chester, Delaware and Montgomery, and the City and County of Philadelphia, and from points in said territory, to points in Pennsylvania and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00121190. D & B Transportation, Inc. (315 Clermont Avenue, Stroudsburg, Monroe County, PA 18360), a corporation of the Commonwealth of Pennsylvania—persons, in airport transfer service, from points in the Counties of Monroe, Pike, Wayne, Lackawanna and Carbon, to the Wilkes-Barre/Scranton Airport, located in the Township of Pittston, Luzerne County, the Allentown/Bethlehem/Easton International Airport, located in the Township of Hanover, Lehigh County, and the Philadelphia International Airport, located in the City of Philadelphia and the Township of Tinicum, Delaware County; which is to be a transfer of all the rights authorized under the certificate issued at A-00108292, F.2 to James Danielewicz, subject to the same limitations and conditions. *Attorney:* James D. Campbell, Jr., 3631 North Front Street, Harrisburg, PA 17110-1533.

Application of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.

A-00119031, Folder 1, Am-B. Paul Liberati, t/d/b/a An Exceptional Limousine (3117 Woodbridge Drive, Pittsburgh, Allegheny County, PA 15227), inter alia, persons in limousine service from points in the County of Allegheny, to points in the County of Washington, and return: *So as to permit* persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00108826, F.5 to System of Services, Inc., t/d/b/a Fantasy Limo Leasing subject to the same limitations and conditions. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

Application of the following for approval of the beginning of the exercise of the right and privilege

of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-00121180. Movers USA, Inc. (4615 Hollins Ferry Road, Suite F, Halethorpe, MD 21220), a corporation of the State of Florida—households goods in use, between points in the Counties of Bucks, Montgomery, Chester, Delaware, Northampton, Lehigh, Berks, Lancaster, York, Lebanon, Dauphin, Schuylkill, Carbon and Monroe, and the City and County of Philadelphia, and from points in said territory, to points in Pennsylvania, and vice versa. *Attorney:* Gary A. Krimstock, Fineman, Krekstein & Harris, P.C., 30 South 17th Street, Suite 1800, Philadelphia, PA 19103.

Application of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00115505, Folder 1, Am-A. Thomas William Gerke, t/d/b/a T. W. Gerke Limousine (131 East Fayette Street, Uniontown, Fayette County, PA 15401)—discontinuance of service—persons, in limousine service, between points in Pennsylvania.

[Pa.B. Doc. No. 04-2016. Filed for public inspection November 5, 2004, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project # 04-126.S, Soil Characterization Services, Pier 74 South, until 2 p.m. on Tuesday, November 23, 2004. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 9, 2004. Additional information and project listings can be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on Tuesday, November 16, 2004, at 10 a.m. at Pier 74 South, accessed through Pier 78, Delaware and Snyder Avenues, Philadelphia, PA.

No less than 24 hours prior to the prebid meeting, a list of all employees and subcontractors attending the prebid meeting must be faxed to the Procurement Department, (215) 426-6800.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 04-2017. Filed for public inspection November 5, 2004, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of the claimants' requests concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 17, 2004 Matthew J. Taylor (D) 1 p.m.
(Death Benefit)

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 04-2018. Filed for public inspection November 5, 2004, 9:00 a.m.]

STATE BOARD OF NURSING

Application for Licensure as a Professional Nurse without Examination of Marie A. Anders; Doc. No. 0844-51-04

On September 14, 2004, Marie A. Anders, Carlisle, Cumberland County, was denied a temporary practice permit and licensure as a professional nurse by endorsement, based on findings she is unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition.

Individuals may obtain a copy of the memorandum order by writing to Martha H. Brown, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This memorandum order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

[Pa.B. Doc. No. 04-2019. Filed for public inspection November 5, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

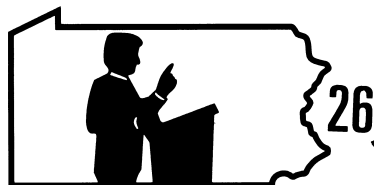
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

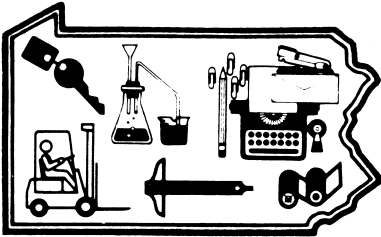
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFER,
State Treasurer

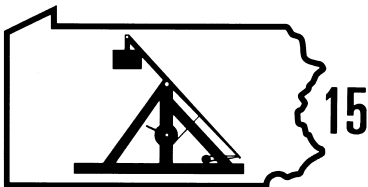


Commodities

30061788 This product, Leksol, is used in testing of bituminous material. We will need 5 (five) 590 pound drums to be delivered to 1118 State Street, Harrisburg, PA 17120.

Department: Transportation
Location: PENNDOT, Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120
Duration: 1 year with 1 year renewal option
Contact: Joann Prather, (717) 783-6717

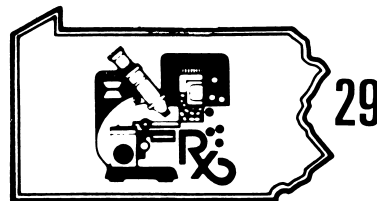
SERVICES



Environmental Maintenance Service

OSM 35(1519, 2087, 2088)101.1 Abandoned Mine Reclamation, Fall Run, SW Carbondale, Carbondale Twp NE. The principal items of work and approximate quantities include 4,333,840 cubic yards of grading, 18,960 cubic yards of drainage excavation, 12,340 square yards of rock lining and 234.5 acres of seeding. This project issues on November 5, 2004 and bids will be opened on November 30, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds have been made available for this project from "The Surface Mining Control and Reclamation Act of 1977" and is subject to that Law, and to the Federal Grant for this project.

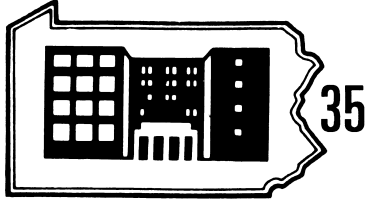
Department: Environmental Protection
Location: Carbondale City and Carbondale Township, Lackawanna County
Duration: 920 calendar days after the official starting date.
Contact: Construction Contracts Section, (717) 787-7820



Medical Services

CN00011480 Contractor to provide Neurology Services to patients of Warren State Hospital. Specific terms & conditions may be obtained by contacting the hospital.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 01/01/2005 - 12/31/2005
Contact: BD Muntz, PA III, (814) 726-4496



Real Estate Services

93766 State-owned real estate for sale - Latrobe Armory. The Department of General Services will accept bids for the purchase of 0.32-acres of property and one building located at the northwest intersection of Ridge Avenue and Spring Street, City of Latrobe, Westmoreland County. Bids are due on November 23, 2004. Interested parties wishing to receive a copy of solicitation #93766 should view the Department of General Services' website at www.dgs.state.pa.us and click on "Real Estate" or contact 717-783-0228.

Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Stephen J. Squibb, (717) 783-0228

93767 State-owned real estate for sale - Scottdale Armory, Scottdale Borough. The Department of General Services will accept bids for the purchase of 0.719-acres of property and two buildings located at 501 North Broadway, Scottdale Borough, Westmoreland County. Bids are due on November 23, 2003. Interested parties wishing to receive a copy of solicitation #93767 should view the Department of General Services' website at www.dgs.state.pa.us and click on "Real Estate" or call 717-783-0228.

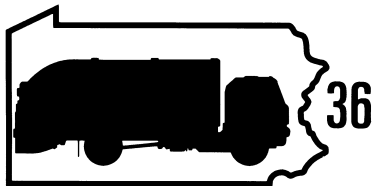
Department: General Services
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mr. Stephen J. Squibb, (717) 783-0228

93770 Lease office space to the Commonwealth of PA. Proposals are invited to provide the Department of Community and Economic Development with 5,640 useable square feet of office space within the following boundaries: North: Vine Street; South: Lackawanna Avenue; East: Jefferson Avenue; West: Main Avenue, Scranton, Lackawanna County, Pennsylvania. Downtown locations will be considered. For more information on SFP #93770 which is due on November 29, 2004 visit www.dgs.state.pa.us and click on "Real Estate" to download an SFP package or call (717) 787-0952.

Department: Community and Economic Development
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Mrs. Cynthia T. Lentz, (717) 787-0952

RW040002 Sale of land no longer needed for transportation purposes located in the Township of Wilkes-Barre, Luzerne County, Pennsylvania. Notice is hereby given that the PA Department of Transportation, pursuant to 71 P.S. 513(e)(7) intends to sell certain vacant land owned by it located at the ramp of SR 2050, Section 303. The area for sale consists of approximately 1.28 acres. This parcel was acquired from a portion of the Luzerne County Industrial Development Authority (LCIDA) parcel consisting of 300+ acres. It has been determined that the land is no longer needed for present or future transportation purposes. Interested public entities are invited to express their interest in purchasing the site within thirty (30) calendar days from the date of publication of this notice to: Jeff Hawley, Right of Way Administrator I, PA Department of Transportation, P O Box 111, Scranton, PA 18501 (570) 963-4072.

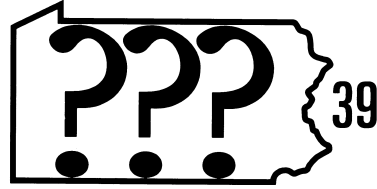
Department: Transportation
Location: SR 2050, Section 303, Wilkes-Barre Twp., Luzerne County, PA
Contact: Jeff Hawley, (570) 963-4072



Sanitation

CN00011493 Trash collection and disposal from Danville State Hospital. Hospital estimates annual tonnage: 300 tons. Site visit required.

Department: Public Welfare
Location: Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821
Duration: Contract is anticipated to begin Jan. 1, 2005 - Dec. 31, 2010
Contact: Doris Cavallini, (570) 271-4579



Miscellaneous

RFQ 6000059787 The Department of Transportation has acquired a variety of Veritas Software products to operate its storage area network. To create an efficient operating environment, installation services are needed to lead the initial setup of the system. In addition, Department of Transportation employees need training for Netbackup, Bare Metal Restore, Sanpoint Control, and Volume Manager.

Department: Transportation
Location: PennDOT/Bureau of Information Systems, 1400A North Cameron St., Harrisburg, PA 17103
Duration: Duration will be less than one year
Contact: Donna Leitzel, (717) 705-6486

BOCM01 The purpose of the Contract is to secure the services of an ANSI-RAB NAP accredited registrar for renewal of the ISO 9001-2000 Quality Management System (QMS) certification and periodic surveillance audits at the PennDOT, Bureau of Construction & Materials, Materials & Testing Division Laboratory located at 1118 State Street, Harrisburg, PA.

Department: Transportation
Location: PennDOT Bureau of Construction & Materials, Materials and Testing Division, 1118 State Street, Harrisburg, PA 17120
Duration: This contract will remain valid for a period of three years from the effective date. It will not include renewal options due to the nature of the work involved.
Contact: Joann Prather, (717) 783-6717

X57385 Site preparation for Pocono Air Monitoring Site.

Department: Environmental Protection
Location: Pocono Township, Swiftwater PA
Duration: Upon execution through June 30, 2005
Contact: Ally Hubler, (717) 772-5747

04-142-2869 Request for Proposals to Design, Construct, Finance, Operate, Manage and Maintain the 21 Service Plazas on the Pennsylvania Turnpike. Prospective vendors who are qualified and capable of providing quality food service or fuel services/convenience stores to the traveling public, as well as performing design and construction activities and meeting the financial requirements of the Commission are encouraged to reply. If you are interested in developing a proposal for this solicitation, review the RFP on our website at: www.paturnpike.com and click on Doing Business with PTC. Request for Proposals, All Other Types. A Mandatory pre-proposal conference will be held February 16, 2005; proposals are due March 31, 2005.

Department: Turnpike Commission
Location: Pennsylvania Turnpike System
Duration: Negotiable
Contact: Anthony Liberatore, (717) 939-9551, X2929

[Pa.B. Doc. No. 04-2020. Filed for public inspection November 5, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary