

NOTICES

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Requests for Bids

The Administrative Office of Pennsylvania Courts will be accepting sealed bids for the training of District Justice Court personnel in the areas of court security and preventing workplace violence. For bid information, specifications and further information, please visit the "Site News" section of the Unified Judicial System of Pennsylvania website at <http://www.courts.state.pa.us>.

ZYGMENT A. PINES,
Court Administrator

[Pa.B. Doc. No. 04-2108. Filed for public inspection November 24, 2004, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 16, 2004.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-6-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County Purchase of assets/assumption of liabilities of three branch offices of Charter One Bank, N.A., Cleveland, OH Located at: 1006 North Elmira Street Sayre Bradford County 1520 West 26th Street Erie Erie County 1702 East 38th Street Erie Erie County	Philadelphia	Effective
11-9-04	Minersville Safe Deposit Bank & Trust Company Minersville Schuylkill County Assumption of deposits only of a branch of Mid Penn Bank, Millersburg Located at: 9 East Main Street Tremont Schuylkill County	Minersville	Filed
11-12-04	Northwest Savings Bank, Warren, and First Carnegie Deposit, Carnegie Surviving Institution—Northwest Savings Bank, Warren	Warren	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>Branches Acquired by Means of Merger:</i>		
	242 East Main Street Carnegie Allegheny County	1265 West Chestnut Street Washington Washington County	
	1811 McKees Rocks Road McKees Rocks Allegheny County		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-04	Indiana First Savings Bank Indiana Indiana County	915 Route 22 Highway West Blairsville Burrell Township Indiana County	Opened
11-15-04	Pocono Community Bank Stroudsburg Monroe County	Route 611 Swiftwater Pocono Township Monroe County	Approved
11-15-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Coopers Plaza Route 73 Voorhees Camden County, NJ	Approved
11-15-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	The Shoppes at Elmwood 791 East Route 70 Marlton Burlington County, NJ	Approved
11-15-04	PeoplesBank, a Codorus Valley Company York York County	150 East Main Street New Freedom York County	Approved
11-15-04	Ambler Savings Bank Ambler Montgomery County	438 West Ridge Pike Limerick Montgomery County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-2109. Filed for public inspection November 24, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS**

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater

associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0086690	Kalas Manufacturing Inc. 25 Main Street Denver, PA 17517	Lancaster County Denver Borough	Stoney Run Creek / 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0221279	Station Road Property Owners' Association SFTF 6992 Station Road Erie, PA 16510	Harborcreek Township Erie County	Six Mile Creek 15-6M	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.

PA0053082, sewage, SIC 4952, **Alexander Hionis & Partners**, P. O. Box 208, Route 52, Mendenhall, PA 19357. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Activity: Mendenhall Inn Sewage Treatment Plant.

The receiving stream, unnamed tributary to Brandywine Creek, is in the State Water Plan watershed 3I and is classified for warm water and migratory fishes. There is no public water supply intake downstream to this discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 20,600 gpd.

<i>Parameters</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum mg/l</i>
CBOD ₅ (5-1 to 10-31)	10	20
(11-01 to 4-30)	20	40
Suspended Solids	10	20
Ammonia as N (5-01 to 10-31)	3	6
(11-01 to 4-30)	9	18
Phosphorous	1.0	2.0
Total Residual Chlorine	0.2	0.4
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

In addition to the effluent limits, the permit contains the following other requirements:

1. Municipal Sewers
2. Remedial Measurers
3. Small Stream Discharge
4. Change in Ownership
5. Sludge Disposal
6. No Stormwater
7. TRC Required

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

Application No. PA 0055123, Industrial Waste, SIC Code 4999, **Sunbeam Products, Inc.**, 2381 Executive Center Drive, Boca Raton, FL 33431.

This facility is located in Washington Township, **Berks County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of treated industrial waste.

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

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

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

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Suspended Solids	Monitor & Report	Monitor & Report	Monitor & Report	Monitor & Report	XXX
Chloroform	0.005	0.010	0.002	0.004	0.005
Methylene Chloride	0.016	0.032	0.006	0.012	0.015
1,1,1-Trichloroethane	Monitor & Report	Monitor & Report	Monitor & Report	Monitor & Report	XXX
Trichloroethylene	0.008	0.016	0.003	0.006	0.007
Tetrachloroethylene	0.002	0.004	0.0007	0.0014	0.0017
1,4-Dioxane	0.013	0.026	0.005	0.010	0.013

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

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total Suspended Solids	Monitor & Report	Monitor & Report	Monitor & Report	Monitor & Report	XXX
Chloroform	0.563	1.126	0.213	0.426	0.532
Methylene Chloride	Monitor & Report	Monitor & Report	Monitor & Report	Monitor & Report	XXX
1,1,1-Trichloroethane	Monitor & Report	Monitor & Report	Monitor & Report	Monitor & Report	XXX
Trichloroethylene	0.267	0.534	0.101	0.202	0.252
Tetrachloroethylene	0.079	0.158	0.030	0.060	0.075
1,4-Dioxane	0.296	0.592	0.112	0.224	0.280

Persons 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.

Application No. PA 0247570, Sewage, **Fredericksburg Sewer and Water Authority**, P. O. Box 161, Fredericksburg, PA 17026. This facility is located in Swatara Township, **Lebanon County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream, Swatara Creek, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Lebanon Water Authority is located on the Swatara Creek, approximately 5.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		100,000/100 ml as a geometric average	
(10-1 to 4-30)			

Persons 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.

PAS226103, Industrial Waste, SIC, **Whetsell Lumber Company**, 118 Academy Drive, Addison, PA 15411.

This application is for renewal of an NPDES permit to discharge untreated storm water from Whetsell Lumber Company in Addison Borough, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to Youghiogheny River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first existing/proposed downstream potable water supply is Ohiopyle Borough Municipal Waterworks, located at Ohiopyle, approximately 18 miles below the discharge point.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Suspended Solids					Monitor and Report
Oil & Grease					Monitor and Report
Arsenic					Monitor and Report
Chromium					Monitor and Report
Copper					Monitor and Report
NH ₃ -N					Monitor and Report

The EPA waiver is in effect.

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

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

WQM Permit No. 4804201, Industrial Waste, **Grand Central Sanitary Landfill, Inc.**, 1963 Pen Argyl Road, Pen Argyl, PA 18072. This proposed facility is located in Plainfield Township, **Northampton County**, PA.

Description of Proposed Action/Activity: The project involves modifications to the existing leachate treatment system to increase the design capacity to 100,000 gpd.

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

WQM Permit No. 0604413, Sewerage, **Exeter Township Berks County Authority**, 4975 DeMoss Road, Reading, PA 19606. This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Approval for replacing/expanding sanitary sewer in the Shelborne Road, Schoffers Road and Boyertown Road areas.

WQM Permit No. 2804405, Sewerage, **Greene Township Municipal Authority**, 4182 Sunset Pike, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for replacing/expanding sewer and pumping station No. 9 on Blakewood Drive.

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

WQM Permit No. 6504406, Sewerage, Derry Township Municipal Authority, P. O. Box 250, New Derry, PA 15671. This proposed facility is located in Derry Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a raw sewage pumping station as part of the McGee Run sanitary sewer project.

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

WQM Permit No. 2489202, Industrial Waste Amendment No. 4, **Onyx Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846. This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: This project is for the addition of a clarifier to reduce solids.

WQM Permit No. 3301402, Sewerage Amendment No. 1, **Big Run Area Municipal Authority**, R. D. 2, Box 126A, Punxsutawney, PA 15767. This proposed facility is located in Big Run Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for the relocation of a pump station and to change the chlorine facilities to a UV system.

WQM Permit No. 2504419, Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506-2509. This proposed facility is located in Millcreek Township, **Erie County**.

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

WQM Permit No. 2504418, Sewerage, **Harborcreek Township Sewer Authority**, 5601 Buffalo Road, Harborcreek, PA 16421. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve the Harbor Ridge Development which will include single family homes, single family patio home condominiums and townhouse condominiums with an 18 hole golf course.

WQM Permit No. 3304401, Sewerage, **Young Township Supervisors**, 1517 Walston Road, P. O. Box 125, Walston, PA 15781. This proposed facility is located in Young and Bell Townships, **Jefferson County**.

Description of Proposed Action/Activity: This project is for sewer extensions and a pump station to serve 86 residential customers.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136362	Franklin Borough 1125 Main Street Johnstown PA 15909	Cambria	Franklin Borough		Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032104005	BPC Condominium Development PBC Partners, Inc. 620 N. Reading Road Ephrata, PA 17522	Cumberland County	Silver Spring Township.	Trindle Spring Run/HQ-CWF

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041404015	Gary Wilt 1044 Zion Road Bellefonte, PA 16823	Centre	Howard Borough	Foster Joseph Sayers Lake HQ-CWF
PAI041404016	Marlin Fultz 178 Jackson Hill Road Bellefonte, PA 16823	Centre	Haines Township	Unt. Pine Creek HQ-CWF

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

Conservation District: Erie Conservation District, (814) 825-6403.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI062504001	Grace Baptist Church SR 4011 Grubb Road 3902 West 38th Street Erie, PA 16506	Erie	McKean Township	Thomas Run (HQ-CWF, MF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG136362	Franklin Borough 1125 Main Street Johnstown PA 15909	Cambria	Franklin Borough		Y

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

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

Application No. 2404502, Public Water Supply

Applicant	St. Marys Area Water Authority
Township or Borough	St Marys, Elk County
Responsible Official	Dwight Hoare, Authority Manager
Type of Facility	PWS
Application Received Date	11/09/2004
Description of Action	Construction of 1.3 mg water storage tank at Rosely Rd location.

MINOR AMENDMENT

Applications received under the Pennsylvania Safe Drinking Water Act

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

Application No. 3000501-A1, Minor Amendment.

Applicant	East Dunkard Water Association , P. O. Box 241, Dilliner, PA 15327
Township or Borough	East Dunkard
Responsible Official	James Holbert, East Dunkard Water Association, P. O. Box 241, Dilliner, PA 15327
Type of Facility	Water treatment plant
Consulting Engineer	
Application Received Date	November 11, 2004
Description of Action	Delpac

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:

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

Former Wolfs Head Prop South Parcel, Sugar creek Borough, **Venango County**. Steve Zbur, CORE Env. Svc. Inc. 4068 Mnt Royal Blvd, Ste 225 Gamma Bldg., Allison Park PA 15101 on behalf of Harry Perrine, Pennzoil-Quaker State Co d/b/a SOPUS, P. O. Box 99, 260 Elm St., Oil City PA 16301 has submitted a Notice of Intent to Remediate. The site was part of Wolfs Head refinery, which was operated by Pennzoil Co. from the 1950's until the refinery closed in 1977. Refining operations at the site date back to the 1880's. Site contamination is attributed to the routine refining operations that occurred for almost 100 years. Intended future use of property is non-residential. Anticipated date of publication in the Oil City Derrick is November 15, 2004.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on

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

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

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

PLAN APPROVALS

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

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

40-320-025: Prime Time Rewind, Inc. (446 New Grove Street, Wilkes-Barre, PA 18702) for installation of an air cleaning device (regenerative thermal oxidizer) to control the atmospheric emissions from the printing operation at their facility in Hanover Township, **Luzerne County**.

35-399-038A: Flexible Foam Products, Inc. (P. O. Box 126, 220 Elizabeth Street, Spencerville, OH 45887) for installation of air cleaning devices to control emissions from a foam manufacturing process at their facility in Archbald Borough, **Lackawanna County**.

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

36-05027F: RR Donnelley and Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) for expansion of their current solvent recovery system for control of VOC emissions from a newly permitted rotogravure printing press at their Lancaster East facility in Lancaster City, **Lancaster County**. This application is subject to 40 CFR Part 60, New Source Performance Standard Subpart QQ and 40 CFR Part 63, MACT Subpart KK.

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

33-033C: Owens Brockway Glass Containers (Cherry Street, Brockport, PA 15823) for minor modification of plan approval 33-033B for their three decorating ACL Lehrs in the Borough of Brockway, **Jefferson County**. The facility is a Title V Facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

46-0246: Covco, Inc. (1810 West High Street, Stowe, PA 19464) for installation of three Paint Spray Booths and control equipment at their Covco Kitchen manufacturing plant in West Pottsgrove Township, **Montgomery County**. The facility is a State Only facility. These booths are for the coating of kitchen cabinets manufactured Covco facility. The surface coatings are subject to requirements of 25 Pa. Code § 129.52(b)(1) for wood furniture manufacturing operations. This new surface coating process is also subject to the requirements of best available control technology. The booth installation will result in 9.5-ton VOC emissions from the facility per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0147A: Chemalloy Co., Inc. (P. O. Box 350, 996 Railroad Avenue, Bryn Mawr, PA 19010) for installation of four manganese compound material grinding and milling lines 2-1, 2-2, 2-3 and 2-4 and associated control equipment at their manufacturing facility on Conshohocken Road in Plymouth Township, **Montgomery County**. The facility currently operates under a State Only Operating Permit (SOOP-46-00147). Total post control particulate matter emissions from these process lines are 6.1 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval to replace a bag-house to collect nuisance dust from drying and screening steel shot in Summit Township, **Butler County**. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

10-030B: Concast Metal Products Co., Inc. (Myoma Road, Mars, PA 16046) for installation of an additional bag-house to supplement existing controls on their induction melting furnaces in Adams Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to install an additional bag-house to supplement existing controls on their induction melting furnaces in Adams Township, **Butler County**. This plan approval will, in accordance

with 25 Pa. Code § 127.450, be incorporated into a State Only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

33-107A: Beverage Air—Brookville Plant (Progress Street, Brookville, PA 15825) for application of solvent wiping by hand on sheet metal and metal parts prior to packaging and shipment in Brookville Borough, **Jefferson County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for application of solvent wiping by hand on sheet metal and metal parts prior to packaging and shipment. This plan approval will restrict VOC emissions from the source to 8.17 TPY, require monthly record keeping based on mass balance, and will include good housekeeping and work practice standards to minimize VOC emissions. In addition, the plan approval will require other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State Only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

06-05004: Baldwin Hardware Corp. (P. O. Box 15048, Reading, PA 19612) for operation of a brass hardware manufacturing facility in the City of Reading, **Berks County**. Several sources at the facility are subject to 40 CFR Part 63, Subpart T, National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning. This action is a renewal of the Title V Operating Permit issued in 1999 and amended in 2004.

67-05022: Leisters Furniture, Inc. (433 Ridge Avenue, Hanover, PA 17331) for operation of a wood furniture manufacturing facility in Hanover Borough, **York County**. This is a renewal of the Title V Operating Permit issued in 2000.

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

V04-005: Cardone Industries, Inc. (5501 Whitaker Avenue, Philadelphia, PA) for operation of an automotive parts re-manufacturing facility in the City of Philadelphia, **Philadelphia County**. The company's air emission sources include 14 spray booths, 50 combustion units, 15 burnout ovens, 40 cold cleaning degreasers, and 10 shot blasting units.

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

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

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

33-00157: National Fuel Gas Supply Corp. (Fisher Road, Siegel, PA 15860) for re-issuance of a Natural Minor Permit to perform natural gas transmission at their Eldred compressor station in Eldred Township, **Jefferson County**.

24-00147: National Fuel Gas Supply Corp. (Forest Road 136, Kane, PA 16735) for re-issuance of a Natural Minor Permit to perform natural gas transmission at the Owl's Nest compressor station in Highland Township, **Elk County**.

24-00146: National Fuel Gas Supply Corp. (Township Road 330, Brockway, PA 15824) for re-issuance of a Natural Minor Permit to perform natural gas transmission at their Boone Mountain compressor station in Horton Township, **Elk County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Norman Frederick, Facilities Permitting Chief, (570) 826-2409.

48-00078: Chrin Brothers, Inc. (635 Industrial Drive, Easton, PA 18042) for a quarry/stone crushing plant located in Williams Township, **Northampton County**. The facility's main sources include stone crushing, screening and conveying equipment. The facility has the potential to emit major quantities of particulate matter (PM). The facility is taking an elective restriction on the number of hours operated to keep emissions below the Title V threshold. The facility has the potential to emit VOCs, HAPs, NOx, SOx and CO below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

35-00053: Mekote Laminated Products, Inc. (1151 Union Street, Taylor, PA 18517) for a sheet metal facility located in Taylor Borough, **Lackawanna County**. The facility's main source is a vinyl to metal laminating process line. The facility has the potential to emit major quantities of VOCs and HAPs. The facility is taking emission restrictions to keep below Title V thresholds. The facility has the potential to emit NOx, SOx, PM and CO below the major emissions thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

40-00083: KAMA Corporation (600 Dietrich Avenue, Hazelton, PA 18201) for a plastics film/sheet manufactur-

ing facility located in Hazelton City, **Luzerne County**. The facility's main sources include ten polystyrene extrusion lines, one tank farm and two polymerization plants. The facility has the potential to emit VOCs above Title V emission thresholds. The facility uses thermal oxidizer control devices to keep below major emission thresholds. The facility has the potential to emit HAPs, NO_x, SO_x, PM and CO below the major emissions thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

45-00030: United Huxley Envelope (P. O. Box 37, Industrial Park Drive, Mount Pocono, PA 18344) for an envelope manufacturing facility located in Coolbaugh Township, **Monroe County**. The facility's main sources include 21 envelope folding/printing machines, 8 offset printing machines and 3 parts washers. The facility has the potential to emit VOCs, HAPs, NO_x, SO_x, PM and CO below the major emissions thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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 particu-

lar 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
Maganese (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 ¹		greater than 6.0; less than 9.0	

alkalinity greater than acidity¹

¹ 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.

32040202 and NPDES Permit No. PA0249670. Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, commencement, operation and restoration of a refuse reprocessing mine in East Wheatfield Township, **Indiana County**, affecting

34.5 acres. Receiving stream: Conemaugh River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received November 4, 2004.

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

03000101 and NPDES Permit No. PA0202711. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only of an existing bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 233 acres. Receiving streams: unnamed tributaries to Cherry Run and Cherry Run; classified for the following use: CWF. There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received: November 10, 2004.

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

16920107 and NPDES Permit No. PA0211435. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Revision to an existing bituminous surface strip and tippel refuse disposal and beneficial use of coal ash operation in Perry and Licking Townships, **Clarion County**. Receiving streams: Unnamed Tributaries to Cherry Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is West Freedom Water Association. Revision to change the permit acreage from 547 acres to 249 acres. Application received: November 3, 2004.

5974-16920107-E-1. RFI Energy, Inc. (555 Philadelphia Street, Indiana, PA 15701). Application for stream encroachment to temporarily remove and reconstruct a section of Unnamed Tributary to Cherry Run No. 1 for the purpose of mining and reclamation of pre-act spoil in Perry and Licking Townships, **Clarion County** affecting 249 acres. Receiving streams: Unnamed Tributaries to Cherry Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is West Freedom Water Association. Application received: November 3, 2004.

Noncoal Permit Applications Received

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

37030303. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Transfer of an existing sand, gravel, and topsoil operation in North Beaver Township, **Lawrence County** affecting 37.0 acres. Receiving streams: Beaver River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from S & S Processing, Inc. Application received: November 8, 2004.

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

6276SM6C6 and NPDES Permit No. PA0223484. Bear Gap Stone, Inc., (R. D. 1 Box 138, Elysburg, PA 17824), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ralpho Township, **Northumberland County**, receiving stream: unnamed tributary to South Branch Roaring Creek, classified for the following use: cold water fishes. Application received November 5, 2004.

8073SM1C7 and NPDES Permit No. PA0614602. Highway Materials, Inc., (1750 Walton Road, Blue Bell,

PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Marlborough Township, **Montgomery County**, receiving stream: Unami Creek, classified for the following use: trout stock fishery. The first downstream potable water intake is Limerick SES. Application received November 5, 2004.

58920802. Michael and Robert Pavelski, (P. O. Box 86, Susquehanna, PA 18847), Stage I & II bond release for a quarry operation in Jackson Township, **Susquehanna County** affecting 5.0 acres on property owned by Lyn Joines. Application received November 10, 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. 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 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above 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. Each individual 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 the hours of 8 a.m. and 4 p.m. on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may 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 Federal Water Pollution Control Act (33 U.S.C.A. §§ 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-880. Mr. Mark Oakes, Township of Middletown, 4930 Magnolia Avenue, Oakford, PA 19053, Nockamixon Township, **Bucks County**, ACOE Philadelphia District.

To maintain a triple 24-inch CMP culvert across an unnamed tributary to Beaver Run (EV) associated with the driveway access to a proposed residential dwelling in Bridgeton Township. The road crossing was constructed under an authorized Temporary Road Crossing, General Permit Registration No. GP080904302. The site is located just east of the intersection of Blue Spruce Way and Bridgeton Hill Road (Riegelsville, PA-NJ USGS Quadrangle N: 7.9 inches; W: 1.6 inches).

E15-728. Penn Dot District 6, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Honey Brook Township, **Chester County**, ACOE Philadelphia District.

Supplee Road (SR 4012, Section 42M) Bridge Replacement Project in Honey Brook Township The Project proposes to replace the existing single span timber beam bridge carrying Supplee Road over the West Branch of the Brandywine Creek (HQ, TSF, MF) with a reinforced concrete box culvert. The proposed culvert measures 20 feet long with an underclearance of 3 feet 9 inches. The work will involve the following activities:

1. To construct and maintain a temporary ford crossing to accommodate free passage of cattle down stream of the existing bridge.

2. To place fill within approximately .01 acre of palustrine wetlands to accommodate roadway widening.

3. To construct and maintain a temporary diversion dike and ditch to facilitate bridge construction activities.

4. To perform minor grading and filling activities within the floodway associated with roadway approach widening.

The project will temporarily affect .010 acre, and permanently affect .003 acre of wetlands while temporarily impacting approximately 95 linear feet of stream and permanently impacting approximately 50 linear feet of stream. The site is located approximately 2,243 feet southwest of the intersection of Pleasant View and Supplee Roads in Honey Brook Township, Chester County, (Honey Brook, PA Quadrangle N: 16.91 inches; W: 2.97 inches).

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

E21-366. Tim and Darlene McCurdy, 1449 Cockley's Meadow Drive, Boiling Springs, PA 17007 in Monroe Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a 26-foot by 27-foot addition to an existing garage within the floodway of the Yellow Breeches Creek (HQ-CQF), for the purpose of expanding storage space, located at 1449 Cockley's Meadow Road (Mechanicsburg, PA Quadrangle N: 4.3 inches); W: 13.0 inches) in Monroe Township, Cumberland County.

E67-773. York County Board of Commissioners, One West Marketway, 4th Floor, York, PA 17401, Springfield Township, **York County**, ACOE Baltimore District

To remove an existing low head dam and a gabion basket wall section then to construct and maintain several in-stream rip-rap rock structures (rock cross vanes, rock vanes and bank protection) to prevent stream bank erosion all located in or along an unnamed tributary to the East Branch Codorus Creek (CWF) at a point where it flows through Nixon Park (York, PA Quadrangle

N: 1.6 inches; W: 14.9 inches in Springfield Township, York County.

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

E08-420. Johnson Quarries, Incorporated, RR1, Box 179A-1, Wyalusing, PA 18853, Gravel Removal, in Wilmont Township, **Bradford County**, ACOE Baltimore District (Laceyville, PA Quadrangle N: 2.35 inches; W: 14.9 inches).

To obtain a 5 year permit to remove gravel from Sugar Run Creek on an as-needed basis from eight locations beginning about 1,400 feet south, southwest of the confluence of Sugar Run with the Susquehanna River and ending about 5,500 feet south, southwest of the above confluence. The proposed activities will take place in Sugar Run. The project will not impact wetlands while impacting about 2,800 feet of waterway and disturbing about 2.7 acres of earth. Sugar Run is a CWF stream.

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

E02-1483. Gregory J. Bittner, 1409 Mt. Royal Boulevard, Glenshaw, PA 15116. Construct an office building in Hampton Township, **Allegheny County**, Pittsburgh ACOE District. (Glenshaw, PA Quadrangle N: 10.0 inches; W: 13.5 inches and Latitude: 40° 33' 01"—Longitude: 79° 58' 30"). The applicant proposes to remove an existing building and to construct and maintain a medical office building and underground storage system on the right bank of an unnamed tributary to Pine Creek (TSF). The project is located on the south side of Ferguson Road, just west from the intersection of Ferguson Road and Mt. Royal Boulevard.

E03-428. Jack Claypoole, R. D. 2, Box 153, Dayton, PA 16222. Construct three culverts in Cowanshannock Township, **Armstrong County**, Pittsburgh ACOE District. (Rural Valley, PA Quadrangle N: 13.0 inches; W: 4.2 inches and Latitude: 40° 15' 79"—Longitude: 79° 16' 50"). The applicant proposes to remove the existing structures and to construct and maintain three 48-inch culverts having lengths of 120 feet, 65 feet and 50 feet in South Branch Pine Creek (HQ-CWF) for the purpose of constructing a horse track. The project is located off of Bucktail Road.

E32-464. P.C. Exploration, Inc., 502 Keystone Drive, Warrendale, PA 15086. Construct a culvert crossing in Grant Township, **Indiana County**, Pittsburgh ACOE District. (Rochester Mills, PA Quadrangle N: 6.0 inches; W: 8.1 inches and Latitude: 40° 46' 57"—Longitude: 78° 55' 57"). The applicant proposes to remove the existing structure and to construct and maintain a culvert crossing consisting of two 36-inch corrugated plastic pipes, and two 1.0 foot depressed, 48-inch corrugated plastic pipes in Rairigh Run (HQ-CWF) for the purpose of providing access to a gas well. The project is located off of T-830, approximately 2,650 feet east of its intersection with T-880.

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

E42-312. University of Pittsburgh at Bradford, 300 Campus Drive, Bradford, PA 16701. Gravel Bar Removal and Bank Protection in Bradford Township, **McKean County**. ACOE Pittsburgh District (Bradford, PA Quadrangle N: 13.4 inches; W: 5.9 inches).

To (1) remove approximately 40 feet of vegetated gravel bar and install and maintain a rock channel deflector in Marilla Brook (CWF) located on the campus of the University of Pittsburgh at Bradford approximately 200 feet from the confluence of Marilla Brook and West Branch Tunungwant Creek and to (2) remove approximately 50 feet of vegetated gravel bar and install and maintain approximately 50 feet of R-7 rock along the west stream bank of West Branch Tunungwant Creek (CWF) located on the campus of the University of Pittsburgh at Bradford approximately 1,000 feet downstream from the Dorothy Lane bridge.

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

D01-069EA. Borough of Chambersburg, P. O. Box 1009, Chambersburg, PA 17201-0909. Franklin Township, **Adams County**, ACOE Baltimore District.

Project proposes to breach and remove Birch Run Dam located across Conococheague Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is considered unsafe due to structural and spillway inadequacies and will be removed to protect downstream residents. The dam is located along SR 233 approximately

1.5 miles Northeast of the intersection of SR 233 and US 30 (Caledonia Park, PA Quadrangle N: 8.0 inches; W: 11.15 inches).

D28-005EA. Wilson College, 1015 Philadelphia Ave., Chambersburg, PA 17201. Chambersburg Borough, **Franklin County**, ACOE Baltimore District.

Project Proposes to breach and remove Wolf Lake Dam across Conococheague Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 3,700 feet North of the intersection of US11 and US30 (Chambersburg, PA Quadrangle N: 12.90 inches; W: 4.95 inches).

D11-019EA. Highland Sewer and Water Authority, 120 Tank Drive, Johnstown, PA 15904. Adams and Summerhill Townships, **Cambria County**, ACOE Pittsburgh District.

Project proposes to breach and remove Lloydell Intake Dam across South Fork Little Conemaugh River (HQ-CWF) to eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is located approximately 3/4 of a mile Southeast of the town of Lloydell. (Beaverdale, PA Quadrangle N: 10.10 inches; W: 8.15 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 No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085511 (SEW)	West Hanover Township Water and Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112	Dauphin County West Hanover Township	Unt Manada Creek/7-D	Y
PA0038920 (SEW)	Burnham Borough Authority 200 First Avenue Burnham, PA 17009	Mifflin County Burnham Borough	Kishaquillas Creek/12-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0090557 Sewage	Extencicare Health Services, Inc. 257 Georgetown Road Beaver Falls, PA 15010	Beaver County South Beaver Township	Swale of Painter Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0100200	Reynolds Disposal Co. 301 Arlington Drive Greenville, PA 16125-8214	Pymatuning Township Mercer County	Unnamed Tributary to Shenango River	Y
PA0102547	Oak Springs Mobile Home Park, Inc. P. O. Box 9122 Cranberry Township, PA 16066-0035	Cranberry Township Butler County	Unnamed Tributary to Brush Creek	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. PA0243981, Sewage, **Elizabeth Zimmer**, 1080 Old Sumneytown Pike, Harleysville, PA 19438. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge 800 gpd of treated sewage from a single family residential STP into Vaughn Run in Watershed 3E.

NPDES Permit No. PA0057738, Sewage, **PA DCNR Bureau of State Parks**, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540. This proposed facility is located in Solebury Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 800 gpd of treated sewage from Virginia Forest STP discharging in the Delaware River in Watershed 2E.

NPDES Permit No. PA0026786, Sewage, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. This proposed facility is located in Pottstown Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Schuylkill River 3-E.

NPDES Permit No. PA0056065, Sewage, **ENSERV Inc.**, 1145 King Road, Immaculata, PA 19345-0631. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from a STP serving Immaculata University and Camilla Hall into an unnamed tributary to Valley Creek in Watershed 3F.

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

NPDES Permit No. PA0021849, Sewage, **Millerstown Borough Council**, P. O. Box 200, Millerstown, PA 17062-2000. This proposed facility is located in Greenwood Township, **Perry County**.

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

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

NPDES Permit No. PA0020257, Sewage, **Borough of Grove City Sewage Treatment Plant**, P. O. Box 110, Grove City, PA 16127-0110. This proposed facility is located in Borough of Grove City, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Wolf Creek in Watershed 20-C.

NPDES Permit No. PA0023167, Sewage, **Borough of Kane**, Pine Street Wastewater Treatment Plant, 112 Bayard Street, Kane, PA 16735. This proposed facility is located in Wetmore Township, **McKean County**.

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

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

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

WQM Permit No. 6371408-A2, Sewerage, **Mid Mon Valley Water Pollution Control Authority**, P. O. Box 197, 1 Anderson Street, Allenport, PA 15412. This proposed facility is located in Allenport Borough, **Washington County**.

Description of Proposed Action/Activity: Sewer separation and improvements at the Mid Mon Valley Sewerage Treatment Plant and Pump stations.

WQM Permit No. 6571417-A4, Sewerage, **Kiski Valley Water Pollution Control Authority**, 1200 Pine Camp Road, Leechburg, PA 15656. This proposed facility is located in Allegheny Township, **Westmoreland County**.

Description of Proposed Action/Activity: for construction of modifications to existing pump stations and existing sludge press.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106 Minor Modification	Rob Cooper Penn State University 101P Office of Physical Plant University Park, PA 16802	Centre	College Township	Trib. to Slab Cabin Run HQ-CWF
PAS105509-1	Pa. DCNR Roger Fickes P. O. Box 8451 Harrisburg, PA 17105-8451	Potter	West Branch Township	Lyman Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Centre County College Township	PAG2001404013	P. Jules Patt Benner Pike Shops, L. P. 422 Allegheny St. Hollidaysburg, PA 16648	Unt. Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Spring Township	PAG2001404016	Pleasant Gap Fire Co. 119 East College Ave. Pleasant Gap, PA 16823	Unt. Logan Branch CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Cambria County Cambria Township	PAG2001104013	Bruna Scansaroli 1075 Chestnut St. Nanty Glo, PA 15943 and Dino Persio 129 South Center St. Ebensburg, PA 15931	Unnamed Tributary to South Branch Blacklick Creek (CWF)	Cambria County CD (814) 472-2120
Fayette County North Union Twp.	PAG2002604034	CHL Development Corp. 145 Windwoods Drive Hopwood, PA 15445	Tributary to Redstone Creek/ Redstone Creek (WWF)	Fayette County CD (724) 438-4497
Indiana County Conemaugh Twp.	PAG2003204015	Art Grgruric Blacklegs Creek Watershed Association P. O. Box 59 Clarksburg, PA 15725	Big Run (CWF)	Indiana County CD (724) 463-8547
Indiana County White Twp.	PAG2003204016	Gary Hankinson The Rod Shop 629 S. 13th Street Indiana, PA 15701	Ramsey Run (CWF)	Indiana County CD (724) 463-8547
Westmoreland County Municipality of Murrysville	PAG2006504015	Walnut Capital Partners 5500 Walnut Street Suite 300 Pittsburgh, PA 15323	Turtle Creek (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Municipality of Murrysville	PAG2006504041	Murrysville Dek Hockey 3481 Treeline Drive Murrysville, PA 15668	Turtle Creek (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Twp.	PAG2006504042	Rostraver Public Library 800 Fellsburg Road Belle Vernon, PA 15012	Pollock Run (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Sewickley Twp.	PAG2006504044	Sewickley Creek Watershed P. O. Box 322 Youngwood, PA 15697	Sewickley Creek (WWF)	Westmoreland County CD (724) 837-5271

NOTICES

6357

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Erie County North East Borough	PAG2002504031	Thornton Subdivision Dave Thornton 10650 W. Main Road P. O. Box 569 North East, PA 16428	UNT to Brady Wine-WWF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504035	Erie Water Works 340 W. Bayfront Park Erie, PA 16507	Lake Erie-CWF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002504036	Presque Isle State Park 1 Peninsula Drive Admin Bldg. RT 832 N Erie, PA 16505	Lake Erie-WWF	Erie Conservation District (814) 825-6403
Erie County Harborcreek Township	PAR10k143R	Harbor Ridge Subdivision John Schaefer 4720 Wattsburg Road Erie, PA 16504	UNT to Six & Seven Mile Creeks CWF; MF	Erie Conservation District (814) 825-6403
Butler County Venango Township	PAG2091004007	Stream Restoration, Inc. 3016 Unionville Road Cranberry Township, PA 16066	Seaton Creek (CWF)	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Denver Borough	PAR203533	Kalas Manufacturing Inc. 25 Main Street Denver, PA 17517	Little Cocalico Creek /TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Bern Township	PAG043508	Michael J. McDermott 1113 Seifrit Lane Bernville, PA 19506	UNT to Plum Creek /WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Pottsgrove Township Montgomery County	PAG050061	Sanatoga Oil Company 21 Spring Street P. O. Box 473 Berger, NY 14416	Sprogles Run-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Caln Township Chester County	PAG050059	Motiva Enterprises, LLC P. O. Box 1243 Waynesboro, VA 22980	Valley Run, Tributary to Beaver Creek CWF, MF Brandywine Creek Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Quincy Twp. Franklin Co.	PAG083590	Mont Alto Municipal Authority Mont Alto WWTF Box 430 Mont Alto, PA 17237-0430		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Permit No. 1090074, Minor Amendment. Public Water Supply.

Applicant	Pennsylvania-American Water—Yardley 4 Wellington Boulevard Wyomissing, PA 19610 Lower Makefield Township and Yardley Borough
County	Bucks
Type of Facility	PWS
Consulting Engineer	Entech Engineering, Inc. 4 South Fourth Street Reading, PA 19603

Permit to Construct Issued November 5, 2004

Permit No. 4604505, Minor Amendment. Public Water Supply.

Applicant	Collegeville Park Water Associates 3607 Baker Street Collegeville, PA 19426
Borough	Collegeville
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Ruby Engineering 201 N. Chestnut Street, Apt. 305 Palmyra, PA 17078

Permit to Operate Issued November 9, 2004

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	Pennsylvania-American Water Company
Township or Borough	Milton Borough
County	Northumberland
Responsible Official	William C. Kelvington Vice President, Operations Pennsylvania-American Water Company 800 Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply-Construction
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania-American Water Company 800 Hersheypark Drive Hershey, PA 17033

Permit Issued Date 11-09-04
Description of Action Replacement of the underdrain system in Milton Filter No. 2.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	Whiskey Run Water Association
Township or Borough	Colebrook Township
County	Clinton

Responsible Official Betty Barton, Secretary
Whiskey Run Water Association
2924 Farrandville Road
Farrandville, PA 17745

Type of Facility Public Water Supply-Operation

Consulting Engineer Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, PA 17901

Permit Issued Date 11-09-04

Description of Action Operation of the recently
rehabilitated Spring No. 1
collection reservoir.

Permit No. 5583501-T1 and 5589503-T1 Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township or Borough Penns Township

County **Snyder**

Responsible Official Mark J. Kropilak
Vice-President, Corporate
Development & Corporate
Council
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility Public Water Supply-Operation

Consulting Engineer Richard Subasic
Aqua PA, Inc.
204 East Sunbury Street
Shamokin, PA 17872

Permit Issued Date 11-10-04

Description of Action Permit No. 5583501-T1 allows
operation of Well No. 1,
disinfection, transmission line
and the distribution system.
Permit No. 5589503-T1 allows
operation of Well No. 2,
disinfection, transmission line
and the water storage tank.

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

Permit No. 1104501, Public Water Supply.

Applicant **Country Living Estates, Inc.**
313 Humbert Road
Sidman, PA 15955

Borough or Township Croyle Township

County **Cambria**

Type of Facility New community water system

Consulting Engineer Keller Engineers
420 Allegheny Street
P. O. Box 61
Hollidaysburg, PA 16648

Permit to Construct Issued November 8, 2004

Operations Permit issued to: **East Dunkard Water Association**, Box 241, Dilliner, PA 15327, (PWSID No. 5300012) East Dunkard Township, **Greene County** on November 8, 2004 for the operation of facilities approved under Construction Permit No. 3000501.

Operations Permit issued to: **Torrance State Hospital**, P. O. Box 111, Torrance, PA 15779, (PWSID No. 5650036) Derry Township, **Westmoreland County** on November 10, 2004 for the operation of facilities approved under Construction Permit No. 6500502.

Operations Permit issued to: **Lower Indiana County Municipal Authority**, P. O. Box 44, Black Lick, PA 15716, (PWSID No. 5320028) Center and Burrell Townships, **Indiana County** on November 10, 2004 for the operation of facilities approved under Construction Permit No. 3202501.

Permit No. 0381501-T2, Minor Amendment. Public Water Supply.

Applicant **K H Real Estate, LLC**
P. O. Box 100, Worthington, PA
16262

[Borough or Township] West Franklin Township

County **Armstrong**

Type of Facility Transfer of the Shadyside Village
Water System

Consulting Engineer

Permit to Operate Issued October 27, 2004

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 con-

cerning 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.

Rockel Residence, Newtown Borough, **Bucks County**. Michelle Harrison, React Environmental Svc., Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Lee Brahin, Garnet Assoc., LLC, 1533 Chestnut Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

201 South Caln Road, Caln Township, **Chester County**. Michael S. Welsh, P. E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of Tim Townes, Southdown Prop., Inc., 55 Country Club Dr., Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil contaminated with metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Pennsylvania Department of Transportation former Bloomsburg Maintenance Facility, Town of Bloomsburg, **Columbia County**. Apex Environmental, Inc., 269 Great Valley Parkway, Malvern, PA 19355 on behalf of Pennsylvania Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754 has submitted a Final Report concerning soil contaminated with BTEX, MTBE, cumene, naphthalene and pryrene and groundwater contaminated with lead, BTEX and MTBE. This Final Report is intended to demonstrate attainment of 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.

Fairway Shopping Center, Upper Dublin Township, **Montgomery County**. Gilbert J. Marshall, P. G., Marshall Geoscience, Inc., 219 W. Main St., Trappe, PA 19426 on behalf of Don S. Ginsburg, Ginsburg Prop. Group, P. O. Box 605, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on November 8, 2004.

East Rockhill Township Spill Site, East Rockhill Township, **Bucks County**. Samuel Kucia, Environmental consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Steve Funk, East Rockhill Township, 1622 Ridge Rd., Perkasio, PA 18944 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 3, 2004.

Tioga Pipe Supply Co., City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of David Keiser, Geaux Investment, Inc./Keiser, General Partnership, 2450 Wheatshaf Ln., Philadelphia, PA 19137 has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning the remediation of site soil and groundwater

contaminated with No. 2 fuel oil. The Remedial Investigation/Risk Assessment/Cleanup Plan Report was approved by the Department on November 2, 2004.

Bryn Mawr Rehabilitation, Willistown Township, **Chester County**. Robert A. White and Paul Gruntmyer, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 on behalf of Bryn Mawr Hospital, 414 Paoli Pike, Malvern, PA has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 22, 2004.

Blosinenski Farm, East Brandywine Township, **Chester County**. Michael S. Welsh, P.E. on behalf of Andrew Ruskay and Anthony Wilson, ACR Machine, Inc., 21 North 10th St., Coatesville, PA 19320 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with glass, metal and ash. The Remedial Investigation Report was approved by the Department on November 3, 2004.

AIR QUALITY

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

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

GP3-38-03046: Reading Materials, Inc. (P. O. Box 1467, Skippack, PA 19474) on November 9, 2004, for Portable Nonmetallic Mineral Processing Plants under GP3, in North Lebanon Township, **Lebanon County**.

GP6-67-03012: New Formprest, Inc. (52 North Ridge Avenue, York, PA 17403) on November 5, 2004, for Petroleum Dry Cleaning under GP6, in the City of York, **York County**.

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

43-315: Russell Standard Corp.—Mercer (1210 Perry Highway, Mercer, PA 16137) on October 30, 2004, to operate three storage tanks in Springfield Township, **Mercer 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.

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

22-03052B: Harman Stove Co. (352 Mountain Road, Halifax, PA 17032) on November 9, 2004, to construct of two paint booths for a stove coating operation in Jackson Township, **Dauphin County**.

44-05014B: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on November 9, 2004, to add a wet processing section to their existing crushing plant at their Hostetler Quarry in Armagh Township, **Mifflin 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.

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

17-305-051: Parkwood Resources, Inc. (P. O. Box 552, Somerset, PA 15501) on November 4, 2004, to correct two (2) erroneous coal stockpile size designations in Burnside Township, **Clearfield County**.

19-00006B: Del Monte Corp. (6670 Low Street, Bloomsburg, PA 17815) on November 5, 2004, to operate two (2) 26.6 million BTU per hour natural gas/No. 6 fuel oil-fired boilers on a temporary basis, until March 5, 2005, in South Centre Township, **Columbia County**. The plan approval has been extended.

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

37-306A: Atlantic States Materials of PA, Inc.—Taylor Run Mine (Route 108, Mercer, PA 16137) on October 31, 2004, for their sand and gravel processing facility in Scott Township, **Lawrence County**.

37-319A: Atlantic States Materials of PA, Inc.—Wampum Plant (Route 18, Mercer, PA 16137) on October 31, 2004, for their sand and gravel processing facility in North Beaver Township, **Lawrence County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

36-05127: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506-0550) on November 8, 2004, to operate their Burkholder Asphalt Plant in Earl Township, **Lancaster County**.

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

25-00383: Erie Hard Chrome, Inc. (1570 East 12th Street, Erie, PA 16511) on November 4, 2004, for a Natural Minor Operating Permit for their hard chromium electroplating facility in the City of Erie, **Erie County**.

37-00321: New Castle Recycling, Inc. (215 Gardner Avenue, New Castle, PA 16101) on November 2, 2004 for a Natural Minor Permit to operate a scrap steel cutting operation in the City of New Castle, **Lawrence County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

01-05017: Quebecor World Fairfield, Inc. (100 North Miller Street, Fairfield, PA 17320) on November 8, 2004, to operate their lithographic printing facility in Fairfield

Borough, **Adams County**. The State-only Operating Permit was administratively amended to incorporate the provisions of Plan Approval No. 01-05017C. This is Revision No. 2.

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

24-00132: Elk County Heat Treaters, Inc. (316 Battery Street, Saint Marys, PA 15857) on November 4, 2004, to revise their Natural Minor Operating Permit to note a transfer of ownership in St. Marys, **Elk County**.

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

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423.

32991301. NPDES Permit No. PA0215228, DLR Mining, Inc., (3065 Airport Road, Indiana, PA 15701), to revise the permit for the Nolo Deep Mine in Buffington, Brushvalley, Cherryhill, and Pine Townships, **Indiana County** to add permit and subsidence control plan acres. Underground Acres Proposed 940, SCP Acres Proposed 462. No additional discharges. Permit issued November 8, 2004.

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

56040102 and NPDES Permit No. PA0249564. 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 51.3 acres. Receiving streams: Swamp Creek and Uts to Swamp Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 1, 2004. Permit issued: November 9, 2004.

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

03020103 and NPDES Permit No. PA0250074. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of permit formerly issued to Alverda Enterprises, Inc., for continued operation and reclamation of a bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 20.3 acres. Receiving streams: unnamed tributaries to Big Run and

Whiskey Run. Application received: August 19, 2004. Transfer permit issued: November 8, 2004.

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

17000102 and NPDES Permit No. PA 0242888. Northern Son, Inc. (R. R. 6, Box 231, Kittanning, PA 16201). Transfer of an existing bituminous surface mine permit from Johnson Brothers Company. The permit is located in Bell Township, **Clearfield County** and affects 131.3 acres. Receiving streams: unnamed tributaries of Whiskey Run to Whiskey Run and unnamed tributaries of South Branch Bear Run to South Branch Bear Run, both to West Branch Susquehanna River. Application received: June 5, 2002. Application returned: November 8, 2004.

14980101 and NPDES Permit No. PA 0238007. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine permit in Snow Shoe Township, **Centre County** affecting 207.4 acres. Receiving streams: Sandy Run to the West Branch of the Susquehanna River. Application received: June 10, 2004. Permit issued: November 3, 2004.

17020106 and NPDES Permit No. PA 0243264. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is located in Girard Township, **Clearfield County** and affects 169 acres. Receiving stream: unnamed tributary A to unnamed tributary B to Deer Creek to the West Branch of the Susquehanna River to the Susquehanna River. Application received: July 27, 2004. Permit issued: November 3, 2004.

17950119 and NPDES Permit No. PA 0220221. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc. The permit is located in Pike Township, **Clearfield County** and affects 168 acres. Receiving streams: unnamed tributaries of Little Clearfield Creek, to Little Clearfield Creek, to Clearfield Creek, to West Branch Susquehanna River. Application received: July 27, 2004. Permit issued: November 3, 2004.

17940116 and NPDES Permit No. PA 0219908. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine permit from Moravian Run Reclamation Co., Inc. The permit is located in Penn Township, **Clearfield County** and affects 247 acres. Receiving streams: Poplar Run. Application received: July 27, 2004. Permit issued: November 3, 2004.

17030115 and NPDES Permit No. PA 0243612. Hilltop Coal Company (12 Dutchtown Road, Houtzdale, PA 16651). Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County** affecting 199 acres. Receiving streams: Japling Run and unnamed tributaries, and unnamed tributary to Muddy Run. Application received: October 14, 2003. Permit issued: November 3, 2004.

17030103 and NPDES Permit No. PA 0243442. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650.) Commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 80.2 acres. Receiving streams: Hogback Run. Application received: June 23, 2003. Permit issued: November 3, 2004.

Noncoal Permits Actions

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

33042805. Glen Gery Corporation (1166 Spring Street, P. O. Box 7001, Wyomissing, PA 19610) Commencement, operation and restoration of a small noncoal shale operation in Oliver Township, **Jefferson County** affecting 10.5 acres. Receiving streams: Unnamed tributary to Beaver Run. Application received: August 4, 2004. Permit Issued: November 3, 2004.

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

40040802. Bernard Golomb (1 McCullough Road, Plains, PA 18702), commencement, operation and restoration of a quarry operation in Plains Township, **Luzerne County** affecting 1.0 acre. Receiving stream: Susquehanna River. Application received September 3, 2004. Permit issued November 8, 2004.

58040859. William C. Burchell (249B Harford Road, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Meylert Creek. Application received September 10, 2004. Permit issued November 8, 2004.

58042806. Douglas G. Kilmer, (RR 1 Box 85K, Uniondale, PA 18470), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 22, 2004. Permit issued November 9, 2004.

58040801. RD Smith Flagstone (115 Montrose Terrace Park, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 3.0 acres. Receiving stream: Pettis Creek. Application received January 2, 2004. Permit issued November 9, 2004.

40042803. Dotzel Trucking (1898 Slocum Road, Mountaintop, PA 18707), commencement, operation and restoration of a quarry operation in Salem Township, **Luzerne County** affecting 5.0 acres. Receiving stream: Unnamed Tributary to the Susquehanna River. Application received June 21, 2004. Permit issued November 9, 2004.

58040849. Milan and Arvin Hibbard, (RR 1 Box 12C, Springville, PA 18844), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 6, 2004. Permit issued November 10, 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

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

65044008. Brentzel Contracting, Inc. (217 Fifth Street, Irwin, PA 15642). Blasting activity permit for construction to install underground utilities, located in

North Huntingdon Township, **Westmoreland County**, with an expected duration of 180 days. Permit issued: November 9, 2004.

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

28044045. Hempt Brothers, Inc., (205 Creek Road, Camp Hill, PA 17011) and Kesco, Inc., (127 Oneida Valley Road, Butler, PA 16001), construction blasting at PADOT SR 30-16 Highway Reconstruction in Guilford Township, **Franklin County** with an expiration date of May 31, 2005. Permit issued: November 9, 2004.

50044101. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Pole Barn in Rye Township, **Perry County** with an expiration date of November 30, 2005. Permit issued November 9, 2004.

22044102. Hall Explosives, Inc., (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Southpoint Meadows in Derry Township, **Dauphin County** with an expiration date of December 30, 2005. Permit issued November 10, 2004.

35044103. Hayduk Enterprises, (P. O. Box 554, Dalton, PA 18414), construction blasting for Wasko Project in Olyphant Borough, **Lackawanna County** with an expiration date of March 31, 2005. Permit issued November 10, 2004.

36044117. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for manure storage in Earl Township, **Lancaster County** with an expiration date of December 30, 2005. Permit issued November 10, 2004.

36044118. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Willow Wene Farm in West Lampeter Township, **Lancaster County** with an expiration date of November 10, 2005. Permit issued November 10, 2004.

40044104. Hayduk Enterprises, (P. O. Box 554, Dalton, PA 18414), construction blasting at Eagle Rock Resort in Black Creek, Hazle and North Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of December 31, 2005. Permit issued November 10, 2004.

52044102. Hayduk Enterprises, (P. O. Box 554, Dalton, PA 18414), construction blasting for Kintner Modular Homes in Greene Township, **Pike County** with an expiration date of December 31, 2005. Permit issued November 10, 2004.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-718. Borough of Avondale, P. O. Box 247, Avondale, PA 19311, Avondale Borough, **Chester County**, ACOE Philadelphia District.

To modify and maintain three reaches of stream as part of the White Clay Creek Restoration Project in Avondale Borough, Chester County (West Grove, PA USGS Quadrangle; N: 13.4 inches; W: 4.5 inches). Work will include the following activities:

1. To restore a 750-linear foot reach of Indian Run (CWF) between West State Street Bridge and its confluence with the East Branch of White Clay Creek by installing four treatment areas consisting of branch packing stabilization and boulder toe stabilization systems.

2. To restore a 225-linear foot reach of the East Branch of White Clay Creek (CWF) located immediately east of the terminus of Miller Drive by installing two treatment areas consisting of boulder toe stabilization system and tree revetment.

3. To restore a 2,034-linear foot reach of the East Branch of White Clay Creek between Third Street Bridge and SR 0041, by installing cross vane structures, j-hook structures, modifying the channels cross-section and relocating approximately 1,720-linear feet of channel to add sinuosity to a reach with a linear meander geometry using natural channel design methods.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-960. Penn Dot District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Cheltenham and Springfield Townships, **Montgomery County**, ACOE Philadelphia District.

To rehabilitate, maintain, and reconstruct an approximately 10-mile segment of the Fort Washington Expressway (PA Route 309). The project has been divided into four design/construction sections (100, 101, 102 and 103) and the limit for the entire project is between Ogontz Avenue in Cheltenham Township (Germantown, PA, Quadrangle N: 14.6 inches; W: 5.0 inches) and Welsh Road (PA Route 63) in Lower Gwynedd Township (Ambler, PA, Quadrangle N: 14.2 inches; W: 13.9 inches) and traverses through Springfield, Upper Dublin, Whitemarsh, and Horsham Townships, Montgomery County. The project includes provisions for the construction of replacement wetlands and rehabilitating stream reaches at various locations along the Sandy Run in Springfield and Whitemarsh Townships with the construction of the first segment, Section 100, Permit No. E46-921.

This permit is for Section 102 and is the 3rd submission for the PA 309 Expressway Improvement Project. The limit of the work extends between Cheltenham Avenue (Germantown, PA, Quadrangle N: 14.6 inches; W: 5.0 inches) in Cheltenham Township to Hawes Lane (Germantown, PA, Quadrangle N: 19.3 inches; W: 10.2 inches) in Springfield Township.

The reconstruction and rehabilitation work in Section 102 includes the following activities:

1. To extend and maintain an existing 10-foot wide by 9.3-foot high single cell brick arch enclosure that carries an unnamed tributary to Tacony Creek (WWF) under SR 309 at Station 0+909. The enclosure will be extended approximately 20.3 feet by connecting a 10-foot by 10.5-foot single cell reinforced concrete box at downstream end. This extension will accommodate the proposed embankment of SR 309.

2. To extend and maintain an existing 12-foot wide by 12-foot high single cell reinforced concrete arch enclosure, that carries Tacony Creek (WWF) under SR 309 at Station 3+145. The enclosure will be extended approximately 8.4 feet by connecting a 12-foot by 12-foot single cell cast-in-place reinforced concrete box at the downstream end. This extension will accommodate the widening of the existing lanes and shoulder of S. R. 309.

3. To impact approximately 43 linear feet of the unnamed tributary to Tacony Creek (WWF) with the construction of the rock outlet protection for an 18-inch stormwater outfall pipe and restoration of the existing embankment to accommodate the widening of existing lanes and shoulders of SR 309 between Station 3+150 to Station 3+260.

4. To place fill and impact 0.03 acres of wetlands MLE22 (PFO) associated with the embankment fill accommodating the widening of SR 309 from Station 3+200 to Station 3+385. The work includes 0.01 acres of temporary impacts.

5. To impact approximately 440 linear feet of an unnamed tributary to Tacony Creek and to divert the flow through the existing culverts which will be extended, associated with the Easton Road interchange and con-

struction of Ramp C from Station 2+275 to Station 2+615. In addition, 0.12 acres of wetlands MLW17 and MLW18 (PEM) will be impacted for the embankment fill at Station 2+275 to Station 2+330 and Station 2+430 to Station 2+490, respectively.

6. To place fill and impact 0.05 acres of wetlands MLE18 (PSS) for the construction of the retaining wall along the northbound side of S. R. 309 and the construction of the outlet for proposed drainage improvements at Station 4+180 to Station 4+340 and Station 4+340, respectively.

7. To place fill and impact 0.16 acre of wetlands MLW20 (PEM) and associated drainage channel on the southbound (SB) side associated with the realignment and widening of SR 309 through the area of Willow Grove Avenue from Station 4+000 to Station 4+230.

8. To impact approximately 125 linear feet of intermittent tributary to Wissahickon Creek (TSF) and adjacent floodplain and to expand the existing pond located at Shepherd's Pond Subdivision for the proposed stormwater management improvement located north of Station 4+375.

9. To impact 341 linear feet of intermittent tributary to Wissahickon Creek (TSF) on the southbound side and to impact 0.04 acre of associated wetlands (SWM-1 and SWM-2) for the construction of the stormwater management facility on the Karr Associated Property at Station 4+760 of SR 309.

10. To modify, improve and maintain approximately 829 linear feet of drainage channel for the stormwater management improvements at Stations 4+167 to 4+246 and 4+575 to 4+765 on the northbound side of SR 309 and Stations 5+037 to 5+102 and 5+297 to 5+446 associated with Paper Mill Road Interchange on Ramp F and Ramp G, respectively.

11. To extend and maintain an existing 6.2-foot diameter CMP enclosure, in and along an unnamed tributary to Wissahickon Creek (TSF) under SR 309 at Station 4+250. The enclosure will be extended approximately 8 feet at the downstream end. This extension will accommodate the widening of the existing lanes and shoulder of SR 309.

The project also includes relocation of a 30-inch water line for Aqua Pennsylvania that will temporarily impact 13 linear feet of stream channel and 0.18 acre of associated wetlands (MLE 18, PFO). General Permit No. 5 (DEP File No. GP054604356) will be authorized under separate cover to Aqua Pennsylvania for this activity.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E05-326. Colerain Township Supervisors, 3017 Centennial Road, Bedford, PA 15522 in Colerain Township, **Bedford County**, ACOE Baltimore District.

To extend the concrete abutments and center pier of the existing Colerain Township Bridge No. 2 over Cove Creek (EV) at a site (Rainsburg, PA Quadrangle N: 5.4 inches; W: 4.9 inches) approximately 6,000 feet upstream from the SR 326 bridge crossing of Cove Creek in Colerain Township, Bedford County for the purpose of improving the bridge's carrying capacity.

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

E59-458. Nelson Township Authority, P. O. Box 100, Lakeview Drive, Nelson, PA 16940. Nelson Water Treatment Facility, in Nelson Township, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 19 inches; W: .75 inches).

To construct, operate and maintain a river intake structure that would be submerged under the existing bed of the Cowanesque River, construction of a wet well within the floodway of the Cowanesque River and to construct a 35 foot by 60 foot pump station in the floodway of the Cowanesque River. The project will impact 270 square feet the Cowanesque River, which is designated as a Warm Water Fishery. This project is located at the intersection of SR 49 and Barney Hill Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E04-303. Rochester Borough, 300 West Park Road, Rochester, PA 15074-2252. Construct a boat dock in Rochester Borough, **Beaver County**, Pittsburgh ACOE District. (Beaver, PA Quadrangle N: 14.8 inches; W: 5.6 inches and Latitude: 49° 42' 23"—Longitude: 80° 17' 25"). To construct and maintain a boat dock along the left bank side of the Beaver River (WWF) (Beaver, PA Quadrangle N: 14.7 inches; W: 5.6 inches and Latitude: 40° 42' 21"—Longitude: 80° 17' 25") and a 28 ft. wide × 80 ft. long pole building in the left bank floodplain of the Beaver River (Beaver, PA Quadrangle N: 14.8 inches; W: 5.6 inches and Latitude: 49° 42' 23"—Longitude: 80° 17' 25"). The boat dock and pole building are located on the west side of Water Street between the Bridgewater and Rte. 68/51 bridges. To construct and maintain a 40 ft. × 40 ft. stage in the right bank floodplain of the Ohio River (WWF) (Beaver, PA Quadrangle N: 13.3 inches; W: 4.6 inches and Latitude: 40° 41' 54"—Longitude: 80° 16' 59"). The stage is located near river mile 25.3, on the east side of the Monaca/Rochester Bridge. All three sites are located in Rochester Borough, Beaver County.

E30-209. Greene County Board of Commissioners, 93 East High Street, Waynesburg, PA 15370. Rehabilitate Greene County Bridge No. 60 in Center Township, **Greene County**, Pittsburgh ACOE District. (Rogersville, PA Quadrangle N: 2.2 inches; W: 10.6 inches and Latitude: 39° 53' 14"—Longitude: 80° 19' 32"). To (work authorized as stated on permit) rehabilitate and maintain the Greene County Covered Bridge No. 60 having a clear span of 43.5 feet and an underclearance of 9.7 feet across South Fork Tenmile Creek classified as a high quality warm water fishery located on T-424 at a point approximately 600 feet south of SR 21.

E30-210. Greene County Board of Commissioners, 93 East High Street, Waynesburg, PA 15370. Rehabilitate Greene County Bridge No. 18 in Greene Township, **Greene County**, Pittsburgh ACOE District. (Garards Fort, PA Quadrangle N: 10.3 inches; W: 8.5 inches and Latitude: 39° 48' 24"—Longitude: 80° 03' 38"). To rehabilitate and maintain the Greene County Bridge No. 18 having a clear span of 67 feet and an underclearance of 7.5 feet across Whiteley Creek classified as a TSF located on T-604.

E56-329. Hidden Valley Resort, LP, One Craighead Drive, Hidden Valley, PA 15502. Construct timber bridges in Jefferson Township, **Somerset County**, Pittsburgh

ACOE District. (Bakersville, PA Quadrangle N: 11.8 inches; W: 16.93 inches and Latitude: 40° 03' 54"—Longitude: 79° 14' 46"). To seasonally, between November 15 and March 15 of each year, construct and maintain timber bridges, across Kooser Run (HQ-CWF) and an adjoining, abandoned fish hatchery, to create a snow tubing trail over these watercourses. Two 70-foot × 20-foot bridges, separated by 40 feet will be seasonally constructed over Kooser Run, while one 180-foot × 15-foot bridge will be seasonally constructed over the abandoned fish hatchery. These structures will temporarily affect approximately 0.07 acre of adjacent wetlands. The timber bridges will be replaced by timber deck structures, as the logs for the timber bridges deteriorate and need to be replaced. In addition, the applicant will construct approximately 0.13 acre of wetland, by partially removing fill from a former pond that was affected by a previously, unauthorized activity. The site is located in Hidden Valley's Outback Park area, which is located along SR 0031, approximately 0.25 miles past the main entrance to the Hidden Valley Resort.

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

E10-398, Robert W. Barr, 149 Weston Lane, Sarver, PA 16055. Barr Residence Driveway Crossing (Curtisville, PA Quadrangle N: 18.21 inches; W: 1.89 inches), in Buffalo Township, **Butler County**, ACOE Pittsburgh District

To maintain a single span bridge having an approximate clear span of 20 feet, an instream length of 20 feet and a minimum under clearance of 5 feet constructed by authorization of Emergency Permit EP-10-04-604 at a point across Sarver Run (HQ-TSF) approximately 1,800 feet northwest of the intersection of SR 0228 and SR 0356, 200 feet south of Coal Hollow Road.

E33-222, PA Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. SR 28, Section 513 Roadway Widening Project, in Pinecreek and Warsaw Townships, **Jefferson County**, ACOE Pittsburgh District.

To conduct the following activities associated with the realignment and widening of SR 28, Section 513 extending north of I-80:

1. Remove the existing culvert and to install and maintain a 127-foot long, 48-inch diameter reinforced concrete pipe stream enclosure and fill 0.091 acre of adjoining wetland (Brookville, PA Quadrangle N: 11.5 inches; W: 2.4 inches).

2. Fill 0.091 acre of wetlands associated with widening of the roadway approximately 800 feet east of T-434 (Milliron Road) (Brookville, PA Quadrangle N: 11.2 inches; W: 3.3 inches).

Project includes use of the PA Department of Transportation's Jefferson County Wetland Mitigation Bank in Snyder Township for the total of 0.091 acre of wetland impact.

WATER QUALITY CERTIFICATIONS

Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

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

Project Description: The practice of "Obstruction Leveling" at the Marcus Hook Refinery facility's mooring

area, as an interim maintenance practice will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of your 401 Water Quality Certification are to be submitted to: Chief, Soils and Waterways Section, Water Management, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401

Final Action on Request: Certification Granted

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

Project Description: The practice of "Obstruction Leveling" at the Hog Island Wharf facility's mooring area, as an interim maintenance practice will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of your 401 Water Quality Certification are to be submitted to: Chief, Soils and Waterways Section, Water Management, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification Granted

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

Project Description: The practice of "Obstruction Leveling" at the Point Breeze Wharves facility's mooring area, as an interim maintenance practice will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of your 401 Water Quality Certification are to be submitted to: Chief, Soils and Waterways

Section, Water Management, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

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

Project Description: The practice of "Obstruction Leveling" at the Girard Point Wharf facility's mooring area, as an interim maintenance practice will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of your 401 Water Quality Certification are to be submitted to: Chief, Soils and Waterways Section, Water Management, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

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

Project Description: The practice of "Obstruction Leveling" at the Fort Mifflin Terminal facility's mooring area, as an interim maintenance practice will not violate water quality standards, provided the following conditions are met:

A. Any mechanically removed dredge material generated will be, transported and disposed of at the Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey.

B. A copy of the approved 401 WQC for disposal of dredge material at Weeks Marine—American Dredging Companies, Whites Basin Disposal Area, Logan Township, New Jersey will be provided prior to any maintenance dredging.

C. A copy of any sample results required by New Jersey as a condition of your 401 Water Quality Certification are to be submitted to: Chief, Soils and Waterways Section, Water Management, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Final Action on Request: Certification granted.

SPECIAL NOTICES

Application Announcement for the Recycling Markets Infrastructure Development Grant

Applications for the 2005 Recycling Markets Infrastructure Development Grant (Grant) are now available from the Department of Environmental Protection (Department). Grants will be awarded on a competitive basis to qualified existing for-profit businesses and non-profit organizations that seek to purchase machinery or equipment that will result in increased consumption of recy-

clable materials recovered in this Commonwealth. The Department will accept Grant applications until 4 p.m. on March 4, 2005.

The success of recycling programs is directly related to demand for recyclable goods. Strong, profitable recycling based businesses are good for the environment and the economy in this Commonwealth. The grant aims to build strong markets for recycled materials in Pennsylvania by assisting existing businesses or non-profit organizations with increasing their use of recyclable materials in the production of finished products.

Applications for the 2005 grant program may be obtained by contacting Jeff Bednar, Bureau of Waste Management at (717) 787-7382 or by e-mail at jbednar@state.pa.us or by visiting the Department's website at: <http://www.state.pa.us> (DEP Keyword: Market Development).

Application Announcement for the Compost Infrastructure Development Grant Program

Applications for the 2005 Compost Infrastructure Development Grant Program (Program) are now available from the Department of Environmental Protection (Department). Under the program, qualified existing and operating for-profit business entities and non-profit organizations in the Commonwealth will be awarded grants to increase the quantity of yard waste and/or food wastes collected in this Commonwealth. The goal of this program is to increase the quantity of organic materials collected and composted to further increase this Commonwealth's recycling rate. Applications for the grant program will be accepted by the Department until 4 p.m. on March 4, 2005.

The municipal waste stream consists of over 30% organic materials that could be recycled and diverted from the waste stream and managed by composting. These organic waste streams such as yard and food wastes can become a resource to compost facilities that use these materials as feedstocks. Composting of organic wastes helps to lessen the burden on landfill capacity and creates a beneficial soil conditioner that can be marketed.

Applications for the 2005 Program may be obtained by contacting Patricia Olenick, Bureau of and Waste Management at (717) 787-7382 or by e-mail at polenick@state.pa.us. Applications are also available electronically on the Department's website at <http://www.dep.state.pa.us> (directLINK: Compost).

[Pa.B. Doc. No. 04-2110. Filed for public inspection November 24, 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.

Final Technical Guidance:

DEP ID: 383-2129-002 Title: Guidance for Evaluating Alternate Recycle Return Locations Proposed under the Filter Backwash Recycling Rule. Description: The Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule require all systems utilizing surface water or groundwater under the direct influence of surface water to achieve at least 2-log removal of *Cryptosporidium*. To insure that the practice of recycling does not adversely affect the ability of a plant to meet this requirement, the Filter Backwash Recycling Rule (FBRR) requires that certain recycle flows in conventional and direct filtration facilities be returned to a location in the plant so the recycle flow passes through all of the treatment processes by June 8, 2004. The FBRR also allows the return of recycle flows to a location other than the head of the plant if the Department determines that use of the alternate location will not adversely affect the ability of the plant to achieve 2-log *Cryptosporidium* removal. This guidance was developed to aid permitting staff in evaluating requests to recycle to alternate locations and was issued as Interim Final Guidance at 34 Pa.B. 2890 (May 29, 2004) with provision for a 30-day public comment period, which concluded on June 28, 2004. The Department did not receive any comments on the Interim Final Guidance. The Final Guidance will apply to public water systems that utilize conventional or direct filtration and desire to recycle spent filter backwash, thickener supernatant or liquids from dewatering processes to a location other than the head of the plant. Effective Date: November 27, 2004.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-2111. Filed for public inspection November 24, 2004, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting

The Department of Environmental Protection's (Department) Radiation Protection Advisory Committee will hold a special meeting on December 8, 2004, from 9 a.m. to 3 p.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The purpose of the meeting is to discuss proposed revisions to the Bureau of Radiation Protection's (Bureau) Compliance and Enforcement Policy (Guidance No. 291-4100-001) and draft regulatory language that would link fees levied by the Bureau for radiation-producing machines and radioac-

tive material licenses to a Consumer Price Index. Also scheduled for discussion will be the implementation of quality assurance requirements for radiation-producing machine registrants and licensees and the challenges facing the Department in implementing a consistent statewide radiation protection program.

Questions concerning the meeting should be directed to Louis Ray Urciuolo at (717) 783-9730 or lurciuolo@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's website at <http://www.dep.state.pa.us> (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Donielle Skelton at (717) 787-3720, or through 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.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-2112. Filed for public inspection November 24, 2004, 9:00 a.m.]

Stream Redesignation Evaluation; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that evaluations will be conducted on the stream sections listed as follows:

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
<i>Deer Creek</i> —Basin, from its headwaters in Shrewsbury Township and other municipalities to the Pennsylvania/Maryland state line.	York	Susquehanna River
<i>Little Falls</i> —Basin, from its headwaters in Shrewsbury Township and New Freedom Borough to the Pennsylvania/Maryland state line.	York	Gunpowder Falls

Persons who have technical data concerning the water quality, instream habitat or biological condition of either of these stream sections are encouraged to make it available to the Department for consideration in the assessments. These assessments may lead to recommendations to the Environmental Quality Board (Board) for redesignation.

Data should be submitted to Bob Frey, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, e-mail rofrey@state.pa.us. Data should be submitted no later than December 27, 2004. Questions concerning this evaluation should be directed to Bob Frey at (717) 787-9637.

This assessment is being conducted in response to two rulemaking petitions submitted to the Board by the Shrewsbury Township Supervisors. The portion of the Deer Creek basin to be evaluated is currently designated Cold Water Fishes (CWF). The portion of Little Falls basin to be evaluated is currently designated Warm Water

Fishes (WWF). The petitioners are requesting redesignation to High Quality-Cold Water Fishes (HQ-CWF) for both basins.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Bob Frey directly at the number previously listed or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY
Secretary

[Pa.B. Doc. No. 04-2113. Filed for public inspection November 24, 2004, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Lucky Day Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Lucky Day.
2. *Price:* The price of a Pennsylvania Lucky Day instant lottery game ticket is \$3.
3. *Play Symbols:* Each Pennsylvania Lucky Day instant lottery game ticket will feature a "COORDINATES FOR LUCKY GRID" area and a "LUCKY GRID" area. The play symbols located in the "COORDINATES FOR LUCKY GRID" area are: The letters A through F, each with the numbers 1 through 6. The play symbols located in the "LUCKY GRID" area are: Horseshoe Symbol; Star Symbol; Rainbow Symbol; Rabbit's Foot Symbol; 7 (Numeral Seven) Symbol; Clover Leaf Symbol; Chest Symbol; Gold Bar Symbol; Pot Of Gold Symbol and Diamond Symbol.
4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$18, \$30, \$60, \$300, \$3,000 and \$60,000. The player can win up to three times on each ticket.
5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Lucky Day instant lottery game.
6. *Determination of Prize Winners:*
 - (a) Holders of tickets where the player uncovers three matching Diamond play symbols using only the letter-

number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets where the player uncovers three matching Pot Of Gold play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets where the player uncovers three matching Gold Bar play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets where the player uncovers three matching Chest play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$60.

(e) Holders of tickets where the player uncovers three matching Clover Leaf play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets where the player uncovers three matching 7 (Numeral Seven) play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$18.

(g) Holders of tickets where the player uncovers three matching Rabbit Foot play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets where the player uncovers three matching Rainbow play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$9.

(i) Holders of tickets where the player uncovers three matching Star play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets where the player uncovers three matching Horseshoe play symbols using only the letter-number combinations found in the "COORDINATES FOR LUCKY GRID" area, on a single ticket, shall be entitled to a prize of \$3.

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

<i>Win with Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3-Horseshoes	\$3	9.09	660,000
3-Stars	\$6	16.67	360,000
3-Rainbows	\$9	50	120,000
3-Horseshoes + 3-Stars	\$9	50	120,000
3-Rabbit's Feet	\$12	200	30,000
3-Horseshoes + 3-Rainbows	\$12	200	30,000
3-7 Symbols	\$18	200	30,000
3-Horseshoes + 3-Stars + 3-Rainbows	\$18	200	30,000
3-Clover Leaves	\$30	200	30,000

<i>Win with Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
3-Rabbit's Feet + 3-7 Symbols	\$30	200	30,000
3-Chests	\$60	315.79	19,000
3-Gold Bars	\$300	60,000	100
3-Pots Of Gold	\$3,000	120,000	50
3-Diamonds	\$60,000	1,200,000	5

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

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

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

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

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-2114. Filed for public inspection November 24, 2004, 9:00 a.m.]

DEPARTMENT OF STATE

State Athletic Commission; Public Meetings for 2005

The State Athletic Commission (Commission) announces its schedule for regular meetings to be held at least once every 2 months in 2005 under 5 Pa.C.S. § 103 (relating to duties of commission).

All meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

- February 28, 2005
- April 25, 2005
- June 27, 2005
- August 22, 2005
- October 31, 2005
- December 19, 2005

Individuals having questions regarding these meetings should contact the State Athletic Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 04-2115. Filed for public inspection November 24, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

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

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

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
35-29	Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services Crime Victims Compensation 34 Pa.B. 5032 (September 11, 2004)	10/12/04	11/12/04
14-489	Department of Public Welfare Subsidized Child Care Eligibility 34 Pa.B. 5044 (September 11, 2004)	10/12/04	11/12/04

**Pennsylvania Commission on Crime and
Delinquency, Office of Victims' Services Regulation
35-29 (IRRC #2428)**

Crime Victims Compensation

November 12, 2004

We submit for your 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 Office of Victims' Services (OVS) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 12, 2004. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 411.2. Definitions.—Legislative intent; Consistency with statute; Need; Clarity.

Cleaning

The House Judiciary Committee (House Committee) commented that this term should be defined to clarify the intent to "... ensure that payment may be made to cover the cost associated with the clean-up of blood and stains caused by other bodily fluids as a direct result of the crime. . . ." We agree.

Dependent child

This definition contains the phrase "eighteen years of age or younger." Section 11.702(b)(2)(ii) of the Crime Victims Act (Act) (18 P. S. § 11.702(b)(2)(ii)) includes the language "under 18 years of age" to describe an individual who is not an adult. For clarity, OVS should use the phrase "under 18 years of age" to define a "dependent child."

Loss of earnings and Stolen benefit cash

The House Committee commented on both of these regulatory definitions. We agree that these definitions are confusing. We have two concerns.

First, the regulatory term "stolen benefit cash" is confusing because it is virtually identical to the statutory definition of "loss of earnings." Subsection (b) states "[t]he definitions in section 103 of the act (18 P. S. § 11.103) are incorporated by reference." Hence, why is the regulatory term "stolen benefit cash" needed?

Second, if the term "stolen benefit cash" is needed, why does it vary from the statutory definition of "loss of earnings"? The definition of "stolen benefit cash" uses the term "direct victim" in place of the term "victim." The statute defines both the term "victim" and "direct victim" differently. The statute uses the term "victim" in its definition of "loss of earnings."

OVS should either explain the need for the term "stolen benefit cash" or delete it from the definitions and the regulation. In its place, the term "loss of earnings" should be amended to be consistent with the statute.

2. Section 411.11. Filing procedures.—Consistency with statute; Clarity.

Time limits

This section does not include a time limit for filing claims for compensation with OVS. The regulation should include the time limits in Section 702(b) of the Act (18 P. S. § 11.702(b)).

Subsection (a)

This subsection states, "A claim may be filed by a person eligible under the act." Subsection (a) should also reference Section 411.3(a) of this Chapter.

Subsection (e) and Subsection (g)

Subsections (e)(2)(v) and (g)(3) allow OVS to consider "other circumstances deemed appropriate by OVS." What "other circumstances" will OVS consider?

Subsection (h)

This subsection describes violations of a protection from abuse order involving an eligible crime. To fulfill the requirements of this subsection, the eligible crime must be reported in a "timely manner." What is considered a "timely manner"?

Subsection (i)

The House Committee suggests adding language to Paragraph (i)(7) to determine whether damage as a result of the crime is covered by homeowners insurance, similar to provisions in Subsections (i)(2)(iv) and (i)(6)(iv). We agree.

Additionally, this subsection states, "when requested by OVS, the claimant shall submit copies of documents that are needed to process the particular type of claim, which include the following. . . ." Under the list of provisions, Paragraph (6)(v)(A) Witness., would require the claimant to submit "a police report obtained by OVS." If OVS obtained the police report, why is the claimant required to submit a copy?

3. Section 411.14. Determinations.—Reasonableness; Clarity.

Subsection (a)

This subsection states a claimant may provide "additional information or clarification on the claim post-marked no later than 30 days from the date of OVS's initial determination. . . ." Does this mean the date on which the claimant receives notice of the initial determination?

Subsection (c)

This subsection includes a list of individuals that may receive a copy of OVS' final determination. The House Committee suggests that the district attorney having jurisdiction where the crime occurred should be added to this list. Title 18 Section 1106(c)(4) (18 Pa.C.S. § 1106(c)(4)) requires district attorneys to make recommendations to the sentencing court for the amount of restitution. Notice from OVS regarding a claim determination will assist the district attorney in meeting this requirement. We agree.

4. Section 411.15. Actions affecting awards.—Consistency with statute; Clarity.

Subsection (a)

This subsection sets standards for consideration of whether the conduct of the direct victim or intervenor contributed to the injury. The standard in Paragraph (3) is the direct victim or intervenor "used poor judgment resulting in the placement of the direct victim or intervenor into a situation likely to result in injury." The standard of "poor judgment" is subjective. This standard should be deleted or amended to more closely relate to the conduct of the direct victim or intervenor.

Subsection (c)

The intent of this subsection is not clear. How will the victim of a driving under the influence crime be treated differently? How does driving without a license differ from the conduct standards in Subsection (a)?

Subsection (g)

Subsection (g) states OVS may consider a failure to cooperate with law enforcement and OVS justified when a number of situations occur. However, this subsection does not include minors. Are minors able to cooperate with OVS?

Subsection (g) and Subsection (h)

Subsections (g)(3) and (h)(5) allow OVS to consider other circumstances deemed appropriate by OVS or other factors that OVS deems relevant. What other circumstances or factors will OVS consider?

5. Section 411.16. Reductions, offsets and limitations.—Clarity.*Subsection (a)*

This subsection states, “an award made under the act and this chapter shall be reduced by the amount of any payments received or to be received. . . .” Paragraph (1) includes any payment from or on behalf of the individual who committed the crime. The House Committee commented that “any decision by OVS to reduce, offset or limit an award to a claimant should only be made after first considering the ability of the Board to exercise its right to subrogation and restitution.” We agree.

Subsection (e)

This subsection includes a citation to the federal Medicare Program. This program is found at 42 U.S.C. § 1395 et. seq. For clarity, the Commission should cite the sections that deal specifically with Medicare reimbursement allowances as a result of a motor vehicle incident.

6. Section 411.31. Reconsideration.—Reasonableness.*Subsection (a)*

This subsection allows a claimant to contest OVS's determination “by submitting a written request for reconsideration post-marked no later than 30 days from the date of determination.” There are two concerns.

First, how will the claimant know when the 30-day period began? Section 704(d) of the Act (18 P. S. § 11.704(d)) requires OVS to promptly notify the claimant of its final decision. We also note that the 30-day period for judicial review under 18 P. S. § 11.705 begins 30 days after the claimant receives a copy. The regulation should specify that the claimant has 30 days from receipt of OVS' determination.

Second, the requirement of a post-mark would limit the method of filing. This subsection should be amended to be similar to Section 411.11(c) which allows several methods of filing, including electronic means.

7. Section 411.32. Hearing.—Clarity.*Subsection (h)*

This subsection requires the claimant to “provide written confirmation to OVS of the claimant's intent to attend the hearing, including a list of witnesses and documentary exhibits to be presented. . . .” The House Committee requests this section be amended to clarify whether the submission of a list of documentary exhibits will satisfy this requirement, or if the actual documentary exhibits

must be provided. We agree with the House Committee, and request the OVS clarify this subsection in the final-form regulation.

Subsection (j)

This subsection states “a hearing will not be rescheduled more than once.” Shouldn't the hearing examiner have the flexibility to review the reason the claimant did not attend and, based on that information, make a determination on whether another hearing should be scheduled?

Subsection (l)

This subsection allows a hearing officer to “issue subpoenas for attendance of witnesses or for the production of documentary evidence.” The House Committee suggested procedures for requesting subpoenas be included in Section 411.32(k). We agree.

8. Section 411.33. Final decision after hearing.—Reasonableness; Clarity.

This section does not contain any timeframe for the hearing officer to deliver the report or for OVS action on the report. Should timeframes be added to ensure claims are processed in a timely manner?

9. Section 411.42. Out-of-pocket loss.—Reasonableness; Clarity.*Dollar amount of allowed expenses*

Commentators have said that the \$200 amount for the loss of eyeglasses in Section 411.42(d)(1) is too low. Additionally, commentators stated the \$5,000 limit for funeral expenses in Section 411.42(c) is not enough. OVS should explain how the dollar amounts were derived, and why they are reasonable.

Preapproval

A commentator requested that this regulation include pre-approval of dental care, plastic surgery, vision or eye care, prosthetics and pharmacy costs because victims are denied non-emergency care when they cannot guarantee payment. Is there a way for a victim to demonstrate need for non-emergency medical care before the procedure is done? Can a provider be paid directly?

Subsection (g)

This subsection states, “OVS will reimburse expenses associated with travel to obtain medical care or counseling and, in the case of an injury that results in death, for travel in connection with making the funeral arrangements and transport of the body.” The House Committee commented that travel expenses for funeral arrangements should be allowed as out-of-pocket loss, but should also be required to be “reasonable and necessary.” We agree.

**Department of Public Welfare Regulation #14-489
(IRRC #2429)**

Subsidized Child Care Eligibility**November 12, 2004**

We submit for your 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 Public Welfare (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on October 12, 2004. If the final-

form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Additional responsibilities of eligibility agencies and costs for currently enrolled children.—Fiscal impact.

The Department has indicated that this rulemaking will allow an additional 3,388 children to receive subsidized child care annually. The estimated cost of this rulemaking is \$5.5 million for the remainder of the 2004-2005 fiscal year and \$9.9 million per year thereafter. The Department has indicated that these costs relate only to day care for new children eligible for subsidized child care. We have two concerns related to the fiscal impact of this regulation.

First, some child care information service (CCIS) agencies have commented that the rulemaking will increase their administrative duties and costs of operating. They claim their costs will rise due to new requirements of record keeping and verifying eligibility factors. Since none of the additional funding will be dedicated to these program costs, how will the CCIS agencies be reimbursed for additional expenses they may incur under this regulation?

Second, the rulemaking will allow families currently enrolled in the subsidized child care program to qualify for more hours of care. In addition, parents/caretakers in education programs who work fewer hours could pay lower co-payments which would result in higher costs to the Department. How much additional funding is needed to serve the children currently enrolled in the subsidized child care program? How will these costs be funded?

2. Policy revisions.—Fiscal impact; Reasonableness.

The Department has proposed numerous policy changes in an effort to accomplish its stated goals of making high quality child care more accessible to families, promoting family self-sufficiency and promoting parental choice of child care options. Some CCIS agencies have expressed opposition to or concern with the following policy changes:

- Eliminating the existing requirement for the parent or caretaker to seek court-ordered child support;
- Eliminating the cap on the number of hours of subsidy in a seven-day period;
- Allowing receipt of subsidy for child care to cover travel time and sleep time (§§ 3041.14(a)(1) and (2));
- Increasing the time period during which a parent/caretaker may continue to receive subsidy from the date of an involuntary loss of work, the date a strike begins or the date the parent/caretaker completes an education program from 30 days to 60 days;
- Eliminating a live-in companion's income from the family income determination;
- Including only a portion of a stepparent's income in the family income determination (§ 3041.33(5));
- Reducing the minimum required number of work hours from 25 to 20 per week, or a combination of 10 hours per week of work and 10 hours per week of training (§ 3041.43(a) and (c)); and
- Eliminating the requirement that the parent/caretaker earn at least minimum wage.

The commentators are concerned that these changes will: raise the Department's and CCIS agencies' costs of administering the subsidized child care program; discourage families from becoming self-sufficient; and significantly increase waiting lists. We request the Department further explain how these proposed policy changes will achieve its stated goal of promoting family self-sufficiency. We also request that the Department explain how these proposed changes will meaningfully increase access to care if waiting lists are expanded.

3. Section 3041.3. Definitions—Reasonableness.

The term "self-certification" is defined as, "A written statement provided by a parent or caretaker for the purpose of establishing selected factors of nonfinancial eligibility." The Department has noted that "self-certification" will make it easier for families to apply and qualify for subsidized child care. Given that self-certification does not require follow-up documentation, is there a risk that non-eligible families may obtain subsidized child care to which they are not entitled?

4. Section 3041.16. Subsidy limitations.—Clarity.

Subsection (d) allows a family with two parents or caretakers to be eligible for subsidized child care if one of the parents or caretakers is unable to care for the child because of a physical or mental disability. This subsection should include a cross-reference to Section 3041.71, relating to verification of permanent inability to work.

5. Section 3041.20. Subsidy continuation during breaks in work.—Reasonableness.

This section allows a family's eligibility for subsidized child care to continue during specified interruptions of work. Maternity leave is not included in the list of interruptions. Based on discussions with Department staff, we understand that the Department intended to include maternity leave. Therefore, the final-form regulation should be amended to reflect the Department's intent.

6. Section 3041.22. Subsidy disruption.—Reasonableness.

Under Subsection (c), if subsidized care is disrupted because the eligibility agency does not have sufficient State or Federal funding, the subsidy for children whose families have the highest income is disrupted first. Since family sizes vary, we question the reasonableness of basing disruption of subsidy solely on income level. The Department should explain the rationale for this approach.

7. Section 3041.43. Work, education and training.—Reasonableness; Clarity.

Subsection (d) provides that a parent or caretaker who misses work due to "illness, injury, employer closings, holidays, temporary work slow-downs, emergencies or domestic violence" remains eligible for subsidy if he or she is normally scheduled to work 20 hours per week. We recognize that this subsection was written with the purpose of providing CCISs the flexibility to meet the particular needs of the families they serve. However, it contains vague language which may make it difficult for this provision to be administered consistently and uniformly throughout the Commonwealth. We have three concerns.

First, the term "temporary work slow-downs" is unclear. The final-form regulation should include the criteria the

Department will use to determine what qualifies as a “temporary work slow-down.” Additionally, the Department should specify at what point a “temporary work slow-down” becomes a permanent reduction in work hours.

Second, the final-form regulation should specify for how long a person can have fewer than 20 hours per week of work and remain eligible for subsidized child care.

Finally, the term “emergency” is open to interpretation. The Department should either define this term or specify the criteria it will use to determine if a situation qualifies as an emergency.

8. Section 3041.46. Immunization.—Clarity.

Subsection (c) states, “The parent’s or caretakers’ self-certification on the application or on another form provided by the Department is verification of immunization or exemption from immunization requirements.” Section 3041.67 relating to Verification of immunization also provides that acceptable verification of immunization is the parent’s or caretaker’s self-certification.

These provisions could be interpreted as allowing children to enter child care facilities without documentation that they have the required immunizations, or an exemption from immunizations. Based on discussion with Department staff, we understand that this is not the intent. The purpose of the provisions in this regulation is to avoid duplication of paperwork requirements. Parents or caretakers will still have to provide immunization records to the child care provider as required by 55 Pa. Code § 3270.131(d)(5). The clarity of Section 3041.46(c) and Section 3041.67 could be improved by adding a cross-reference to the requirements in 55 Pa. Code § 3270.131(d)(5).

9. Section 3041.65. Verification of residence.—Reasonableness.

This section allows a parent or caretaker to self-certify their residency status on applications or eligibility re-determination forms. Self-certification does not require the applicant to supply documentation to support their claim. However, self-declaration does require an applicant to provide documentation within 30 days. Therefore, we recommend that this section be amended to allow a parent or caretaker to self-declare their residency status.

10. Section 3041.85. Record retention.—Need; Reasonableness.

Subsection (b) requires eligibility agencies to maintain records for at least seven years. The existing regulation requires records to be kept for four years. The Department should explain why it is necessary to increase record retention to seven years.

11. Section 3041.145. Self-declaration and reporting.—Clarity

Paragraph (1) requires Temporary Assistance for Needy Families (TANF) and former TANF parents or caretakers to self-declare several eligibility factors. We note that Subsection (d) of Section 3041.63, relating to Self-declaration, requires the parent or caretaker “to provide another form of acceptable verification no later than 30 calendar days following the date the written self-declaration is accepted. . . .” Section 3041.145(1), however, does not require this follow-up verification.

Based on discussions with Department staff, we understand that for families who move immediately from TANF

to the subsidized child care program, follow-up verification is unnecessary because extensive records are maintained by the TANF program. These records would simply transfer to the subsidized child care eligibility agent. However, the regulation does not address follow-up verification for families who do not immediately transfer from TANF to subsidized child care. The final-form regulation should address the verification requirements for these families.

12. Miscellaneous clarity issues.

- Sections 3041.14(b) and 3041.32(1) use the phrase “biological or adoptive parent or stepparent.” This phrase is not defined and differs from the phrase “parent or caretaker” which is used throughout the remainder of the regulation. The final-form regulation should be amended to consistently use the phrase “parent or caretaker.”
- Section 3041.64, relating to verification of income, uses the terms “earned income” and “unearned income.” The final-form regulation should define these terms.
- Section 3041.101, relates to general co-payment requirements. Subsection (e) states that a co-payment is due on the first day of the family’s first full-service week. This conflicts with § 3041.104(f), relating to parent or caretaker co-payment requirements, which states that the co-payment is due on the first day of the service week. The final-form regulation should make these two provisions consistent.
- As published in the *Pennsylvania Bulletin*, there is a typographical error in the heading of the section relating to Notice of overpayment. The numeric heading for this section is printed as “§ 3040.167.” This should be changed to § 3041.167. (Emphasis added.)
- Section 3041.171(6) references “§ 3040.21.” This reference should be changed to § 3041.21. (Emphasis added.) Similarly, Section 3041.171(7) references “§ 3040.22.” This reference should be changed to § 3041.22. (Emphasis added.)

[Pa.B. Doc. No. 04-2116. Filed for public inspection November 24, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Health Plan Individual, Grange and Association Base Medical and Pharmacy Rate Filing

On November 8, 2004, the Insurance Department (Department) received from Geisinger Health Plan a filing for a rate increase ranging from -7.56% to 10.61% for the medical plan and -5.81% to 8.59% for the pharmacy plan. The magnitude of the rate increase will be determined by the subscriber’s age, gender and contract type. The following uniform benefit changes are proposed:

- Implementation of a \$500/\$1,500 deductible (for nonoffice visits).
- 30% coinsurance (for nonoffice visits)—with a \$1,500/\$3,000 out-of-pocket maximum.

- The \$20 specialist office visit copay is increased to \$35.
- Only the 50% coinsurance option will be offered for the pharmacy plan.

The company requests an average increase of 5.68% (medical and pharmacy), to be effective April 1, 2005. This filing will impact approximately 9,900 medical contracts and 4,165 pharmacy contracts.

Additional revenue of \$1.77 million will be generated from the medical increase and \$114,676 from the pharmacy increase.

Unless formal administrative action is taken prior to February 9, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-2117. Filed for public inspection November 24, 2004, 9:00 a.m.]

IDS Life Insurance Company; Rate Increase Filing for Long-Term Care Policy Form 30240-PA

The IDS Life Insurance Company is requesting approval to increase the premium 35% for the Long-Term Care Form 30240-PA and the associated riders. The average premium will increase from \$849 to \$1,146 and will affect 1,987 policyholders of this Commonwealth.

Unless formal administrative action is taken prior to February 10, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actua-

ry, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-2118. Filed for public inspection November 24, 2004, 9:00 a.m.]

IDS Life Insurance Company; Rate Increase Filing for Long-Term Care Policy Forms 30225-PA, 30225-PA1 and 30225A-PA1

The IDS Life Insurance Company is requesting approval to increase the premium 35% for the Long-Term Care Forms 30225-PA, 30225-PA1, 30225A-PA1 and the associated riders. The average premium will increase from \$892 to \$1,204 and will affect 1,987 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to February 10, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions, or objections to James Laverty, Actuary, Pennsylvania Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-2119. Filed for public inspection November 24, 2004, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new lease:

Montgomery County, Wine & Spirits Shoppe No. 4645, 196 West Ridge Pike, Limerick, PA 19468.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 8,000 net useable square feet of new or existing retail commercial space in a 1-mile radius of the intersection of Ridge Pike and Sunset Road, Limerick Township.

Proposals due: December 22, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128
Contact: Robert Jolly, (215) 482-9671

The following Liquor Control Board lease will expire:

Lehigh County, Wine & Spirits Shoppe No. 3919, K-Mart Plaza, 4777 Tilghman Street, Allentown, PA 18104-3211.

Lease Expiration Date: January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,000 net useable square feet of new or existing retail commercial space along Tilghman Street in South Whitehall Township.

Proposals due: December 22, 2004, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

JONATHAN H. NEWMAN,
Secretary

[Pa.B. Doc. No. 04-2120. Filed for public inspection November 24, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-311322F7001. Verizon North Inc. and CommPartners, LLC. Joint petition of Verizon North Inc. and CommPartners, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and CommPartners, LLC, by its counsel, filed on October 8, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and CommPartners, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-2121. Filed for public inspection November 24, 2004, 9:00 a.m.]

Telecommunications

A-311322F7000. Verizon Pennsylvania Inc. and CommPartners, LLC. Joint petition of Verizon Pennsylvania Inc. and CommPartners, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and CommPartners, LLC, by its counsel, filed on October 8, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and CommPartners, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-2122. Filed for public inspection November 24, 2004, 9:00 a.m.]

Telecommunications

A-310183F7000. Verizon Pennsylvania Inc. and Sprint Communications Company L. P. Joint petition of Verizon Pennsylvania Inc. and Sprint Communications Company L. P. for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Sprint Communications Company L. P., by its counsel, filed on October 22, 2004, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Sprint Communications Company L. P. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-2123. Filed for public inspection November 24, 2004, 9:00 a.m.]

